

**INTERNATIONAL AGREEMENTS CONCERNING
LIVING MARINE RESOURCES OF
INTEREST TO NOAA FISHERIES**



OFFICE OF INTERNATIONAL AFFAIRS

2005-2006

**INTERNATIONAL AGREEMENTS CONCERNING
LIVING MARINE RESOURCES OF
INTEREST TO U.S. FISHERIES**



2005-2006

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INTERNATIONAL AGREEMENTS CONCERNING LIVING MARINE

RESOURCES OF INTEREST TO NOAA FISHERIES

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**PART I. INTERNATIONAL AND REGIONAL MANAGEMENT
ARRANGEMENTS**

ATLANTIC OCEAN

**International Convention for the Conservation of Atlantic Tunas
(Basic Instrument for the International Commission for the
Conservation of Atlantic Tunas – ICCAT)**

Basic Instrument

International Convention for the Conservation of Atlantic Tunas (TIAS 6767), 20 U.S.T. 2887, 1969, which was signed on May 14, 1966.

Implementing Legislation

Atlantic Tunas Convention Act (ATCA) of 1975 (16 U.S.C. 971 et. seq.).

Member Nations

There are currently 40 Contracting Parties: Algeria, Angola, Barbados, Brazil, Canada, Cape Verde, China (People's Republic), Côte d'Ivoire, Croatia, Cyprus (Republic of), Equatorial Guinea, European Community (EC), France (in respect of St. Pierre et Miquelon), Gabon, Ghana, Guinea (Republic of), Honduras, Iceland, Japan, Korea (Republic of), Libya, Malta, Mexico, Morocco, Namibia, Nicaragua, Norway, Panama, Philippines, Russian Federation, Sao Tome and Principe, South Africa (Republic of), Trinidad and Tobago, Tunisia, Turkey, United Kingdom (in respect of its overseas territories), United States, Uruguay, Vanuatu, and Venezuela.

It was agreed at the 1997 Annual Meeting that all EC Member States would withdraw from the Commission effective December 31, 1997. France and the United Kingdom rejoined in respect of their independent territories.

Commission Headquarters

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Budget

The Commission's Standing Committee on Finance and Administration (STACFAD) approved a budget for calendar year 2005 of 2,172,222.94 Euros, which is an increase of approximately 6.05% over the 2004 level. The U.S. contribution to this budget is approximately 149,000 Euros (approximately \$190,539.78).

The budget reflects salary increases resulting from a new UN cost-of-living index for Madrid, and includes funds to fill the ICCAT Publications Coordinator position; vacant since September 2004, and to hire a new Compliance Officer to administer the positive and negative vessel lists and manage other compliance information. Given the projected salary increases, STACFAD once again deferred funding for two major SCRS priorities: a large-scale bluefin tuna research initiative, and the creation of a new Bycatch Coordinator position.

ICCAT was able to begin rebuilding its working capital fund in 2004, thanks to several members paying some or all of their arrears and a small improvement in the overall payment rate. However, several Contracting Parties continue to carry significant balances. STACFAD adopted a U.S. proposal calling on each member with accumulated arrears to develop a plan to pay its full assessment and any amount overdue. ICCAT will review this information in 2005 and consider suspending voting rights of Contracting Parties that are more than two years behind, as called for in Article X.8 of the Convention.

The Madrid Protocol will enter into force in 2005, which will improve ICCAT's budget situation beginning in 2006. The Madrid Protocol restructures the way Contracting Party assessments are calculated and links payments to a country's level of economic development. Under the new contribution scheme, most ICCAT members will see their payments drop significantly, though developed countries like the United States will face substantial increases.

Several other items were acted upon in STACFAD including the selection of a new auditor, conversion of three staff positions to the professional series, and the liquidation of accumulated overtime. Significantly, Japan made a commitment of \$300,000 per year for five years to improve data collection in developing countries. Japan will provide a staff person to the Secretariat to oversee the use of the funds.

U.S. Representation

A. Appointment Process:

The ATCA provides that not more than three Commissioners shall represent the United States in ICCAT. Commissioners are appointed by the President and serve 3-year terms. Of the three U.S. Commissioners, one can be a salaried employee of any state or political subdivision thereof, or of the Federal Government. The Government Commissioner is not limited in the number of terms that he or she can serve. Of the two Commissioners who are not government employees, one must have knowledge and experience regarding commercial fishing in the Atlantic Ocean, Gulf of Mexico or Caribbean Sea and the other must have similar knowledge and experience regarding recreational fishing. The non-Government Commissioners are not eligible to serve more than two consecutive 3-year terms.

B. U.S. Commissioners:

Government

William T. Hogarth, Ph.D.
Assistant Administrator for Fisheries
NOAA Fisheries
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Recreational

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Commercial

Michael Genovese, Sr. (Alternate)
Vice President- White Dove, Inc.
F/V White Dove Too
600 Shunpike Road
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C. Advisory Structure:

The U.S. Commissioners are required, under the ATCA, to constitute an Advisory Committee to the U.S. National Section to ICCAT. This body shall, to the maximum extent practicable, consist of an equitable balance among the various groups concerned with the fisheries covered by the Convention and is exempt from the Federal Advisory Committee Act. The Committee consists of (1) “not less than five nor more than twenty individuals appointed by the United States Commissioners who shall select such individuals from the various groups concerned with the fisheries covered by the Convention” and (2) the Chairs (or their designees) of the New England, Mid-Atlantic, South Atlantic, Caribbean, and Gulf of Mexico Fishery Management Councils (FMCs). Public Committee members serve 2-year terms and are eligible for reappointment. The Committee generally consists of the maximum 20 public members and the five FMC representatives.

Upon approval of the Committee and the Department of State, the directors (or their designees) of the fisheries agencies of each of the states, the residents of which maintain a highly migratory species fishery in the regulatory area of the Convention, may be invited to serve as *ex officio* members of the Committee. The Advisory Committee is invited to attend all non-executive meetings of the U.S. Commissioners and, at such meetings, shall have the opportunity to examine and to be heard on all proposed programs of investigation, reports, recommendations, and regulations of the Commission.

The ATCA also provides that the Commissioners may establish species working groups for the purpose of providing advice and recommendations to the Commissioners and to the Advisory Committee on matters relating to the conservation and management of any highly migratory species covered by the Convention. Any species working group shall consist of no more than seven members of the Advisory Committee and no more than four scientific or technical personnel. The Commissioners have established the following four working groups: billfish, swordfish, bluefin tuna, and BAYS (bigeye, albacore, yellowfin, and skipjack) tunas. The Commissioners generally appoint the maximum number of technical advisors provided by law.

The Chairman of the Advisory Committee is Dr. John Graves, The College of William and Mary, Virginia Institute of Marine Science, School of Marine Science, Gloucester Point, VA 23062. The Committee’s Executive Secretary is Erika Carlsen (see addresses below). The Committee meets at least twice a year, usually in Silver Spring, Maryland, and often holds additional meetings along the East Coast, Gulf of Mexico and Caribbean Sea. The Committee’s Statement of Operating Practices and Procedures is available from its Executive Secretary or online at http://www.nmfs.noaa.gov/sfa/international/U.S._ICCAT.htm.

Description

A. Mission/Purpose:

ICCAT was established to provide an effective program of international cooperation in research and conservation in recognition of the unique problems related to the highly migratory nature of tunas and tuna-like species. The Convention area is defined as all waters of the Atlantic Ocean, including the adjacent seas. The Commission is responsible for providing internationally coordinated research on the condition of Atlantic tuna and tuna-like species, and their environment, as well as for the development of regulatory recommendations. The objective of such regulatory recommendations is to conserve and manage species of tuna and tuna-like species throughout their range in a manner that maintains their population at levels that will permit the maximum sustainable catch.

B. Organizational Structure:

The ICCAT is comprised of a (1) commission, (2) council, (3) executive secretary, and (4) subject area panels. The Commission consists of not more than three delegates from each Contracting Party. The Council is an elected body within the Commission consisting of a chairman, vice-chairman, and representatives of not less than four nor more than eight Contracting Parties and which performs such functions as are assigned to it by the Convention or Commission. Although the Council is supposed to meet at least once between regular meetings (which occur every

other year), since 1978 Special Meetings of the Commission have been held in lieu of meetings of the Council.

The Executive Secretary is responsible for coordinating the programs of investigation, preparing budget estimates, disbursing funds and accounting for expenditures; preparing the collection and analysis of data to accomplish the purposes of the Convention; and preparing scientific, administrative, and other reports for approval by the Commission.

Panels are established by the Commission and are responsible for review of the species under their purview; collection of scientific and other information; proposing conservation recommendations for joint actions; and recommending studies by the Contracting Parties. Panel 1 covers bigeye, yellowfin, and skipjack tunas. Panel 2 covers North Atlantic bluefin and albacore tunas. Panel 3 covers South Atlantic bluefin and albacore tunas. Finally, Panel 4 covers Atlantic swordfish, billfishes, and other species. Standing Committees on Research and Statistics (SCRS), Finance and Administration (STACFAD), and Compliance have been established by the Commission. ICCAT also has constituted a Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG), which met for the first time in 1993. Much of the focus of the PWG is directed toward gaining the cooperation of ICCAT non-members with the conservation and management measures of the Commission.

C. Programs:

The Commission concerns itself with (1) joint planning of research, coordination of research carried on by agencies of the Parties in accordance with its plans, and joint evaluation of the results of such research; (2) the collection and analysis of statistical information relating to the condition of fishery resources in the Convention area; and (3) joint formulation of regulatory recommendations for submission to the Parties.

Recommendations adopted by the Commission are submitted to governments for acceptance. These recommendations become effective for all Parties to the Convention 6 months after their formal submission to all Parties (unless otherwise stated) provided objections are not made during that period by concerned Contracting Governments. Each Contracting Party has the responsibility for implementing and enforcing the Commission's recommended conservation and management measures.

Panel 1 - Bigeye, Yellowfin and Skipjack Tunas

Status of the stocks:

Bigeye. The SCRS assessed bigeye tuna in 2004 and the current stock biomass was estimated to be near that necessary for sustainable yield. Taiwan and China have been overfishing their bigeye catch limits for several years, and it appears that Taiwan laundered (misreported) between 4,000 and 23,000 mt of Atlantic bigeye tuna as coming from the Indian Ocean. The effect of this misreporting on the status of the stock is unclear.

Yellowfin. A yellowfin stock assessment was conducted in 2003. Unfortunately, at the time of the assessment, only 19% of the 2002 catch data had been reported and the assessment was conducted using data only through 2001. The SCRS reported that the 2001 yield of 159,000 mt is likely somewhat above the replacement yield, and that recent levels of fishing effort and fishing mortality may be near maximum sustainable yield (MSY). The SCRS suggested that effective measures be found to reduce fishing mortality of small yellowfin, as the 15% tolerance in number of fish per landing has not been adhered to. The moratorium in the Gulf of Guinea noted above was not expected to reduce the mortality of juvenile yellowfin and a full evaluation of its impact on yellowfin tuna could not be completed because of insufficient data. A SCRS workshop is scheduled for May 30th- June 3rd, 2005 to discuss methods to reduce mortality of juvenile tropical tunas.

Skipjack. The last assessment for skipjack was conducted in 1999. SCRS reiterated in its most recent report that certain characteristics of Atlantic skipjack stocks make it extremely difficult to conduct an assessment using current

models; thus, no standardized assessments were carried out during the last assessment. Instead, estimates were made using different fisheries indices and a new development of the generalized production model. The new model suggests that there may be over-exploitation within the FAD (fish aggregating devices) fisheries, although it was not clear to what extent this applies to the entire stock. SCRS noted that maintaining the Gulf of Guinea closed season could have a positive effect on the eastern stock.

Conservation and Management Actions:

Small fish measures. In 1972, the Commission recommended a ban on the taking of yellowfin tuna weighing less than 3.2 kilograms (kg), allowing an incidental catch of not more than 15 percent of the number of fish landed per trip. This regulation was extended to bigeye tuna in 1979. These standards remained unchanged until 2004 when it was decided the minimum size for bigeye tuna was no longer required. Adherence to the minimum size for bigeye and yellowfin tunas has been poor.

Bigeye tuna conservation was a priority at the 2004 ICCAT meeting and discussions were time-consuming and lengthy. Ultimately, a proposal was adopted that contained several important elements including a capacity limitation for China, Chinese Taipei, and the Philippines, catch limits for the major harvesters, and payback schedules for China and Chinese Taipei who had overharvested their quota in previous years. The proposal did not establish catch or effort limits on minor harvesters. The recommendation also removed the minimum size measure for bigeye tuna and significantly changed the Gulf of Guinea time and area closure originally adopted in 1999 and amended over the years. The new measure reduced the size of the closed area, and the temporal coverage was reduced from three months to one month. Also, instead of banning fishing on FADs, the measure established a complete moratorium in the area by the surface fishery (bait boats and purse seines). The measure does not expressly require that FADs be removed from the closed area during the moratorium month, although it was agreed in plenary discussions that this was the intention. In addition, the parties agreed that there would be no carry-forward of bigeye tuna underharvests. The SCRS will be reviewing the change to the closed area

The SCRS has conducted analyses on the impact of the three month Gulf of Guinea closure on tuna stocks. The results of the analysis from 2002 indicate that the behavior of the fleets was different during the years in which the closure has been implemented. For bigeye tuna, the overall fishing mortality by age was comparable to pre-moratorium levels, however, an increase in effort by some fleets was larger than the effect of the moratorium and resulted in an increase in juvenile selectivity. The moratorium was not designed to affect yellowfin positively or negatively, however, results indicated that mortality on small yellowfin increased beyond what would be expected by changes in fishing effort but this increase may only reflect an increase in recruitment of yellow fin. Since there was a significant harvest of yellow fin tuna under the minimum size prior to the closure, this result was unwelcome. Finally, catches (in weight) of skipjack associated with floating objects decreased by 41% during the years of the moratorium and may have lessened the possibility of local depletion that had been suggested in the last skipjack assessment. As mentioned above, an SCRS workshop to review mortality of juvenile tropical tuna is scheduled for June 2005.

In 2003, the Commission adopted a bigeye tuna recommendation that includes a provision tasking the SCRS with conducting an analysis of the effectiveness of the current minimum size recommendations for bigeye, and to advise the Commission in 2004 on alternative measures for the protection of juvenile bigeye, taking into account the current moratorium. In 2004, the SCRS advised that this issue was broader than just bigeye tuna and that it intended to undertake a more comprehensive review in 2005.

Other measures. In 1997, ICCAT began a program to collect basic data on fleet size in a move toward limiting fishing effort. In 1998 ICCAT adopted a measure requiring the registration of vessels over 24 meters length overall (LOA) fishing for bigeye tuna and authorizing parties to take the necessary measures to prevent vessels not on the registration list from fishing for bigeye tuna. Further, ICCAT adopted a binding measure to limit both the number of vessels larger than 24 meters LOA operating in the bigeye fishery and the capacity of those vessels as a means of

limiting effort and catch of ICCAT species, with exemptions for countries under certain catch levels and recreational vessels. The list evolved over the years and based on a 2002 recommendation a list of vessels authorized to fish for tuna and tuna-like species in the ICCAT Convention area was created. To date, it has not been used to limit participation in ICCAT fisheries. The so-called positive vessel list recommendation does not require submission of well capacity of purse seine fleets. This information would be needed to establish effective capacity controls on the purse seine fleet.

Recognizing that vessel limitations and capacity controls are interim measures and, taken alone, likely will not lead to the recovery of bigeye tuna, the Commission adopted a resolution in 1998 tasking the SCRS to develop rebuilding plans for this species that take into account all forms of fishing mortality, including dead discards. In response, the Bigeye Tuna Year Program (BETYP) started an ambitious research program in 1999. The final symposium of the BETYP took place on March 8 - 9, 2004, in conjunction with the Second Worldwide Bigeye Conference. The results of this research enhanced bigeye assessments so that the SCRS can provide improved advice to the Commission.

In 1993, ICCAT adopted a measure for yellowfin tuna requiring ICCAT Parties to cap effective fishing effort at 1992 levels. Total effective effort has remained relatively stable since 1990. Yellowfin tuna is probably fully fished. With regard to skipjack, ICCAT has not adopted any management measures for either the eastern or western Atlantic stock.

Panel 2 - North Atlantic Bluefin Tuna and Albacore:

Western Atlantic Bluefin Tuna: The capture of bluefin tuna in the western Atlantic was prohibited in 1981, except for a catch quota for continuing scientific monitoring of the stock. This catch was allocated to ICCAT member nations which had actively participated in the fishery (United States, Canada, Japan). Brazil and Cuba, whose catches were less than 50 mt annually, were exempt from these early regulations. The Commission continued in following years to review periodically and adjust catch quotas as deemed appropriate. Other measures were also adopted, such as limiting the catch of bluefin smaller than 120 centimeters in length to no more than 15 percent in weight of the catch limit in the Western Atlantic; prohibiting directed bluefin fisheries in spawning areas such as the Gulf of Mexico; addressing the problem of overages; and encouraging tag and release of fish less than 30 kg.

Given the continued overfished status of western Atlantic bluefin tuna, ICCAT adopted at its 1998 meeting a rebuilding program for the western stock with the goal of reaching MSY in 20 years. This represents the first time that ICCAT articulated a rebuilding goal to guide its management actions and fashioned a plan for achieving that goal. The annual total allowable catch (TAC) established under the program was 2,500 mt, inclusive of dead discards. The rebuilding program provides flexibility to alter the TAC, the MSY target, and/or the rebuilding period based upon subsequent scientific advice. In 2002, the TAC for the 20-year rebuilding program was raised from 2500 mt to 2700 mt. Other changes to the rebuilding program included allocating a small bycatch quota to Mexico, who joined the Commission that year. The United States and Canada also received bycatch quotas of 25 mt and 15 mt, respectively.

The 2,700 mt TAC is shared by the United States, Japan, Canada, the United Kingdom (in respect of Bermuda), France (in respect of St. Pierre et Miquelon), and Mexico. Bermuda first received a 4 mt incidental catch allocation during the 1995 quota negotiations. Although the fishery was fully subscribed, ICCAT noted that the request was limited in scope and determined that denying it could discourage other non-member countries harvesting ICCAT-managed species from joining ICCAT; thus, potentially harvesting ICCAT species but remaining outside ICCAT's control.

The 1998 recommendation as amended by the 2002 recommendation provides that, after reducing the TAC to account for (a) the bycatch quotas for United States and Canada for their directed longline fisheries in the vicinity of the management boundary area, (b) the quotas for the UK and France, and (c) the dead discard allowance, the remainder of the TAC is to be allocated among the United States (57.48%), Japan (18.77%), and Canada (23.75%).

The rebuilding plan has a unique clause that provides an incentive to minimize dead discards. If dead discards are above a country's allowance, they must be counted against that country's quota in subsequent years. If discards are below a country's allowance, half of the underage may be added to the next year's quota while the other half is conserved. Among other things, this recommendation also allows four years to balance the 8 percent tolerance of bluefin under 115 cm, which will facilitate implementation of recreational fishery measures.

In 2004 the U.S. was focused on extending current management measures and postponing allocation discussions for western bluefin tuna until the scheduled assessment in 2005. The EC wanted to postpone the assessment and allocation discussions for eastern bluefin tuna until 2006. Due to the U.S. desire for integrated management of these two stocks the assessment and allocation discussions for both stocks were postponed until 2006. In the interim, the Working Group to Develop Integrated and Coordinated Atlantic Bluefin Tuna Management Strategies will meet in April 2005 in Japan. The primary focus of the discussions will be to develop a range of future alternative management approaches that will be submitted to the SCRS for review and to consider bluefin farming issues.

Eastern Atlantic Bluefin Tuna: Recognizing the potential impact of mixing between the eastern and western Atlantic stocks of bluefin tuna, the United States has been pursuing the establishment of effective management measures for the eastern Atlantic and Mediterranean bluefin tuna fishery with increasing vigor. At the 1998 ICCAT meeting, the Commission adopted, for the first time, firm quotas for all harvesters of bluefin tuna in the eastern Atlantic and Mediterranean. Previously, ICCAT had established a cap for all countries (except France which received firm quotas beginning in 1996) fishing in the fishery with phased in reductions. These reductions were to start in 1996 and be completed by 1998. However, compliance with these reductions for eastern Atlantic/Mediterranean harvesters was slim.

Under the terms of the agreement adopted by ICCAT in 1998, the 1999 quota for the eastern Atlantic and Mediterranean fishery was 32,000 mt and the 2000 quota was 29,500 mt. A critical aspect of this agreement was that overharvests from 1997 were to be deducted from the 1999 quota level; thus, the adjusted TAC applicable to the eastern Atlantic/Mediterranean was expected to approach 27,000 mt. In real terms, the 1999 catch level was to be about a 33 percent decrease over current catch levels. Before the quota agreement for the eastern bluefin tuna fishery came into force, Libya and Morocco lodged objections to the measure. The agreement came into force for all but these two countries on August 20, 1999.

At the 2000 ICCAT meeting, the Commission adopted an overall catch level of 29,500 mt for 2001, although scientific advice indicated that the total catch for the eastern Atlantic bluefin tuna fishery must, at a minimum, be reduced to 25,000 mt in order to begin rebuilding. Furthermore, a catch level of 29,500 would allow overfishing to continue, and does not take into account other factors that may lead to actual harvest levels that exceed this target.

The difficulty in establishing an effective conservation measure for this stock during this time was due, in part, to the lack of progress on ICCAT allocation criteria. In 2001, with the *ICCAT Criteria for the Allocation of Fishing Possibilities* adopted and in place, the Commission again considered management measures for eastern bluefin tuna. However, a proposal for this fishery was not circulated until very late in the meeting and set the TAC at a level inconsistent with scientific advice. The multi-year measure, which allowed catches at levels 35% higher than sustainable levels with little reduction, was blocked by a number of members, including the United States, and resulted in the abrupt ending of the 2001 meeting. With no measure in place for 2002, autonomous quotas were set by countries fishing eastern bluefin tuna. In 2002, the Commission tried again and was successful in adopting a multi-year management measure for the fishery. The measure fixed catches of eastern Atlantic bluefin tuna to 32,000 mt for the years 2003 through 2006. The measure has an allocation scheme that includes all parties fishing for eastern bluefin tuna and has payback and carryover provisions.

The 2002 recommendation for eastern bluefin tuna also reiterated previous conservation measures in effect for the eastern Atlantic and relating to eastern bluefin tuna, including: (1) a prohibition on catching bluefin tuna with purse seines during the month of May in the Adriatic Sea and during the period July 16-August 15 in the other areas of the

Mediterranean to protect juveniles (previously the entire Mediterranean was closed for the month of August); (2) a prohibition on catching bluefin tuna by longline vessels greater than 24 meters in length during June and July in the Mediterranean; (3) a prohibition to retain on board, land, or sell bluefin tuna under 4.8 kg in the Mediterranean; and (4) a 10% tolerance for the landing of bluefin tuna weighing less than 6.4 kg. A prohibition on the use of airplanes and helicopters in support of fishing operations in the month of June in the Mediterranean also remains in effect.

At the 2004 meeting, the EC wanted to postpone the assessment and allocation discussions for eastern bluefin tuna until 2006. Due to the U.S. desire for integrated management of the eastern and western stocks the assessment and allocation discussions for both were postponed until 2006 (see Western Atlantic Bluefin section for more detail).

Also during the 2004 meeting, an EC proposal to prevent the marketing of recreationally caught tuna and limit the use of certain types of gear (encircling nets, gillnets and longlines) in recreational fisheries in the Mediterranean Sea was adopted. Another EC sponsored recommendation that was adopted related to bluefin farming. While an improvement over the 2003 farming measure with regards to data collection, reporting requirements and member accountability, the new measure still falls short in the areas of observers (not required) and direct measurement of tuna transferred between catcher vessels and caging facilities. A final measure adopted in 2004 increased the minimum size of bluefin tuna in the Mediterranean Sea to 10 kg with no tolerance (this does not affect the current 6.4 kg minimum size in the western Atlantic).

Small fish: In 2002, the Commission also adopted a recommendation that requires parties to develop (1) a plan for reducing catches of juvenile bluefin tuna in the Mediterranean and (2) scientific programs to identify the various fisheries that are fishing bluefin tuna and the size and distribution of catches in those fisheries. The plans are to be presented to the Commission and the SCRS in 2005. Also at that time, the Commission shall consider additional measures or alternatives for the protection of juvenile bluefin tuna in the Mediterranean.

Entire Atlantic: In 1974, a 6.4 kg minimum size limit and a limit on fishing mortality were established for Atlantic bluefin tuna. The minimum size measure allows an incidental catch of not more than 15 percent of fish (by weight or number) less than 6.4 kg to be landed per trip. An absolute minimum size of 3.2 kg was adopted by ICCAT at its 1998 meeting. This is an increase over the previous absolute minimum size of 1.8 kg. The 1998 absolute minimum size measure prohibits the retention, landing, and sale (including sale in markets in nations bordering the Convention area) of bluefin tuna less than 3.2 kg in the Convention Area by Contracting Parties and non-Contracting Parties.

In 1992, the Commission adopted the Bluefin Tuna Statistical Document (BSD) program, which requires the use of an ICCAT-accepted reporting system to monitor trade in fresh and frozen bluefin tuna. The BSD requires exporters of bluefin tuna to include documents identifying the location and flag of the vessel catching the fish. This information has been used to address the problem of harvests that are contrary to ICCAT rules, especially by non-member countries. The 2003 trade resolution linked information from the BSD program with compliance. The Compliance Committee is tasked with reviewing Contracting Party activities, while the Permanent Working Group (PWG) is tasked with reviewing the activities of non-Contracting Parties. Information on the BSD and the work of the PWG and Compliance Committee can be found later in this chapter.

During the 2004 meeting Canada proposed to extend a non-binding measure capping pelagic longline effort in the central North Atlantic through 2005. Since the bluefin assessments were postponed until 2006, this measure may need another extension in 2005.

Mixing. Because of concerns that harvests of eastern Atlantic bluefin tuna will negatively affect the western stock, ICCAT adopted at its 2000 meeting a proposal calling for an intersessional scientific meeting in 2001 to examine bluefin tuna stock boundary issues and the possibility that bluefin tuna spawning areas exist in the central Atlantic Ocean. ICCAT also requested that the SCRS (1) report on the effects of bluefin tuna farming on the collection of catch statistics, (2) recommend ways to improve the bluefin tuna statistical document, if needed, and (3) report on updating the conversion factors for bluefin tuna products to live weight.

The SCRS reported the results of their research in the 2001 report of the *ICCAT Workshop on Bluefin Mixing*. In 2002, the Commission adopted a recommendation establishing a working group to develop integrated and coordinated Atlantic bluefin tuna management strategies. The Working Group is comprised of both scientists and managers and will evaluate stock structure and mixing information and develop options for implementing alternative approaches for managing mixed populations of Atlantic bluefin tuna. The final meeting of the Working Group is scheduled for April 2005 and recommendations from the Working Group regarding the management of this species will be presented to the Commission at the annual meeting in November 2005.

Northern Albacore: At its 1998 meeting, ICCAT adopted a measure to limit fishing capacity in the northern albacore fishery. This action is similar to that taken by ICCAT in the bigeye tuna fishery in 1999 and is intended to prevent further increases in fishing mortality, consistent with scientific advice that the stock is close to full exploitation. Specifically, parties fishing for northern albacore are to limit the number of vessels in this fishery to the average number in the period 1993-95. To control compliance with this measure, parties submitted a list of the vessels participating in a directed fishery for northern albacore by June 1, 1999, and annually thereafter. The measure exempted recreational vessels and countries harvesting less than 200 mt from these reporting and limitation requirements, although it capped the latter at 200 mt. In addition, Japan was to limit its total catch of northern albacore to no more than 4 percent by weight of its total longline harvest of Atlantic bigeye tuna.

At its 1999 meeting, ICCAT adopted a recommendation directing the SCRS to evaluate the fishing capacity of different fleets/gears that participate in northern albacore fishery with a view to establishing effective fishing effort correspondence, taking as the reference period the years 1993-95. To improve control over the overfished northern albacore fishery, ICCAT agreed at its 2000 meeting to establish first-ever catch limits on that fishery. These catch limits continued until 2003.

Despite difficulties with the stock assessment on northern albacore conducted in 2003, the Commission considered new management measures for the stock and adopted a new multi-year recommendation for this stock. The three-year recommendation establishes a total allowable catch (TAC) of 34,500 metric tons for northern albacore through 2006 and includes an allocation arrangement covering ICCAT's major and minor harvesters as well as non-members. The TAC level is not projected to result in rebuilding. In recognition of concerns of stockpiling underharvests, the 2003 measures includes a provision limiting carryover resulting from underharvests for a particular party in any given year to 50% of its initial catch quota.

In order to coordinate the timing of assessments of northern and southern albacore, it was agreed at the 2004 meeting that the stock assessment for northern albacore would be postponed from 2006 until 2007. The management measures for northern albacore expire at the end of 2006. The extension of these measures will be discussed at a future meeting.

Panel 3 - South Atlantic Bluefin Tuna and Albacore:

Southern Bluefin Tuna: No management measures have been established by ICCAT for southern bluefin tuna. This stock is distributed among the Indian, Pacific, and Atlantic Oceans. Stocks are assessed and managed by the Commission for the Conservation of Southern Bluefin Tunas (CCSBT). ICCAT collaborates closely with the CCSBT regarding this stock.

Southern Albacore: ICCAT adopted management measures for southern albacore for the first time at its 1994 meeting. Further measures were adopted in both 1996 and 1997. These actions were aimed at arresting the apparent decline of southern albacore. A TAC of 22,000 mt was established for the stock at ICCAT's 1997 meeting for both 1998 and 1999; however, a sharing arrangement for the TAC could not be agreed by the concerned nations (which included ICCAT members South Africa and Brazil and non-members Chinese Taipei and, at that time, Namibia). The 1998 scientific advice estimated that replacement yield for the stock was higher than previously thought at 28,200 mt and that current catch levels appeared to be sustainable. Based on this advice, ICCAT adopted a new

measure at its 1998 meeting that replaced the 22,000 mt TAC for 1999 with a 28,200 mt TAC. Of that figure, 27,200 mt was allocated to parties “fishing actively” for southern albacore (i.e., South Africa, Brazil, Namibia, and Chinese Taipei). Countries not actively fishing for southern albacore, including the United States and the EC, were subject to an annual catch limit of no more than 110 percent of their average 1992-96 catch levels of that stock. Japan was to endeavor to limit its total catch of southern albacore to no more than 4 percent by weight of its total longline catch of bigeye tuna taken in the South Atlantic.

To keep within the TAC, parties under the “actively fishing” catch limit agreed to monitor their catches and report those catches to a designated Contracting Party within 2 months of the harvest. Every 2 months, a report of the cumulative catch is to be made to those actively fishing for southern albacore and to the ICCAT Secretariat. When the total catch reaches 80 percent (21,760 mt) of the 27,200 mt level, multilateral discussions are to be initiated in order to decide on steps to be taken to prevent over harvest of the catch limit. Once the established catch limit of 27,200 mt is reached, the parties stop fishing for southern albacore. While implementation of this innovative management approach has not worked particularly well, TACs have not been seriously violated in the past.

Although there is continuing difficulty on the part of certain countries to monitor their southern albacore fisheries and report in a timely way, ICCAT agreed to rollovers of the 1998 measure in each of the years during the period 1999-2003, with minor changes in some years. In 1999, ICCAT recognized that U.S. catches of southern albacore are incidental to its South Atlantic swordfish fishery and that, according to analyses based on improved data collection, the limitation in effect for the United States for 1998 was not adequate. Thus, the United States was provided a modest increase in its harvest allowance for 2000 and was to limit its total catch of southern albacore to no more than 4 percent by weight of its total South Atlantic swordfish catch taken by longline. In 2000, the TAC was raised to 29,200 mt, which corresponds to replacement yield and is below the estimates of maximum sustainable yield. Four parties (Brazil, Namibia, South Africa, and Chinese Taipei) shared 27,500 mt of the overall TAC. Also in the 2000 measure, the catch limit for parties not actively fishing for southern albacore and having caught less than 100 mt during the years 1992-1996 was set at 100 mt, which included the United States. Those parties not actively fishing for southern albacore and having caught more than 100 mt during the same years were held to the previous provision of 110% of their average during those years. In the 2002 measure, parties fishing for southern albacore agreed to participate in an intersessional meeting to develop and agree on sharing formulae based on the *ICCAT Criteria for the Allocation of Fishing Possibilities* adopted in 2001.

After some delay, a multi-year management measure for southern albacore was adopted in 2004. The new recommendation sets the total allowable catch (TAC) at 30,915 mt, the estimated MSY, for the years 2005-2007. However, country-specific catch limits were not established. If parties (in aggregate) exceed the previously agreed 2004 TAC of 29,200 mt, the overage will be subtracted from the 2006 TAC. Similarly, if parties exceed the TAC of 30,915 mt in 2005 or 2006, the overage will be subtracted from the 2007 or 2008 TACs, respectively. There is no provision to carry forward underharvests. The recommendation also requires an intersessional meeting for participants to discuss allocation criteria for this fishery if the TAC is exceeded. There was no change to the allocation for minor harvesters, including the United States.

Panel 4 - Swordfish, Billfish, Bonito, and Other Species:

Swordfish: In 1990, the Commission adopted management provisions for swordfish that, among other things: reduced fishing mortality on fish weighing more than 25 kg by 15 percent from the 1988 levels in the North Atlantic; prohibited the landing of swordfish weighing less than 25 kg in the entire Atlantic; allowed an incidental catch of not more than 15 percent of the number of fish landed; and limited effort in the entire Atlantic to 1988 levels. Because the 15 percent tolerance (in number) of incidental small fish catch is difficult to enforce, the Commission, in 1995, adopted a U.S. proposal allowing Contracting Parties to select an alternative swordfish minimum size of 119 cm from the tip of the lower jaw to the fork of the tail, or the equivalent in weight, with no tolerance. The measure allows Contracting Parties that adopt this alternative minimum size to take the necessary measures to prohibit the landing and sale in their jurisdiction of swordfish and swordfish parts below the alternative minimum size.

By 1994, new data indicated that current harvest levels of North Atlantic swordfish were above replacement yield, and country quotas for 1995 and 1996 were agreed for all of the primary harvesting nations. At its 1995 meeting, the Commission established a long-term sharing arrangement for North Atlantic swordfish to carry over unused quota from year to year and to subtract quota overages from the following year's quota. This arrangement improved the inequities associated with the 1994 swordfish agreement by increasing the U.S. share to a level consistent with past harvests (29 percent of total harvest).

In its 1996 report, the SCRS noted that catches of North Atlantic swordfish in 1995 were considerably higher than the established 1995 TAC of approximately 13,800 mt. North Atlantic swordfish was estimated to be at 58 percent of the level that would produce MSY, and replacement yield was estimated to be 11,360 mt.

At its 1998 meeting, ICCAT adopted a U.S. resolution tasking the SCRS to develop rebuilding scenarios for the heavily stressed Atlantic swordfish stocks. Among other things, the SCRS was to estimate a series of annual TACs, including dead discards, that are necessary to rebuild to biomass levels that would support MSY with a probability greater than 50 percent within various time periods (5, 10, and 15 years). These analyses were used by ICCAT at its 1999 meeting, during which ICCAT parties committed to rebuild North Atlantic swordfish to the biomass that will produce MSY within 10 years, with a greater than 50 percent probability. The 1999 swordfish rebuilding program established 3 years of progressively smaller TACs that are inclusive of dead discards. The dead discard allowance was phased out by 2004, per the provisions of the rebuilding program.

Because of the incidental nature of Japan's swordfish harvests, Japan was originally given a "management period" of 5 years (1997-2001) within which to comply with its cumulative quota over that time period. In 2000, Japan reported that it had seriously exceeded its North Atlantic swordfish quotas for the last few years. Swordfish are a non-target species taken in Japan's bigeye tuna fishery. Because of concerns for the integrity of the ten year swordfish rebuilding program and given the recent underharvest by the United States of its North Atlantic swordfish quota, the United States agreed to assist Japan in addressing its swordfish overharvest. Specifically, a measure was adopted in 2000 that, among other things, allowed Japan access to 400 mt of unused U.S. quota for 2001 only. The goodwill generated by the sacrifice made by the U.S. longline industry assisted the United States in advancing its agenda on other important issues. Other aspects of the measure include: (1) providing Japan flexibility to count up to 400 mt of its 2002 swordfish catch taken from a certain part of the North Atlantic against its uncaught South Atlantic swordfish quota, with 1 mt of catch taken in the specified area counted as 2 mt of southern swordfish quota; (2) requiring Japan to have 5 percent observer coverage on its vessels operating in the North Atlantic in 2001 and to endeavor to increase that coverage to 10 percent for 2002; (3) requiring Japan to conduct research on the stock structure of Atlantic swordfish; and (4) reviewing Japan's catch in both 2001 and 2002 to assess its progress toward compliance.

In 2002, the stock assessment for North Atlantic Swordfish indicated that the stock showed signs of improvement and was at 94% of the biomass needed to produce MSY. In response to the positive results of the assessment, the Commission decided to raise the TAC of North Atlantic swordfish to 14,000 mt for the years 2003, 2004, and 2005. Under the amendments of the rebuilding plan, 1,185 mt per year was set aside for the "others" category, and the remainder was divided between the EC, U.S., Canada and Japan. The 2002 amendment to the rebuilding plan further divided the "others" category to provide country-specific quotas.

A recommendation put forth by the U.S. in 2004, extended the current management measures on North Atlantic swordfish through 2006. Both North Atlantic and South Atlantic swordfish will be assessed in 2006.

South Atlantic Stock: The Commission established management measures for South Atlantic swordfish for the first time in 1994. The 1994 measures for South Atlantic swordfish were extended in 1995, 1996, and 1997. These measures required Contracting Parties whose catches in the South Atlantic were greater than 250 mt to not increase their catches in 1995 and 1996 beyond their 1993 or 1994 catch level, whichever is higher. Further, member nations

whose catches in the South Atlantic were less than 250 mt were not to increase their catches in 1995 and 1996 beyond 250 mt. ICCAT adopted a recommendation at its 1997 annual meeting that established a TAC of 14,620 mt for the South Atlantic swordfish stock. This agreement also set up a sharing arrangement and specified catch quotas for 1998-2000.

Both the sharing arrangement and the TAC for the South Atlantic stock of swordfish were reviewed by ICCAT at its 2000 meeting. While this stock is significantly healthier than a number of other ICCAT species, the target TAC for 2001 was set at 14,620 mt, which is above the level that would produce MSY (13,650 mt). Moreover, unlike past years, no member specific quotas could be agreed for this fishery. Instead, parties were encouraged to set precautionary catch limits for 2001 such that the TAC target would not be exceeded. All parties were required to notify ICCAT of their catch limit by the end of 2000. A majority of countries complied with this reporting requirement.

Mediterranean Stock: With respect to the Mediterranean stock of swordfish, in 2003, following a new stock assessment for Mediterranean swordfish, the Commission adopted a recommendation that requires Contracting Parties to take the necessary measures to reduce the mortality of juvenile swordfish in the Mediterranean. The measures also prohibits the use of driftnets for fisheries of large pelagics in the Mediterranean (for more information on driftnets, see Other Issues section).

Billfishes: At its 1995 meeting, the Commission adopted a resolution focusing on the enhancement of research programs for billfish and calling for voluntary release or tag and release by commercial as well as recreational fishermen. In 1996, the Commission passed a resolution to encourage actions to facilitate the recovery of billfishes, including the use of monofilament leaders and improvement in catch and post-release mortality statistics.

At its 1997 meeting, the Commission adopted the first mandatory conservation measures for Atlantic blue marlin and white marlin. The recommendation required all ICCAT Contracting and non-Contracting Parties, starting in 1998, to reduce landings for each of these species by at least 25 percent from 1996 landings. This reduction was to be accomplished by the end of 1999. The recommendation further: (1) required Parties to promote the voluntary live release of these species; (2) called for the provision of information to ICCAT regarding measures in place to reduce landings or fishing effort in all fisheries that interact with marlins; (3) called for the submission of base data to the SCRS; (4) called for SCRS stock assessments for these stocks to be presented and reviewed at the 1999 Commission meeting; and (5) exempted small-scale artisanal fisheries from the above requirements. The landings cap achieved by the end of 1999 were subsequently continued through 2000.

At its 2000 meeting, the Commission adopted a two-phase plan to rebuild severely depleted populations of Atlantic blue marlin and white marlin. The marlin rebuilding program has since been amended three times. Phase one of the rebuilding plan requires countries to reduce, through the release of all live marlins taken as bycatch in commercial fisheries, white marlin landings by 67 percent and blue marlin landings by 50 percent from 1996 or 1999 levels, whichever is greater, in recognition of the fact that members who complied with the earlier measures and reduced their marlin landings by 1999 would be penalized more than those who had not reached their reduction targets. The United States agreed to limit annual landings by recreational fishermen to 250 marlin and to maintain regulations that prohibit retention of marlins on U.S. longline vessels. Phase one of the plan also encourages countries to set minimum sizes for marlins taken in recreational fisheries through 2006. In phase two of the program, ICCAT will reassess the status of the billfish stocks and develop specific timetables to rebuild the stocks to levels that will support maximum sustainable yield. At such time, additional landings restrictions or alternative management measures such as fishing gear modifications or time and area closures may be applied. Consistent with SCRS advice, the assessments of blue and white marlin were postponed until 2006. At that time, SCRS shall present information on stock recovery scenarios. Pending the assessments, the current management regime (mandatory live release for all purse seine and longline vessels and a catch limit of 250 white and blue marlin for the U.S. recreational fishery) could be extended.

Sharks: U.S. leadership resulted in adoption at the 2004 ICCAT meeting of a binding management measure for sharks caught in association with fisheries managed by ICCAT. The decision was taken by consensus and is the first time ICCAT has ever asserted management authority over sharks. The adoption of a shark management measure was a high priority for the United States. To address the issue of shark finning, a major component of the measure is to require full utilization of shark catches. Fishermen must, therefore, retain all parts of the shark except the head, guts, and skins to the point of first landing. Countries are required to ensure that their vessels retain onboard fins that total no more than 5% by weight of sharks onboard up to the first point of landing. Parties that currently do not require fins and carcasses to be offloaded together at the point of first landing must ensure compliance with the ratio through certification, monitoring or other means. The SCRS, will review the fin-to-body ratio in 2005. The 2004 agreement also (1) establishes requirements for data collection on catches of sharks, (2) calls for research on shark nursery areas, and (3) encourages the release of live sharks, especially juveniles. Co-sponsors of the shark proposal included Canada, the European Community, Japan, Mexico, Panama, South Africa, Trinidad and Tobago, and Venezuela. The SCRS will review the stock assessment of shortfin mako sharks in 2005 and the Commission may consider additional management measures at that time. In addition, both blue and shortfin mako sharks will be reassessed by the SCRS no later than 2007.

Sea Turtles and Seabirds: After more than two years of negotiation, ICCAT took action in 2003 in response to a U.S. proposal regarding sea turtles. The Commission adopted a non-binding resolution that encourages all parties to provide information on interactions with sea turtles in the ICCAT Convention area -- in particular, the bycatch of sea turtles in ICCAT fisheries. Pursuant to this resolution, parties agreed to share all available information on technical measures to reduce the incidental capture of sea turtles in ICCAT fisheries and ensure the safe handling of turtles that are released. ICCAT also resolved to have its scientific body develop standardized data collection and reporting methods to assess the problem of sea turtle bycatch. Furthermore, the United States provided significant information about research that has been conducted in the northern Atlantic regarding methods to reduce the incidental capture and mortality of sea turtles by longline vessels.

At the 2002 Commission meeting, ICCAT adopted a resolution on the incidental mortality of seabirds. The resolution urges parties to inform SCRS and the Commission of the status of their National Plans of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries (NPOA-Seabirds) and to implement such plans, where appropriate. Furthermore, the resolution encourages parties to collect and provide to SCRS all available information on interactions with seabirds, including incidental catches in all fisheries under the purview of ICCAT.

Permanent Working Group (PWG) :

Trade Measures. Up through 2003, much of the work of the PWG was guided by the Bluefin Tuna Action Plan Resolution, the Swordfish Action Plan Resolution, and the Unregulated and Unreported Catches Resolution, which were adopted to promote cooperation with ICCAT conservation measures. The Resolutions established mechanisms by which multilateral trade measures could be imposed against parties deemed to be diminishing the effectiveness of the ICCAT conservation measures for ICCAT species under certain circumstances. The adoption of the Bluefin Tuna Action Plan in 1994 was the first time such a mechanism had been developed within an international fisheries management organization. The following year, the Swordfish Action Plan was adopted in recognition of the declining status of swordfish stocks in the Atlantic and increasing catches by non-Contracting Parties.

In 1998, the UUCatches Resolution was adopted to help address the problems associated with unreported and unregulated catches of tunas by large-scale longline vessels, partly in recognition of the problems associated with so-called "flag of convenience" vessels and established a process for identifying both ICCAT members and non-members whose large-scale longline vessels have been fishing for ICCAT species in a manner which diminishes the effectiveness of the Commission's conservation and management measures. Similar to the Action Plans, the UU Catches resolution provided for ICCAT to identify countries and to recommend appropriate action, including non-discriminatory trade restrictive measures to prevent the large-scale longline vessels of identified countries from continuing fishing operations for tuna and tuna-like species in a manner inconsistent with ICCAT conservation

goals. Each year the Commission has undertaken a review of fishery related activities in the Convention Area.

ICCAT first applied the provisions of the Bluefin Tuna Action Plan at its 1995 annual meeting and identified Belize, Honduras, and Panama as nations with vessels fishing in a manner that diminishes the effectiveness of ICCAT's conservation measures for bluefin tuna. In 1996 the Commission agreed that Belize, Honduras, and Panama had not rectified the fishing practices of their vessels. Therefore, in accordance with the Bluefin Tuna Action Plan Resolution, the Commission recommended its members to take measures to the effect that the import of Atlantic bluefin tuna products in any form from these three countries be prohibited. These recommendations for multilateral trade restrictive measures represented the first time that such measures had been authorized by an international fishery management organization to ensure cooperation with agreed conservation and management measures. The trade restrictive measures against these three countries continued through 2000. In 1999, in accordance with the Swordfish Action Plan, ICCAT also recommended that its members prohibit the import of Atlantic swordfish and swordfish products from Belize and Honduras. Panama joined the Commission in 1998 and its fishing activities and compliance issues were subsequently referred to the Compliance Committee. Sanctions on all these countries have now been lifted. Over the years, ICCAT has identified a variety of countries and applied trade restrictive measures in accordance to its trade regime. When problem fishing has been rectified, ICCAT has lifted these sanctions.

Following several years of work, ICCAT took a decisive step in 2003 to broaden its regime of trade restrictive measures and adopted a comprehensive trade resolution. The trade resolution adopted by ICCAT members applies equally to all fisheries and all parties (both ICCAT members and non-members), establishes a more transparent process for the application of trade restrictive measures, and uses comparable standards for evaluating fishery related activities. In addition, the resolution allows for swift re-imposition of trade sanctions in cases where parties recently released from sanctions act in bad faith and again engage in problem fishing activities. This comprehensive approach, which replaces the separate Action Plans, will bolster ICCAT's already significant efforts to eliminate IUU fishing in the ICCAT Convention Area.

In 2004, the Commission noted its serious concern with respect to overharvests and misreporting activities by vessels flagged by Chinese Taipei (a.k.a. Taiwan). The Commission considered revoking Chinese Taipei's status as a cooperating party/entity/fishing entity and/or identifying Chinese Taipei under ICCAT's trade measures resolution. The former decision would immediately impact Chinese Taipei's ability to trade in ICCAT species since its vessels would be removed from the positive list. The latter decision gives Chinese Taipei one year to rectify its problem fishing activities before a decision on whether or not to impose trade restrictive measures is taken. After much discussion, the Commission decided to identify Chinese Taipei under the trade measures resolution but to maintain cooperating status. During discussions, Chinese Taipei agreed to take steps to address problem fishing activities. The United States, Japan, the EC and others agreed to continue a dialogue on this matter with Chinese Taipei over the coming months. The Commission will review Chinese Taipei's situation in 2005.

Also in 2004, with respect to the trade resolution, sanctions were lifted from Cambodia (bigeye tuna) and Sierra Leone (bigeye tuna, swordfish and bluefin tuna) and maintained for Bolivia (bigeye tuna) and Georgia (bigeye tuna). Singapore was identified under the trade resolution for failing to implement ICCAT's Statistical Document Program for swordfish. This is a very significant decision since Singapore does not have vessels harvesting Atlantic swordfish, but it is the largest trader of swordfish in the world. Identifications were maintained for Costa Rica, Cuba, and revoked for Togo and the Seychelles. In addition, seven vessels were put on ICCAT's IUU list (see Compliance Committee section for more information on the IUU vessel list).

Statistical Document Programs: A bluefin tuna statistical document program (BSD program) was established by the Commission in the early 1990s. Subsequently, statistical document programs were adopted for swordfish and bigeye tuna. These programs contribute to ICCAT's review of fishery activities under the trade resolution and can also assist with catch data verification. The statistical document programs require the use of an ICCAT-accepted reporting system to monitor trade in fresh and frozen bluefin tuna, fresh and frozen swordfish, and frozen bigeye tuna. The purpose of the programs are to improve the reliability of statistical information on catches of these species,

particularly in regards to non-Contracting Parties, since some of these nations do not provide catch data to ICCAT. The program tracks trade of product and provides information on the flag state and name of the harvesting vessel, the location of harvest, the point of export, a description of the fish in the shipment and the like. Updates to the statistical document programs have been adopted since the initial program was established. Most recently, the Commission adopted a recommendation changing the documents to include a field for the harvesting vessels ICCAT record number (under ICCAT's authorized vessel listing program) and, for the bluefin tuna statistical document, the collection of information on the farming operation that the bluefin tuna products came from, where applicable. The statistical document programs will be further reviewed and discussed with a view to their possible improvement at an upcoming intersessional meeting in April 2005 in Fukuoka, Japan.

Cooperating Parties: ICCAT continues to encourage certain non-members to become cooperating parties. Granting such status helps ICCAT expand and improve its control over the fisheries under its purview. Nonmembers with said status agree to voluntarily abide by ICCAT's rules and in return receive certain benefits, such as, qualifying for quota allocations and placing their vessels on the "positive" vessel list (see Compliance Committee section for more information on vessel lists). ICCAT recently clarified the criteria and responsibilities of cooperating parties, and in 2003 adopted a recommendation on criteria for attaining the status of cooperating party. The new measure also outlines the type of information countries need to submit for consideration and allows for the yearly review of those in cooperating status.

Over the years ICCAT has granted cooperating status to Mexico (1998), Chinese Taipei (1998), and the Philippines (2000). Such status has been granted despite some concern over (1) lack of control by Chinese Taipei over vessels formerly flagged to them, (2) increasing bluefin and swordfish harvests by Mexico, (3) concern over the use of IUU vessels by the Philippines. These parties were able to demonstrate to the satisfaction of ICCAT that they were cooperating with the Commission by, among other things, submitting data and making efforts to re-register or de-register vessels, as appropriate, and otherwise controlling their fishing activities and/or the number of vessels fishing for ICCAT species. Mexico joined the Commission in 2002 and the Philippines in 2004.

A number of countries applied for cooperating status in 2003, including: Guyana, Egypt, Cuba, Guatemala, Netherlands Antilles, Belize, Northern Cyprus, and Grenada. Cooperating status was granted to Guyana, the decisions on the others were deferred. In 2004, cooperating status was renewed for Guyana and conferred on the Netherlands Antilles for the first time. After significant debate cooperating status was also renewed for Chinese Taipei (see Trade Measures section for more information).

Other Actions: In an effort to improve ICCAT statistics, the Commission adopted at its 1999 meeting a resolution on improving recreational fishery statistics that calls on parties to provide to the SCRS specific data relating to recreational fisheries. Beginning in 2000, parties are also required to include a discussion of such data in their annual national report. In the future, SCRS will carry out an examination of the extent and impact of recreational fisheries on Atlantic tunas and tuna-like species.

Other measures adopted by ICCAT that remain in effect include: (1) a recommendation that Contracting Party fishing vessels and mother vessels can only receive at sea transshipments from other Contracting Party vessels and cooperating parties (adopted in 1997); (2) a recommendation establishing a process for reporting and taking action against stateless vessels and for reporting observed possible violations by both non-Contracting and Contracting Parties (adopted in 1997); (3) a recommendation that prohibits landing and transshipment in ICCAT member ports by non-members under certain conditions (adopted in 1998); and (4) a recommendation to address attribution of catch classified as not-elsewhere included (NEI) to the catch data (Task 1) of the appropriate ICCAT member or non-member (adopted in 1997).

Compliance Committee: At the 1995 meeting, the Commission adopted new terms of reference for its Compliance Committee (then, the Infractions Committee). The new terms strengthened the Committee's ability to evaluate compliance by Contracting Parties by allowing the Committee to make recommendations to the Commission on how

to resolve problems of non-compliance by Contracting Parties and provide for the development of measures to ensure proper application of Convention provisions, including the development of international inspection and enforcement schemes.

At its 1996 meeting, ICCAT made international fisheries management history by adopting a recommendation on Contracting Party compliance relative to quotas that are established for the Atlantic bluefin tuna fishery and the North Atlantic swordfish fishery. The measure provides a process for members to first explain how overharvests for the subject species occurred and the actions taken or to be taken to prevent further overharvests. Beginning with the 1997 management period, and in each subsequent management period, members have to repay 100 percent of any over harvests of these stocks, and ICCAT may recommend other appropriate actions. Further, overharvests of bluefin tuna or of North Atlantic swordfish quotas during two consecutive management periods can result in other penalties, including quota reductions of at least 125 percent of the over harvest and, as a last resort, trade restrictive measures. At its 1997 meeting, the Commission agreed to extend the compliance agreement to the South Atlantic swordfish fishery (Brazil, Uruguay, and South Africa formally objected to the measure, and are, therefore, not bound to the provisions of this measure). Application of these measures was clarified at the 1998 ICCAT meeting.

Minimum size compliance relative to all ICCAT species has been an issue for several years. Effective implementation of existing recommendations by many countries fishing in the eastern Atlantic and Mediterranean has not occurred for a variety of reasons. At the 1997 meeting, an agreement was reached that requires Contracting Parties to explain in detail minimum size overharvests and provides that, beginning in 2000, continued overharvests could result in ICCAT actions to reduce those overharvests, including but not limited to, time/area closures, assignment of small fish quotas, and/or gear restrictions.

At the 1999 ICCAT meeting, additional progress was made in implementing the various compliance recommendations, including submission of reporting tables, although conflicting interpretations of some ICCAT measures made implementation of compliance recommendations difficult at times. Consistent with the compliance regime, ICCAT has developed a "Compliance Annex" from parties' reporting tables. The annex is adopted during the early part of the annual meeting, and then serves as the official record to assess overharvests and subsequent penalties to be deducted by ICCAT members in cases of non-compliance. In cases where reporting tables are not submitted, or are incomplete, SCRS data is used.

Full implementation of ICCAT's member compliance regime has been slow. In the past, there have been numerous delays in the submission of reporting tables. Once reported, some members have altered their compliance data one or more times during the ICCAT meeting without explanation. Moreover, while reviewing member compliance, it has become apparent that there are fundamental differences in interpretation of both ICCAT's conservation and management measures as well as its compliance rules. ICCAT has worked to improve the compliance regime, and has seen some success as of late. In recent years, setting a deadline for the submission of compliance data allowed for the earlier completion of the compliance annex during meetings, and facilitated a review of member compliance.

Trade Actions: As noted above, a number of ICCAT's recommendations provide for the use of trade restrictive measures against ICCAT members. This was done for the first time in 1999, when a recommendation was adopted that required ICCAT members to prohibit the import of bluefin tuna from Equatorial Guinea pursuant to the terms of ICCAT's compliance recommendation regarding bluefin tuna and swordfish quotas. This action was agreed to given the fact that Equatorial Guinea does not have a quota for either stock of bluefin tuna, does not report catch data to the Commission, and had not taken any steps to address concerns expressed by ICCAT in repeated communications. At the 2004 meeting, trade restrictions were lifted for Equatorial Guinea

Actions Related to Unreported and Unregulated Fishing: In 1999, for the first time, the Commission identified ICCAT members pursuant to its "Resolution Concerning the Unreported and Unregulated Catches of Tunas by Large-Scale Longline Vessels in the Convention Area," adopted in 1998. (For a description of this resolution, see the PWG section above.) Upon review of relevant information, the Commission identified three Contracting Parties

(Equatorial Guinea, Republic of Guinea, and Trinidad and Tobago) as nations whose large-scale longline vessels have been fishing for ICCAT species in a manner that diminishes the effectiveness of relevant ICCAT conservation and management measures. ICCAT requested that these countries take all necessary measures to ensure that their large-scale longline vessels cease fishing operations for tuna and tuna-like species in a manner inconsistent with ICCAT conservation measures. The Commission considered at its 2000 meeting whether or not to recommend that trade restrictive measures be placed against any of these three ICCAT members and adopted a measure that requires its members to ban the import of bigeye tuna from Equatorial Guinea. These sanctions have since been lifted. Fishery related infractions and compliance are now reviewed in accordance with the 2003 trade measure resolution. (For information on the trade measure resolution and for information on trade actions relative to non-members, see PWG section.)

Monitoring and Control: ICCAT has a number of measures in effect relating to monitoring and control. Moreover, ICCAT has held three meetings of its Working Group on Integrated Monitoring and Control Measures, a group established to review ICCAT's monitor and control measures with a view to strengthen them and fill gaps where necessary. Three recommendations developed by the working group were adopted at the 2003 annual meeting on the following topics: flag state duties, vessel monitoring systems, and basic data collection for fishing vessels authorized to fish for species managed by ICCAT. No future meetings of the working group are currently scheduled, however, the Commission is continuing to discuss the development of a comprehensive and integrated international monitoring and inspection scheme. In 2004, a new format for annual reports was approved as was an implementation date of 1 November 2005 for the start of vessel monitoring system coverage. Discussions covering the use of observers and improved transshipment controls occurred in 2004 but no new measures have yet been adopted.

In addition, given continuing concerns about the quality and timeliness of data submissions to the Commission, a joint SCRS-Compliance Committee-PWG workshop was held on October 11, 2003, in Madrid, Spain, to look at data issues and recommend possible ways to improve the collection, submission, and use of scientific and compliance data. Attendance to the data workshop was low, despite it being held immediately following the 2003 SCRS Plenary meeting. However, the report of the group provided a number of suggestions for improving ICCAT data and fishery statistics, and a U.S. proposal to establish a special fund to implement some of those suggestions was adopted by the Commission at the 2003 annual meeting. Japan offered \$300,000 per year for five years and a staff member to contribute to this effort. In addition, the U.S. introduced the idea of a "data report card" at the 2004 ICCAT meeting. The concept was to highlight those fisheries for which crucial data is missing, pinpoint the responsible countries, and identify how to improve the situation. The report card was not adopted, in part due to lack of time for full debate, although it may be reconsidered in the future.

Vessel Lists. ICCAT adopted proposals at its 2002 meeting to establish positive and negative (IUU) vessel lists. Parties were to have provided their vessel information for inclusion on the positive vessel list by July 1, 2003. The list of authorized vessels was compiled by ICCAT and it can be viewed on the ICCAT website at www.iccat.es. The implementation of the authorized vessel list by member states is currently underway. The Secretariat compiled a draft negative vessel list based on input from parties and circulated it for discussion and use at the 2003 meeting. Based on the negative (IUU) list, ICCAT members and cooperating parties are to take all necessary measures not to support the fishing activities of vessels on the list, including prohibiting imports, landings or transshipments of ICCAT species. Currently, the list only applies to large-scale fishing vessels of non-contracting parties. Parties agreed to undertake efforts to improve information with respect to this issue during 2004. In 2004, a negative list was adopted consistent with the terms of the IUU list recommendation. It contains 7 vessels and can be viewed on the ICCAT website.

Other Issues:

Large-Scale Tuna Vessel Size: In 2004, the U.S. proposed to reclassify large-scale tuna vessels from greater than 24 m to greater than 15 m. The proposal failed due to uncertainty about the overall affect on fleets and management.

The measure will be reconsidered in 2005. In the meantime, parties agreed to provide a list of those vessels between 15 and 24 meters to facilitate understanding of the universe of vessels that would be covered by the change.

SCRS Bycatch Working Group: At the 1994 ICCAT meeting, Parties agreed to expand the Commission's research activities to include collection of bycatch statistics in tuna fisheries, including shark bycatch. The SCRS established a group to do this which concluded that information on shark bycatch was insufficient. The SCRS recommended that efforts be undertaken to estimate bycatch for incorporation into ICCAT's statistical databases and to obtain more empirical evidence, such as through a scientific observer program. The Commission adopted a resolution in 1995 encouraging cooperation with FAO on the study of shark stock status and bycatch. ICCAT's Shark Working Group met in 1996 and 1997 to improve statistical information on sharks taken as bycatch in the ICCAT Convention area. In 2000, the SCRS Sub-Committee on Bycatch recommended that ICCAT take the lead in conducting stock assessments for Atlantic blue, porbeagle, and mako sharks and that the initial stock assessment evaluations should be scheduled for 2002. To undertake this work, parties were requested to provide total catches and landings (including dead discards) of and other relevant data related to these three species. Blue and shortfin mako sharks were assessed by the SCRS in 2004 (See Panel 4: Sharks section for more information).

Transparency: In a significant development, the United States was successful in improving the transparency of ICCAT by getting agreement at the 1998 meeting on meaningful changes to the Commission's guidelines and criteria for granting observer status at ICCAT meetings. Among other things, these changes resulted in lower participation fees. Representatives from several non-governmental organizations participated in the 1999 ICCAT meeting representing their organizations at an ICCAT meeting for the first time. Subsequent meetings saw a continuation of this participation.

International Instruments: At its 1999 meeting, ICCAT adopted a "Resolution on the Need for New Approaches to Deter Activities that Diminish the Effectiveness of ICCAT Conservation and Management Measures." This non-binding measure proposed that ICCAT Contracting Parties, Non-Contracting Parties, Entities and Fishing Entities consider new measures and approaches to address fishing activities that diminish the effectiveness of ICCAT measures beyond those that have been adopted by ICCAT to date. It included provisions (1) endorsing the FAO initiative to develop an International Plan of Action (IPOA) on IUU fishing and encouraging all parties to participate in this undertaking; (2) encouraging all ICCAT members who have not yet done so to consider ratifying/acceding or accepting the 1995 UN Fish Stocks Agreement and 1993 FAO Compliance Agreement; and (3) calling upon all parties to participate in efforts to ensure the sustainability of marine living resources in the ICCAT Convention area, as called for by the FAO IPOA for the Management of Fishing Capacity. At the 1999 meeting, the Commission also adopted a non-binding measure endorsing the FAO IPOA on the Management of Fishing Capacity and attaching a high priority to its implementation.

Fishing Capacity: Overcapacity is a serious problem in many ICCAT managed fisheries as it contributes to poor stock productivity, unsatisfactory economic performance, and excessively contentious management discussions. ICCAT, like other Regional Fishery Management Organizations (RFMOs) and most national governments, has experienced problems in its efforts to effectively and efficiently manage fisheries. Overcapacity may be directly responsible for overharvest in these fisheries. At the 2004 ICCAT meeting, problems associated with fish laundering and overcapacity of the Chinese Taipei fleet were of particular concern. The United States is interested in furthering the debate on capacity issues within ICCAT. Toward that end, we submitted a white paper on capacity to ICCAT in 2004 together with a proposal to establish a working group to examine the issue. While recognizing that capacity issues are a problem in ICCAT fisheries and need thorough discussion, there was not enough time at the 2004 meeting for detailed debate. In addition, other parties felt that ICCAT had already taken on a significant interseasonal workload for 2005. Thus, it was agreed that the matter should be taken up again at the 2005 ICCAT meeting.

Compendium Working Group: In the fall of 2004, the Key Contacts of the Compendium Working Group met to discuss the consolidation of the ICCAT Compendium. The Group raised concern over interpretative issues, which

need to be addressed by the Commission and stressed the need to draft future proposals in a way which would avoid such issues. The Group work plan was adopted by the Commission and the Group will proceed as outlined, including a meeting in 2005.

Driftnets: In 2003, a provision prohibiting the use of driftnets in the Mediterranean Sea for large pelagics was adopted. Morocco was identified as having driftnet fisheries in violation of the recommendation. Currently, they are working toward improving their compliance, but have requested financial assistance in order to accomplish that goal.

Pending Issues: The use of the precautionary approach in management was raised at the 2004 ICCAT meeting, but there was no agreement on a recommendation. The process for mail voting and quota transfers were also discussed, but no agreement reached. These issues may be reconsidered at the 2005 Commission meeting.

A complete accounting of all ICCAT conservation and management measures, including those relating to compliance issues, can be found on the ICCAT website (www.ICCAT.es).

The Fifteenth Special Meeting of the Commission will be held November 14-20, 2005, in Seville, Spain. The plenary meeting of the SCRS is scheduled for October 3-7, 2005, in Madrid, Spain.

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**Convention for the Conservation of Salmon in the North Atlantic Ocean
(Basic Instrument for the North Atlantic Salmon Conservation Organization -- NASCO)**

Basic Instrument

Convention for the Conservation of Salmon in the North Atlantic Ocean (TIAS 10789), 1982.

Implementing Legislation

Atlantic Salmon Convention Act of 1982 (16 U.S.C. 3601).

Member Nations

Canada, Denmark (in respect of the Faeroe Islands and Greenland), the European Commission or EC, Iceland, Norway, the United States, and the Russian Federation.

Commission Headquarters

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Budget

The Convention provides that 30 percent of the Organization's budget will be borne equally by the Parties; 70 percent will be based on recent catches of salmon in intercepting fisheries. The Council adopted a budget for 2003 of, (approximately US\$795,000), with a U.S. contribution of 19,191 (approximately US\$33,000). The forecast budget for 2005 was 447,770 (about US\$795,000), with a U.S. contribution of 18,399 (about US\$30,000).

NASCO receives its scientific advice from the International Council for the Exploration of the Seas (ICES). NASCO's contributions to ICES have increased by 67 percent from 1999 to 2002. Although NASCO is concerned about the volatility of increases, the current MOU between NASCO and ICES was rolled over for a further period of one year, i.e., until the end of 2004 to allow time for the new MOU to be developed.

U.S. Representation**A. Appointment Process:**

The Atlantic Salmon Convention Act of 1982 provides that the United States shall be represented on the Council and Commissions by three U.S. Commissioners, appointed by the President to serve at his pleasure. Of the Commissioners, one must be an official of the U.S. Government and two must be individuals (not officials of the

U.S. Government) who are knowledgeable or experienced in the conservation and management of salmon of U.S. origin.

B. U.S. Commissioners:

Patricia A. Kurkul
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National Marine Fisheries Service
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Gloucester, MA 01930-2298

George D. LaPointe
Commissioner
Maine Department of Marine Resources
21 State House Station
Augusta, ME 04333

Stephen R. Gephard
State of Connecticut
Department of Environmental Protection
Inland Fisheries Division
P.O. Box 719
Old Lyme, CT 06371

C. Advisory Structure:

The U.S. Section of NASCO was formally constituted to provide the U.S. Commissioners with advice, with particular reference to development of U.S. policies, positions, and negotiating tactics. Membership of the U.S. Section includes public and *ex officio* members. Public members are appointed by the Commissioners and serve for a term of 2 years with eligibility for an additional 2-year term. Public members are limited to 15 in number and must be persons knowledgeable or experienced in the conservation and management of salmon of U.S. origin.

Ex officio members include:

- (1) the Chair (or designee) of the New England Fishery Management Council;
- (2) a representative of the fishery agency of each of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut;
- (3) the Deputy Assistant Secretary of State for Oceans and Space or her representative;
- (4) a representative of the National Oceanic and Atmospheric Administration, Department of Commerce; and
- (5) a representative of the Fish and Wildlife Service, Department of the Interior.

In addition, the U.S. Commissioners established the U.S. Atlantic Salmon Assessment Committee, which is composed of staff from State and Federal fishery agencies. The work of this body focuses on assessing New England stocks of Atlantic salmon, proposing and evaluating research needs, and serving the U.S. Section to NASCO. Each year this body meets for an Assessment Meeting from which an assessment document is produced for the use of the U.S. Commissioners.

Description

A. Mission/Purpose:

The Convention applies to the salmon stocks that migrate beyond areas of fisheries jurisdiction of coastal states of

the Atlantic Ocean north of 36EN latitude throughout their migratory range. The purpose of NASCO is to promote (1) the acquisition, analysis, and dissemination of scientific information pertaining to salmon stocks in the North Atlantic Ocean and (2) the conservation, restoration, enhancement, and rational management of salmon stocks in the North Atlantic Ocean through international cooperation.

B. Organizational Structure:

NASCO consists of: (1) the Council; (2) three regional Commissions (North American Commission or NAC, West Greenland Commission or WGC, and North-East Atlantic Commission or NEAC); and (3) the Secretariat. The Council, which consists of representatives of all Contracting Parties: (1) provides a forum for the study, analysis, and exchange of information on salmon stocks subject to the Convention; (2) provides for consultation and cooperation concerning salmon stocks beyond Commission areas; (3) coordinates the activities of the Commissions; (4) establishes working arrangements with the International Council for the Exploration of the Sea (ICES) and other fisheries and scientific organizations; (5) makes recommendations concerning scientific research; (6) supervises and coordinates the administrative, financial, and other internal affairs of the Organization; and (7) coordinates the Organization's external relations.

The three Commissions each have the following functions: (1) to provide for consultation and cooperation among their members; (2) to propose regulatory measures for intercepting salmon fisheries; and (3) to make recommendations to the Council concerning scientific research.

Canada and the United States are members of the NAC. Canada, the EU, the United States, and Denmark (in respect of Greenland), are members of the WGC. Recently, Iceland has begun to express an interest in joining the WGC but no formal request has been made. Denmark (in respect of the Faeroe Islands), the EU, Iceland, Norway, and the Russian Federation are members of the NEAC. In the case of the NAC, the EU may submit and vote on proposals for regulatory measures concerning salmon stocks originating in the territories of its member States. Canada and the United States each have similar rights in the case of the NEAC.

C. Programs:

Scientific Advice: Scientific advice is provided to NASCO by ICES. The Advisory Committee on Fishery Management (ACFM), a standing committee within ICES, provides information on catch statistics and associated research results in response to the specific requests from NASCO. At the 1992 annual meeting, the NASCO Council established a Standing Scientific Committee (SSC), composed of a scientist and a management representative from each of NASCO's three geographic commissions, to formulate requests for future scientific advice from ICES. The SSC is designed to ensure that questions to the scientific working groups are formed to reflect accurately the information desired by managers. This arrangement is being continued, as it seems to be working well.

Non-Contracting Party Fishing: Fishing for Atlantic salmon by non-Contracting Parties to the NASCO Convention has been an issue for the organization for some time. At the 1992 meeting held in Washington, D.C., the Council approved a protocol to the NASCO Convention for signature by non-Contracting Parties to NASCO. The protocol was designed to provide non-Contracting Parties with a legal instrument for the creation and enforcement of domestic legislation and regulations. It calls upon non-members to prohibit the fishing of Atlantic salmon stocks beyond the areas of fishing jurisdiction of coastal states and to take appropriate actions to enforce the provisions of the protocol. The NASCO Council also approved a resolution calling upon NASCO Parties to encourage non-Contracting Parties fishing for salmon on the high seas to comply with the protocol, and to obtain and compile information on such fishing. The NASCO Secretariat was given the task of devising a mechanism by which Parties to the NASCO Convention may approach states in which vessels observed to be fishing on the high seas for Atlantic salmon are registered and of documenting and disseminating information on high seas fishing activities contrary to the protocol.

To date, no non-Contracting Parties have become bound by the protocol, although certain non-Contracting Parties (i.e., Panama and Poland) have taken actions to address the problem of salmon harvesting vessels registered in their countries. There have been no sightings of non-Contracting Parties fishing for salmon since February 1994. However, there have been few surveillance flights conducted over the winter and spring periods preceding NASCO annual meetings. Past estimates of catch taken by non-member vessels fishing in international waters has been 25-100 metric tons (mt).

The Council considered and did not pursue a proposal to conduct a pilot project to assess the utility of radar satellite data for the detection of salmon fishing by non-Contracting Parties in international waters; however, NASCO agreed to continue to consider the usefulness of satellite surveillance systems in this regard. Toward that end, NASCO intends to hold a follow-up meeting to its 1993 meeting in the next few years with coast guard/fishery protection agencies to review the results of a study of Norwegian satellite surveillance systems. NASCO will also continue to liaise with the Northwest Atlantic Fisheries Organization and the North-East Atlantic Fisheries Commission (NEAFC) with a view to obtaining relevant information on sightings.

Unreported Catch: ICES recommended that measures be taken to improve accounting for the significantly high amount of salmon catch often reported as "guess-estimates." At its 1997 meeting, NASCO approved a proposal for refining the estimates of unreported catch and adopted a proposal that the NASCO Secretariat carry out a review on such catches. A review of catch statistics at the 1998 NASCO meeting indicated that approximately 25 percent of the total North Atlantic salmon harvest was attributable to unreported catch. To improve reporting of salmon catch statistics, the Parties agreed to provide data to ICES on a stock basis and to try to categorize this catch in accordance with specified criteria. At its 1999 meeting, NASCO noted continuing concern about the high level of unreported catches and agreed to refine the process developed in 1998 to assist in addressing this problem. At the 2000 meeting, the Council noted that estimates of unreported catches remained high (32 percent of the total 1999 salmon harvest). Illegal fishing appears to be a major contributing factor to the continuing high level of unreported catch, although not in all countries. Continuing concern was expressed about the high level of unreported catch and the Council emphasized the need to take stronger measures to address this issue. The Council asked that all parties provide a breakdown of their 2000 reported catch and took note of the FAO initiative to develop an international plan of action (IPOA) to address illegal, unregulated, and unreported (IUU) fishing and considered additional action to combat IUU fishing. A 2002 review of available information indicated that unreported catches for 2001 were estimated to be between 962 and 1,374 mt (a small reduction from 1999 and 2000). Progress is being made to reduce the level of unreported catch but additional work is needed. In 2003 NASCO recommended that the parties further clarify the methods used to estimate unreported catch and the reliability of these estimates. .

With regard to catch and release, NASCO noted that this was not a component of unreported catch; however, the parties agreed to advise annual on the extent of this activity, and to provide updates regarding methods to improve and harmonize reporting.

Research: At its 1995 Annual Meeting, NASCO first considered conditions under which research fishing by Contracting Parties might be undertaken. While all agreed that harvesting salmon for scientific research purposes could provide valuable management information, some were concerned that such research fishing could be contrary to Article 2 of the NASCO Convention. Following the 1995 Annual Meeting, the Parties considered a resolution to establish such a procedure, but for various reasons, NASCO was not able to adopt the resolution as presented. At the 1996 Annual Meeting, the Parties considered revised resolutions on the topic and adopted a resolution setting forth a procedure to allow research fishing. The measure does not distinguish where such fishing occurs (i.e., within areas of national jurisdiction or on the high seas) and allows research fishing provided certain safeguards are observed. Since the adoption of the resolution, NASCO has approved research-fishing proposals from several of its members. Most recently, NASCO approved a research proposal from Canada covering the Outer Bay of Fundy and extending to the northern Gulf of Maine during the period May 25 to June 17, 2002.

Due to concerns about marine survival of salmon, the Council agreed at its 2000 meeting to set up a working group to develop ideas for a 5-year international cooperative research program to identify and explain the causes of increased marine mortality of Atlantic salmon and to consider ways to counteract this problem. The working group met in 2000 and developed a proposed research program that was considered at the 2001 NASCO meeting. At that meeting, NASCO established the International Cooperative Research Board. It has met twice since its establishment and is in the process of identifying and coordinating needed research and finding funding sources. The United States has agreed to provide US\$150,000 as start up funding. Other NASCO members are providing support to the work of the board, primarily in the form of in-kind contributions.

Precautionary Approach: In 1997, the Council agreed to establish a working group to consider how the precautionary approach might be applied to NASCO's work. Its first meeting was held in January 1998 and representatives of ICES and FAO were invited to attend. At its 1998 annual meeting, NASCO adopted an agreement on adoption of the precautionary approach, which was largely developed at the 1998 intersessional. The key provisions of the agreement were: (a) NASCO and its Contracting Parties agree to adopt and apply a precautionary approach; (b) NASCO and its Contracting Parties should apply the precautionary approach to the entire range of NASCO salmon conservation and management activities; and (c) the application of the precautionary approach should focus on (1) management of North Atlantic salmon fisheries, (2) the formulation of management advice and associated scientific research, and (3) introductions and transfers including aquaculture impacts and possible use of transgenic salmon. To further this work, NASCO adopted the Action Plan for the Application of the Precautionary Approach to Salmon Management at its 1999 meeting. The action plan provides a framework to further implement the precautionary approach in NASCO and establishes a standing committee to oversee this work. The action plan addresses such issues as: management of fisheries; socioeconomic issues; unreported catches; scientific advice and research requirements; stock rebuilding programs; introductions, transfers, aquaculture and transgenics; habitat issues; and bycatch. The agreement by NASCO to apply the precautionary approach to its work represents a significant milestone in cooperation by the Parties. The NASCO Parties recognized that ultimate development of the precautionary approach will take many years and will seriously challenge the resources of the organization and its members.

The standing committee on the precautionary approach (SCPA) has met each year since 2000. It has produced a decision structure for use by the Council and Commissions as well as by relevant authorities of NASCO member in the management of single and mixed stock salmon fisheries. The SCPA has also developed a plan of action for the application of the precautionary approach to the protection and restoration of Atlantic salmon habitat. NASCO held a special session in 2002 for Parties to report back on the implementation of the action plan. A report is available from the NASCO Secretariat. At the 2002 session, the SCPA met to consider the application of the precautionary approach to introductions, transfers, aquaculture, and transgenics. The effort focused on reviewing relevant NASCO measures to improve their consistency with NASCO's definition of the precautionary approach. The effort resulted in a revision and broadening the Oslo Resolution, including incorporating into it all other NASCO measures addressing introductions, transfers, aquaculture and transgenics (i.e., the guidelines on transgenic salmon, the NAC protocols, and the NEAC resolution, and the guidelines on containment). In addition, guidelines on stocking were developed and appended. The new and improved resolution was dubbed the Williamsburg Resolution.

Transgenic Salmon: The Council considered a resolution on transgenic salmon at its 1996 meeting that would begin to address concerns about the possibility that transgenic salmon (i.e. salmon that have had genes from another organism introduced into them) will interact with and negatively affect wild salmon stocks. Due to disagreements over procedure, this resolution was not adopted at or after the 1996 meeting. At its 1997 meeting, NASCO again considered this issue. The document "Guidelines for Action on Transgenic Salmon" was adopted in lieu of a resolution. Under these guidelines, the Parties agreed to advise NASCO of any proposal to permit the rearing of transgenic salmonids, providing details of the proposed method of containment and other measures to safeguard the wild stocks. At the 2000 NASCO meeting, it was reported that a company located in Atlantic Canada is producing transgenic salmon in a secure, land-based facility. The government of Canada had not yet received a formal proposal for commercial rearing, but would take appropriate steps should such a proposal be received. The United

States reported that preliminary discussions were taking place between a company rearing transgenic salmon. In 2001 NASCO provided comments to the USFDA concerning the use of transgenic salmon in aquaculture operations but no response was received. The United States reported that consultations between the various government agencies concerned were ongoing and that NASCO would be kept informed of any developments.

Oslo Resolution: In 1994, NASCO adopted a resolution directed at minimizing impacts from salmon aquaculture on wild salmon stocks. At its 1997 meeting, the Council agreed to hold an intersessional meeting in early 1998 of its Working Group on Implementation of the Oslo Resolution to consider further the implementation of the Resolution in light of information arising from the 1997 ICES/NASCO symposium on the interaction between cultured and wild salmon. At the 15th Annual (1998) Meeting of NASCO, all of the Working Group's recommendations were adopted and the Secretary was charged with preparing a document containing both the Oslo Resolution and the newly adopted recommendations. Further, in response to one of the Working Group recommendations, the NASCO Parties submitted for review at the 1998 meeting detailed information on their efforts under the Oslo Resolution. Based on this review, NASCO decided to hold a special session, in conjunction with the 1999 NASCO annual meeting, and each year thereafter, to review and evaluate implementation of the Oslo Resolution by two individual NASCO members. In 1999, Canada and Norway made such reports. Two EC Member States made similar reports at the 2000 NASCO meeting. The United States, Iceland, and the Faeroe Islands offered presentations at the 2001 NASCO meeting.

In addition, NASCO has recognized the need to involve the salmon farming industry in efforts to protect the wild stocks through improved salmon farming management. Toward that end, NASCO established a Wild and Farmed Salmon Liaison Group with the International Salmon Farmer's Association (ISFA) to effect closer cooperation with the salmon farming industry. This group has met several times since its inception, but participation does not include NGOs. In addition, not all Parties' aquaculture industries are included in the ISFA. These have been and may continue to be issues at future meetings of this group. The Liaison Group has developed guidelines on physical containment and husbandry practices and these were adopted by NASCO. They have since been incorporated into the Williamsburg Resolution. The Liaison Group met in 2002 to consider the Williamsburg Resolution among other things. ISFA will provide any feedback to NASCO before its annual meeting. In addition, at its recent meeting, the Liaison Group received information on possible areas for cooperative research. It was agreed that a workshop should be held before the 2004 NASCO meeting to consider this work further.

Bycatch: During its 1997 meeting, the Council requested ICES to investigate possible increases in salmon bycatch due to expansion of pelagic fisheries for herring and mackerel in the northeast Atlantic in 1997, noting that even a very small percentage of catch of salmon post-smolts could mean significant losses. At its 1998 meeting, NASCO agreed that it needed further information on the possible bycatch of salmon in pelagic fisheries and asked the Secretariat to request such information from the Contracting Parties and from the NEAFC. At the 1999 NASCO meeting, the Parties expressed continuing concern about the bycatch issue, noted that investigations into the issue were being initiated, and again agreed to provide any available information for consideration. At the 2000 NASCO meeting, the Council referred the issue of at-sea bycatch of Atlantic salmon to the working group on marine mortality discussed under the research section above. In 2001, ICES confirmed that a preliminary review indicated that bycatch of salmon in the mackerel fishery could be significant. NASCO also noted that there were no specific research proposals presented to the research board designed to look into this matter and recommended that project proposals to assess bycatch be given high priority.

Transparency: At its 2001 meeting, the Council reviewed its communications policies and decided to develop its press release through a drafting group; improve the NASCO website; to adopt two new conditions concerning NGO participation at NASCO annual meetings and to adopt a new condition concerning media participation that restricted media participation to the opening session of the Council. Regarding the NGO rules, one precluded NGOs from issuing press releases or other information concerning issue under discussion at the meeting while the NASCO meeting was in progress and the other specified that accreditation would be removed from any NGO that had not been actively involved with the organization within the last three years (i.e., attended a meeting or communicated

with the Secretariat). The restriction on the issuance of press releases created immediate controversy. The United States continues to seek a compromise to this situation.

Actions Taken by NASCO's Three Regional Commissions:

NAC Discussions/Actions: Given the continuing poor status of North American salmon, there are no commercial fisheries prosecuted by the United States or Canada. Canada does allow some recreational fishing for salmon in certain rivers. In addition, there is a small aboriginal food fishery in Atlantic Canada on Quebec's Lower North Shore. For the United States, it is illegal to retain any sea-run Atlantic salmon, but there is a target harvest fishery in the Merrimack River for reconditioned brood stock. In late 2000, certain U.S. salmon populations were listed as endangered on under the U.S. Endangered Species Act. Despite these efforts, evidence suggests that returns to U.S. Rivers have declined.

With regard to the fishery at St. Pierre and Miquelon, the Parties expressed increasing frustration in 2003 regarding the failure of ongoing efforts to establish a cooperative sampling program. The NAC protocols on introduction and transfer have been in the process of being revised for a number of years primarily due to issues raised by Canada. The consultation process in Canada is taking longer than expected. An update of this situation will be provided during the 2004 NASCO meeting and the Parties will consider next steps.

WGC Discussions/Actions: Efforts have been made over the last decade or so to use scientific advice and, where possible, a mathematical model to derive quotas for the West Greenland fishery. The use of the model to determine quotas had varying degrees of success. In 1996, the approach broke down completely and Greenland set a unilateral quota of 174 mt, of which 92 mt were harvested. To avoid another impasse, discussions regarding future quota setting procedures for West Greenland took place prior to the 1997 annual meeting. This led to the adoption of an addendum to the 1993 agreement that specified that the quota allocated to West Greenland would be the higher of the Calculated Quota (as calculated according to the 1993 agreement using a pre-fishery abundance forecast at a 50 percent probability level) and the Reserve Quota, which is based on an allocation to Greenland, for 1997 of 6 percent of the forecast pre-fishery abundance level using the biological parameters provided by ICES in 1996. In accordance with the amended agreement, the WGC set a reserve quota of 57 mt which was inclusive of all forms of catch (including an estimated 20 mt of local sales and subsistence fishing). Greenland reported that its 1997 harvest was 63 mt. The slight over-harvest was due to landing reports that were submitted after the fishery was closed. The 1993 agreement, as amended, expired at the end of the 1997 salmon-fishing season.

Prior to the 1998 annual meeting of NASCO, Greenland indicated its readiness to accept a 1998 quota based on application of the 1997 reserve quota formula. Use of the reserve quota system would have resulted in a 33 mt quota; however, there was concern that the pre-fishery abundance estimates were uncertain and likely too high. Because of the poor stock condition and the uncertainty surrounding the pre-fishery abundance, an agreement was reached that limited the salmon fishing activity in West Greenland to internal consumption only during 1998. In the past, this internal consumption fishery has been estimated at approximately 20 mt. The reported catch figure for 1998 was 11 mt. In addition, the Greenland Home Rule Government estimated that there was an unreported catch of about 11 tons. A key element of the 1998 agreement was recognition of improvements in salmon catch monitoring and reporting in Greenland. Significantly, Canada's action regarding Labrador, together with the regulatory measure adopted for West Greenland, meant that for the 1998 fishing year, commercial fisheries for Atlantic salmon in the northwest Atlantic were virtually eliminated. This situation continued from 1998- 2000.

In 2001, scientific advice seemed to indicate that a commercial fishery was again viable in West Greenland. However, there was concern that this decision was based on expected returns and that it would be better to tie harvest levels to actual returns. An ad hoc management regime was devised that would allow anywhere from 28 mt to 200 mt of commercial harvest depending on the level of documented returns as determined by CPUE analysis. A total of 34.5 mt were harvested for commercial sale. In 2002, a similar measure was adopted, but it was more risk averse than the 2001 approach. The commercial catch could be anywhere from 20-55 mt depending on the CPUE

analysis. In fact, no commercial fishery was prosecuted in 2002 due to a conservation agreement that was developed and agreed between various private sector organizations and Greenland's fishermen that compensated the Greenlanders for not fishing.

NEAC Discussions/Actions: The NEAC provides for the management of the intercept salmon fishery off the Faeroe Islands. Although quotas have been established through NASCO for the Faeroese fishery for many years, there has been no commercial fishery in the Faeroe Islands since 1991. Until 1998, a private sector quota purchase arrangement bought the quota harvesting rights. In 1998, no purchase agreement was reached for the NASCO established 380 mt quota, but only a 6 mt research fishery was prosecuted. During negotiations in 1997 regarding the 1998 quota, Denmark (in respect of the Faeroe Islands) stressed that it would not accept further reductions in the Faeroese quota without appropriate "burden sharing" by other NEAC members. The Faeroe Islands have repeatedly noted that they are a small island territory dependent on harvesting marine resources and they have insisted on a need for significant quotas. (The 1997 quota established for the Faeroese fishery was 425 mt.) Ultimately, a regulatory measure was adopted for 1998 that established the 380 mt quota mentioned above and established other restrictions on season and gear. At the 1998 NASCO meeting, the NEAC agreed to a 1999 quota of 330 mt for the Faeroese fishery, of which Denmark (on behalf of the Faeroe Islands) agreed to harvest only 290 mt. In a significant development, the NEAC recognized the importance of establishing conservation limits on a river stock basis within the NEAC area. Private sector interests did not purchase rights to the 1999 quota, but no commercial fishery was prosecuted.

At the 1999 NASCO meeting, the NEAC again noted the ICES advice that great caution should be exercised regarding the exploitation of the northeast Atlantic salmon stock. After difficult negotiations, the NEAC agreed to a quota of 300 mt for the 2000 Faeroese fishery, of which Denmark (with respect of the Faeroe Islands) noted it would allocate no more than 260 mt. Additional restrictions to reduce fishing effort and season length and to protect undersized salmon were also agreed. At the 1999 meeting, Denmark (in respect of the Faeroe Islands) announced their intention to resume a commercial harvest of salmon in 2000. The results of this fishing will be reported at the 2001 NASCO meeting. In the interim, all other members of NASCO signed a letter to the Faeroe Islands expressing concern about their intent to resume commercial salmon fishing.

In its 2000 scientific advice (relative to the 2001 fishery), ICES noted that caution should be exercised regarding exploitation of most stocks found in the NEAC area. In the face of increasing evidence that the stocks in that area are declining, NEAC members, particularly the EC and Denmark (in respect of the Faeroe Islands) were under increasing pressure to reduce salmon quotas and exploitation to levels consistent with scientific advice. Thus, at the 2000 NASCO meeting, the NEAC adopted a regulatory measure that lays the groundwork for more scientifically based management measures. Specifically, the measure: (1) states that the NEAC decided against setting a quota for the Faeroe Islands for 2001, (2) recognized the right of the Faeroe Islands to harvest salmon within their area of jurisdiction and the restraint offered by that country in recent years by not utilizing their quotas, (3) provides that the NEAC members will work expeditiously with ICES in an effort to develop a more science based approach to quota setting, (4) provides that the NEAC will develop a fair and equitable approach to allocations, and (5) notes the intention of the Faeroe Islands to manage its fishery in a precautionary manner and that fishing will be limited in scope and will be subject to close national surveillance and control. The measure agreed in 2000 for the 2001 Faeroe Islands fishery signifies a major milestone as it marks a significant change from the previous practice of allocating a large paper quota to the Faeroe Islands. Similar approaches were taken in 2001, 2002, and 2003 for those fishing seasons, although some countries expressed a preference to set a specific quota.

Future Meetings: The Council agreed to hold its 21st Annual Meeting in Reykjavik, Iceland on June 7-11, 2004.

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**Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries
(Basic Instrument for the Northwest Atlantic Fisheries Organization -- NAFO)**

Basic Instrument

Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (entered into force January 1, 1979).

Implementing Legislation

Northwest Atlantic Fisheries Convention Act of 1995 (Title II of P.L.104-43).

Member Nations

Current members of NAFO include: Bulgaria, Canada, Cuba, Denmark (in respect of the Faeroe Islands and Greenland), the European Union (EU), France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Norway, the Russian Federation, Ukraine, and the United States. The United States acceded to the Convention on November 29, 1995, and participated for the first time as a Contracting Party at the 1996 Annual Meeting (the United States attended earlier annual meetings as an observer).

Commission Headquarters

Executive Secretary: Dr. Johanne Fischer

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Budget

NAFO adopted a budget for 2005 of Can\$1,524,000 (approximately US\$1,222,000), of which the U.S. contribution is expected to be approximately US\$158,584 (approximately Can\$197,786). The preliminary 2005 forecast budget is Can\$1,531,000.

U.S. Representation

A. The Appointment Process:

The Northwest Atlantic Fisheries Convention Act of 1995 provides that not more than three U.S. Commissioners and not more than three U.S. Representatives to the NAFO Scientific Council (see below) shall represent the United States in NAFO. Commissioners and Representatives are appointed by the Secretary of Commerce and serve at his pleasure. Each Commissioner and Representative is appointed for a term not to exceed 4 years, but is eligible for reappointment.

Of the three Commissioners, one (but no more than one) must be an official of the U.S. Government, at least one a representative of the commercial fishing industry, and one a voting (non-government employee) member of the New

England Fishery Management Council. Commissioners must be knowledgeable and experienced concerning the fishery resources to which the NAFO Convention applies. Of the three U.S. Representatives to the NAFO Scientific Council, at least one must be an official of the U.S. Government. All Representatives must be knowledgeable and experienced concerning the scientific issues dealt with by the Scientific Council.

B. U.S. Representatives:

U.S. Commissioners (expiration date in parentheses):

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Representatives to the Scientific Council:

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Woods Hole, MA 02543

C. Advisory Structure:

The Northwest Atlantic Fisheries Convention Act of 1995 further requires that the Secretaries of Commerce and State establish jointly a Consultative Committee to advise the Secretaries on issues related to the Convention. Each member of the Consultative Committee shall serve for a term of 2 years and shall be eligible for reappointment. The membership of the Committee shall consist of representatives from the New England and Mid-Atlantic Fishery Management Councils, the States represented on those Councils, the Atlantic States Marine Fisheries Commission, the fishing industry, the seafood processing industry, and others knowledgeable and experienced in the conservation and management of fisheries in the Northwest Atlantic. There are currently six members of the NAFO Consultative Committee.

Description

A. Mission/Purpose:

NAFO is the successor organization to the International Commission for the Northwest Atlantic Fisheries (ICNAF). Its mission is: (1) to provide for continued multilateral consultation and cooperation with respect to the study,

appraisal, and exchange of scientific information and views relating to fisheries of the Convention Area and (2) to conserve and manage fishery resources of the NAFO Regulatory Area (NRA), i.e., that part of the Convention Area which lies beyond the areas in which coastal states exercise fisheries jurisdiction. The Convention Area is located within the waters of the Northwest Atlantic ocean roughly north of 35° north latitude and west of 42° west latitude.

(Note: The Convention applies to all fishery resources of the Convention Area with the exception of: salmon; tunas, swordfish, and marlins; cetacean stocks managed by the International Whaling Commission or any successor organization; and sedentary species of the Continental Shelf.)

(1) Organizational Structure:

NAFO consists of a General Council, Fisheries Commission, Scientific Council, a Secretariat, and seven standing committees. The General Council provides executive guidance for the Secretariat and provides a forum for member nations' approval of programs and regulations. The Scientific Council provides a forum for the exchange of scientific information and views relating to the fisheries of the Convention Area; compiles, maintains, and publishes statistics pertaining to the fisheries, including environmental and ecological factors in the Convention Area; provides scientific advice to coastal states when requested to do so; and provides scientific advice to the NAFO Fisheries Commission. The Fisheries Commission is responsible for the management and conservation of the fishery resources of the Regulatory Area. The Standing Committees consider and make recommendations in the areas of (1) finance and administration; (2) the fishing activities of non-Contracting Parties in the NRA; (3) inspection and control; (4) fishery science; (5) research coordination; (6) publications; and (7) fisheries environment.

B. Programs:

Background: NAFO has established and maintained conservation and management measures in the NRA since 1979. These measures currently include: total allowable catches (TACs) and member nation quota allocations by species; one fishing effort allocation; data recording and reporting requirements; vessel monitoring system (VMS) and observer requirements; minimum size limitations; mesh size and chafing gear requirements; and notification, registration and hailing requirements for fishing vessels operating in the NRA. In addition, NAFO has a scheme of joint international inspection and surveillance in the NRA.

The principal species managed by NAFO are cod, flounders, redfish, American plaice, Greenland halibut (turbot), capelin and shrimp. Occasionally, a significant squid fishery occurs in the Regulatory Area as well. During the late 1980s and early 1990s, unregulated fishing in the NRA by non-member States (sometimes by reflagged vessels of member States); under-reporting of catches; overharvesting by Canada of stocks that straddle the line between Canada's exclusive economic zone and the NRA; and fishing by a NAFO member under objection (the EU) all contributed to the eventual collapse of 8 of the 13 stocks managed by NAFO (the NAFO Convention provides that a management measure is not binding on any contracting party that formally objects to it). As a result, NAFO was forced to impose moratoria on fishing on these stocks in the NRA. Many NAFO-regulated species remain at all-time low levels (or the lowest level ever recorded), and NAFO-imposed moratoria continued for eight of these stocks in 2005.

U.S. Allocations: For 2005, the United States received the following country-specific allocations in the NRA: Division 3M redfish (69 mt); Division 3L shrimp (144 mt); Subareas 3+4 *Illex* squid (453 mt); and an effort allocation of 100 fishing days for 1 vessel for Division 3M shrimp. U.S. fishermen are also entitled to harvest, on a first-come-first-served basis, any allocation for which an "Others" category has been designated, provided there is not a country-specific allocation to the United States for that fishery. For 2005, "Others" category allocations may be available to U.S. fishermen in Division 3LNO yellowtail flounder (76mt), Division 3O Redfish (100mt), Division 3NO white hake (500mt), and Division 3LNO skates (500mt). Additionally, the United States may fish any portion

of the 7,500mt TAC of Oceanic redfish available to non-NEAFC members in Subarea 2 and Divisions 1F and 3K, on a first-come, first-served basis.

Monitoring and Enforcement: Work relating to development and strengthening of NAFO compliance and enforcement measures is generally done at both annual meetings and intersessional meetings of in the Fisheries Commission and its Standing Committee on International Control (STACTIC). In 1999, NAFO began requiring the use of observers on 100 percent of Contracting Party vessels operating in the NRA. NAFO has also required 100 percent use of VMS on Contracting Party vessels operating in the NRA since January 1, 2001. Additionally, NAFO continues to develop and refine its monitoring and enforcement measures. Procedures have been adopted for: processing information from at-sea inspections; a hail system requiring 6-hour advance notification by vessels entering or leaving the NRA and 24-hour advance notification by vessels transshipping at sea; a requirement for NAFO Contracting Parties to inspect the fishing vessels of other Contracting Parties during port calls to verify species and quantities caught.

At the January 2002 Special Meeting, a U.S. proposal was adopted providing for an annual review of compliance with the NAFO Conservation and Enforcement Measures. This step was taken against the backdrop of a Canadian presentation showing numerous infringements of these Measures by vessels of NAFO Contracting Parties. The annual review was designed to be carried out by STACTIC (with input from the NAFO Secretariat) for consideration by the Fisheries Commission. Since the September 2002 NAFO Annual Meeting, both Canada and the European Union have made annual presentations on compliance based on their respective monitoring and enforcement activities in the Regulatory Area. Though the initial compliance review process was hindered by non-standardized reporting and a lack personnel to assess existing data, there is strong support among NAFO Contracting Parties for this initiative and improvements continue.

Non-Contracting Party Fishing: In 1998, NAFO implemented the “Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO.” This Scheme presumes that a non-Contracting Party (NCP) vessel that has been sighted fishing in the NRA is undermining NAFO conservation and enforcement measures. If such vessels enter the ports of Contracting Parties, they must be inspected. No landings or transshipments are permitted in Contracting Party ports unless such vessels establish that certain species on board were not caught in the NRA, and for certain other species that the vessel applied the NAFO conservation and enforcement measures. Contracting Parties must report the results of inspections to NAFO and all other Contracting Parties. The scheme also calls for coordinated joint demarches by NAFO Contracting Parties to the governments of NCPs whose vessels had been observed fishing in the NRA requesting that the activity be stopped.

NAFO Contracting Parties may also board, inspect, and apply actions in accordance with international law against vessels appearing to be operating without nationality (“stateless vessels”). In addition, Parties are encouraged to “examine the appropriateness of domestic measures to exercise jurisdiction over such vessels.” NAFO contacts relevant nations to attempt to confirm the registries of NCP vessels sighted fishing in the NRA, and has taken measures to increase communication and information sharing among relevant regional fisheries management organizations and international bodies (such as the FAO) regarding the fishing activities of such vessels. In addition, NAFO now actively reviews the issue of Illegal, Unregulated and Unreported (IUU) fishing as it relates to on-going discussions at the FAO and is looking for ways to improve it’s dealings with such vessels and their flag states.

The Fisheries Commission fully integrated the provisions of the Scheme into the NAFO Conservation and Enforcement Measures during recent efforts to streamline and improve this document.

Allocation of Fishing Rights: At the 1997 NAFO Annual Meeting, the United States offered a proposal to reform NAFO’s quota allocation practices. In response, the Fisheries Commission formed an Allocation Working Group (WG), which first met in March 1998. This first meeting of the Working Group focused first on setting guidelines

for future discussions, including: exploring the meaning of the term “real interest” in relation to future new members; considering adoption of a broad strategy to guide expectations of future new members with regard to fishing opportunities in the NRA; development of a broad strategy to allocate future fishing opportunities for stocks not currently allocated; and exploring in connection with stocks under TACs possible margins to accommodate requests for fishing opportunities.

Discussion at the 1999 Working Group meeting focused on a number useful working papers submitted by Contracting Parties on the topics agreed at the previous meeting. These discussions resulted in some forward movement by the WG and a “Draft Resolution to Guide the Expectations of Future New Members with Regard to Fishing Opportunities in the NAFO Regulatory Area” was adopted noting that: any state may accede to the NAFO Convention; all Contracting Parties are members of the General Council; membership in the Fisheries Commission is limited to Contracting Parties who either presently fish or have an immediate intent to begin fishing in the NRA; and new Contracting Parties admitted into the Fisheries Commission can expect fishing opportunities to be limited to new fisheries or the quota allocation available to all Contracting Parties without a national quota (the “others” category) for stocks presently under TACs for the foreseeable future. This resolution was adopted at the 1999 NAFO Annual Meeting and it was agreed that the Allocation WG should meet again in March 2000.

Discussions during the 2000 meeting of the Working Group focused to a large degree on continued development of a broad strategy for allocation of future fishing opportunities for stocks not currently allocated. The WG attempted to create non-exhaustive, non-prioritized “shopping lists” relating to both qualifying criteria and allocation criteria with regard to such opportunities. In addition, the WG examined possible opportunities for fishing opportunities on the margins of stocks currently under TAC. Much of this discussion related to the possible creation of an “others” quota. However there was no agreement regarding possible sources for such a quota, nor was it determined who should have access to the fish contained therein.

At the 2000 NAFO Annual Meeting, Contracting Parties examined the utility of continued work by the Working Group. The United States and others expressed strong support for continued work, noting that allocation issues pertaining to new stocks must be dealt with in a timely manner. Other Contracting Parties stated that allocative issues should be addressed only once stocks begin to recover. Following further discussion, it was decided that the Working Group would not meet in 2001. However, there was general agreement that further discussions on the allocation issue should take place during the 2001 annual meeting. The United States raised this issue at the January 2002 Special Meetings in order to ensure that it is included on the agenda for the September 2002 Annual Meeting. During the 2002 Annual Meeting, it was agreed that the Allocation Working Group should meet during early 2003 to continue its work. Terms of reference were agreed based on those in place when the work of the WG was suspended.

The March 2003 Working Group meeting focused primarily on consideration of two papers: a U.S. white paper proposing that NAFO develop a comprehensive list of allocation criteria that would be applicable in all situations (ala ICCAT), and the Report of the Norway-FAO Expert Consultation on the Management of Shared Fish Stocks. The Working Group chose not to follow the U.S. proposal, instead developing a list of allocation criteria applicable only to stocks that are not now and never have been allocated by NAFO. While the criteria are useful, their present scope is severely limited. Additionally, the Working Group agreed only to give a status report back to the Fisheries Commission, indicating the work that was done. It did not recommend adoption of that work or any next steps to be taken. The United States made a strong statement that the progress that had been made was very small, not particularly useful in practical terms, and that NAFO would suffer in the longer term if it continued to fail to address the allocation interests of all of its members. During its 2003 and 2004 annual meetings, the Fisheries Commission has not called for any further meetings of this Working Group.

Precautionary Approach: At the 1996 NAFO Annual Meeting, the United States introduced a draft paragraph for inclusion in the request for advice from the Fisheries Commission (FC) to the Scientific Council (SC). This

paragraph noted the importance of early action to implement provisions of the precautionary approach and requested that the SC provide a report examining specific elements of these provisions and how they might be implemented in NAFO. In the years that followed this request, support among members of the Fisheries Commission for the implementation of the precautionary approach has been guarded but generally positive. During this time the SC has, at the request of the FC (and with some FC participation): developed a conceptual framework and Action Plan for implementing the Precautionary Approach in NAFO; collaborated with other relevant fisheries organizations that had similar initiatives underway (i.e., ICES, FAO and others); held a workshop of the precautionary approach in March 1998; examined theoretical, general and specific considerations regarding NAFO stocks; examined the role of scientists and fisheries managers in relation to the Precautionary Approach; and initiated and conducted simulations of a precautionary approach to management for three categories of NAFO fish stocks.

At the May 1999 meeting of the Joint SC/FC Working Group, it was recommended that both the SC and FC consider elements in designing and formulating further action in respect to implementation of the Precautionary Approach for the three stocks used in the simulation and that similar actions be taken for other NAFO stocks with related characteristics as the implementation of the Precautionary Approach progresses. At its 1999 Annual Meeting, NAFO adopted a U.S.-proposed resolution to guide the implementation of the precautionary approach within NAFO that addresses many of the U.S. concerns. It was also agreed that the joint FC/SC Working Group should meet in 2000 to continue work on this issue. A Canadian-proposed agenda was also adopted for this meeting.

At its February 2000 meeting, the Joint SC/FC Working Group agreed on: implementation plans for applying the precautionary approach to 2 out of 3 model stocks that had been identified earlier; a similar implementation plan for 3LNO American plaice; a generic template for applying the precautionary approach to other NAFO-managed stocks; and general criteria for reopening a fishery in light of the precautionary approach. Despite this progress however, several issues of contention continue to plague the progress of the Working Group. Of particular concern are issues relating to terminology and operationalizing the precautionary approach within NAFO.

At the 2000 annual meeting, these and other concerns led Contracting Parties to consider whether or not the working group should continue its work. After considerable discussion, it was agreed that a small group of technical experts would meet in the first half of 2001 to advance future work in the Fisheries Commission Working Group. This group was to circulate a report to all Contracting Parties and recommend whether the Working Group should meet prior to the 2001 NAFO annual meeting. Unfortunately, this group was never convened.

At its June 2002 meeting, the Working Group examined and compared work done on the precautionary approach by the NAFO Scientific Council with that done by the International Council for the Exploration of the Sea (ICES). ICES provides scientific advice to a number of regional fisheries management organizations, including NEAFC. While the United States and Canada were strongly committed to the NAFO process and stressed the similarities between work done by NAFO and ICES, the European Union and other NEAFC members expressed concern regarding the differences. In the end, it was agreed that further progress could be made by addressing specific differences found between the NAFO and ICES work on precautionary approach. The Working Group recommended that the Fisheries Commission identify appropriate examples, and then instruct the Joint FC/SC Working Group to meet intersessionally to address them specifically. In addition, it was recommended that the Fisheries Commission consider development of long-term plans for application of the precautionary approach to different fleet sectors within NAFO. No action was taken on these WG recommendations by the Fisheries Commission at the 2002 Annual Meeting.

At the 2003 Annual Meeting, the Chairman of the Scientific Council presented to the Fisheries Commission a summary and overview of the proposed revised NAFO precautionary approach framework, adopted and refined by the Scientific Council in June and September 2003. The United States tabled a strong proposal calling for Fisheries Commission adoption of the proposed revised NAFO framework and agreement to hold an intersessional meeting of the Joint Fisheries Commission/Scientific Council Working Group to examine application scenarios for specific NAFO stocks. Although the U.S. proposal had some support among Contracting Parties, the proposal was not

adopted based on NAFO Budget and time constraints. No further work on this issue was recommended by the Fisheries Commission.

During its 2004 Annual Meeting, the Fisheries Commission adopted a Canadian proposal (that received considerable input from the United States) calling for practical application of the precautionary approach by NAFO on two selected stocks. The proposal calls on the Scientific Council to provide advice within the revised precautionary approach framework for Div. 3LNO yellowtail flounder and Div. 3M shrimp. Division 3LNO yellowtail flounder represents a data-rich stock in good health, with a production-based assessment, and managed by TAC/quota. The Div. 3M shrimp stock is data-poor, in good condition, and managed by effort controls. This exercise is designed to facilitate future application of the revised NAFO precautionary approach framework, developed and adopted by the scientific council in 2003.

Transparency: The United States first raised this issue at the 1996 NAFO Annual Meeting and a working group was created, with the United States serving as Chair, to examine applicable rules of other organizations and arrangements. Subsequent intersessional meetings of the working group in 1997 and 1998 were contentious, with the Nordic countries (i.e., Iceland, Denmark, and Norway) particularly resistant, and only limited headway was made on the issue. As a result of the difficulty of the discussions, in 1998 the Chair tabled a highly bracketed paper, "Procedures for Observers," designed to address the concerns of all parties. Although some progress was made at the 1999 working group intersessional, several disagreements remained on terms for admitting observers to NAFO meetings.

At the 1999 NAFO Annual Meeting, Canada presented a compromise text that set criteria for observer eligibility and stipulated that groups can participate in sessions of the General Council and FC unless a majority of Contracting Parties vote to exclude them. It also allowed NGOs to participate in meetings of subsidiary bodies unless one or more Contracting Parties objected. The new rules would be in place for two years, after which NAFO could evaluate the success of the program. In the end, the General Council adopted a modified version of this proposal as presented by Denmark. Observers will only be able to sit in on sessions of the General Council and Fisheries Commission, not subsidiary bodies. The NAFO Secretariat will receive applications from interested observers and determine if they meet the eligibility criteria, which include a written statement that the organization supports the goals of NAFO. The Secretariat will then notify all Contracting Parties which groups have been deemed eligible; they will be allowed to participate unless a Contracting Party objects for cause in writing. Any objection will lead to a mail vote among all members on the issue. The guidelines stipulate that the vote be conducted according to the usual NAFO decision-making rules; we interpret this to mean that once a party makes a motion to exclude the group, it can participate unless a majority of Contracting Parties agree to exclude. As in the Canadian proposal, NAFO can reevaluate these rules any time after 2001.

Dispute Settlement: NAFO continues to explore the desirability and feasibility of establishing a formal dispute settlement procedure for the organization. A working group, chaired by Norway, has held a number of meetings to consider a proposal put forth by Canada which is designed, in effect, to limit the use of the objection procedure and to enforce those limitations through compulsory, binding dispute settlement. In response, the EU has presented various counter proposals that have broader implications for NAFO. There is a common element to all the EU proposals: each would create a dispute settlement procedure for all NAFO disputes, not just those arising from the use of the objection procedure.

At the February 1999 meeting of the Working Group, Canada stated that it was now unsure that a dispute resolution mechanism, modeled along the way that the EU contemplates it, would be desirable. Conversely, the EU--which had originally resisted the proposal--has worked along with Norway to create a proposal whereby a broad number of disputes would initially be sent to an ad hoc dispute settlement panel (i.e. a non-binding procedure) and ultimately to binding dispute resolution as contemplated by the Fish Stocks Agreement.

At the 1999 NAFO Annual Meeting, Contracting Parties disagreed widely on the utility of continuing the Working Group. Canada argued that the UN Fish Stocks Agreement (UNFSA) is rapidly acquiring enough ratifications to enter into force. They noted that, as UNFSA includes procedures for settling disputes within regional fisheries organizations, NAFO should simply adopt those procedures. Canada did not think the DSP Working Group should continue to try to devise a separate NAFO procedure. Other Contracting Parties, most notably the EU, felt strongly that the DSP Working Group should continue. They argued that the UNFSA procedures were too slow to resolve a dispute within a single fishing season and would not apply to NAFO-regulated discrete stocks. Prompted by the United States, the General Council decided the DSP Working Group would continue, but under new terms of reference that focus on devising means to implement the UNFSA provisions in a NAFO context.

The May 2000 meeting of the DSP Working Group began with a discussion of whether the parties could agree to adopt recommendations found in a Chairman's Paper which essentially proposed incorporation by reference into the Convention, *mutatis mutandis*, the 1995 UN Fish Stocks Agreement. The United States and Canada supported this approach, whereas the EU, Japan, and most of the other Contracting Parties were not very sympathetic. The focus of the meeting then shifted to an EU paper distributed at the last intersessional meeting which proposed the possibility

of disputing parties choosing binding dispute settlement under the 1995 UN Fish Stocks Agreement, UNCLOS or an ad hoc NAFO procedure. Out of this discussion came a Chairman's Consolidated Text which included provisions for which there was general consensus and bracketed text for which there was not consensus.

At the 2000 NAFO Annual Meeting, Contracting Parties disagreed widely on the utility of continuing the DSP Working Group. Canada adopted the new position that NAFO should simply wait for the UN Agreement on Straddling and Highly Migratory Fish Stocks (UNFSA) to enter into force, instead of attempting to devise a separate NAFO procedure. Other Contracting Parties, most notably the EU, felt strongly that the working group should continue. They continued to argue that the UNFSA procedures were too slow to resolve a dispute within a single fishing season and would not apply to NAFO-regulated discrete stocks. The June 2001 DSP WG meeting saw further work on the heavily-bracketed Consolidated Text. The resulting document ("Consolidated Text 2001~DSP W.G. W.P. 01/7 Rev2) reflects the current state of agreement and views expressed within the WG to date. At the end of this meeting, the EU tabled its own version of a Dispute Settlement Procedures text (DSP W.G. W.P. 01/10), indicating that it might table this version as a possible compromise text at the 2001 Annual Meeting. Due to the cancellation of the 2001 Annual Meeting, this issue was deferred until the 2002 Annual Meeting.

In discussions at the 2002 Annual Meeting, considerable concern was expressed from a number of Parties (particularly Canada and the United States) regarding the status of the European Union text and the work of the Dispute Settlement Working Group in general. The United States once again made its view clear that NAFO dispute settlement procedures should be based strongly on those in UNFSA. Since there was little agreement regarding appropriate next steps for the Working Group, the General Council agreed that there should be a consultation between interested Parties (primarily Canada, the European Union and the United States) to determine the usefulness of a further Working Group meeting during 2003. Provisions were made so that, if interested Parties agree on the need, such a meeting could take place.

At the 2003 Annual Meeting, there was general agreement that the Working Group consultations had continued to move the issue forward, but that further work is necessary before a resolution can be reached. After discussions on the sidelines of the annual meeting, the Parties involved in the 2003 consultations recommended that another intersessional meeting take place during 2004. This recommendation was adopted by the General Council, but no date for this meeting was set. At the 2004 Annual Meeting, discussion on this issue was deferred until the 2005 Annual Meeting.

Future Meetings

The 2005 NAFO Annual Meeting will be held September 19-23, 2005, in Tallinn, Estonia.

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PACIFIC OCEAN

Agreement on the International Dolphin Conservation Program (AIDCP)

Basic Instruments

Agreement on the Conservation of Dolphins (La Jolla Agreement), 1992
Panama Declaration, 1995

Implementing Legislation

International Dolphin Conservation Program Act of 1997 (11 Stat. 1122; 16 U.S.C. 1361 et seq.)

Member Nations

Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru, the United States, Vanuatu and Venezuela.

Secretariat Headquarters

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Budget

The expenses of the International Dolphin Conservation Program are shared by the Parties. Article XV of the AIDCP provides that the Parties “shall contribute to the expenses necessary to achieve the objectives of this Agreement through the establishment and collection of vessel fees, the level of which shall be determined by the Parties, without prejudice to other voluntary financial contributions.” A unique feature of the fishery is that since 1995 one hundred percent of trips by large purse seine vessels (i.e., vessels in excess of 400 short tons, 362.8 metric tons, carrying capacity) are covered by observers. However, 100% observer coverage is a substantial expense. Previously, only owners of large purse seine vessels were required to pay observer fees. In order to cover the cost of the AIDCP’s On-Board Observer Program, the scope of vessels required to pay annual observer fees, or vessel assessments, expanded in 2003 to all vessels under the jurisdiction of a Party and listed on the register of vessels authorized to purse seine for tuna in the eastern tropical Pacific Ocean (ETP). The AIDCP budget for FY 2005 was projected to be \$2,557,365; the United States’ tuna purse seine fleet has contributed approximately \$67,100 in vessel assessments for 2005.

While vessel assessments cover the majority of AIDCP costs, a portion of the AIDCP budget is derived from the Inter-American Tropical Tuna Commission (IATTC). The expenses of the IATTC are also shared by the Contracting Parties, according to the proportion of the total catch by each Party from the fisheries covered by the IATTC Convention and the portion of the catch utilized by each Party. The Party proportions are calculated from statistics compiled by IATTC staff for calendar years previous (approximately 3 years) to the Fiscal Year (FY) budget in question. Historically, the United States paid 80-90 percent of the IATTC’s budget. Since the U.S. tuna market became “dolphin-safe” in mid-1994, U.S. utilization of the catch has greatly diminished, causing a decrease

in the U.S. contribution to IATTC. Further, the Department of State has indicated that the U.S. contribution will likely be further reduced. The IATTC budget for FY 2005 is \$5,016,321; it was agreed that the United States would contribute \$1,936,972.

Description

A. Mission/Purpose:

The goals of the AIDCP are:

“(1) to progressively reduce incidental dolphin mortalities in the tuna purse-seine fishery in the Agreement Area to levels approaching zero, through the setting of annual limits; (2) with the goal of eliminating dolphin mortality in this fishery, to seek ecologically sound means of capturing large yellowfin tunas not in association with dolphins; and (3) to ensure the long-term sustainability of the tuna stocks in the Agreement Area, as well as that of the marine resources related to this fishery, taking into consideration the interrelationship among species in the ecosystem, with special emphasis on, inter alia, avoiding, reducing and minimizing bycatch and discards of juvenile tunas and non-target species.”

B. Organizational Structure:

The AIDCP consists of National Parties, regional economic integration organizations, and a Secretariat headed by a Director of Investigations, which is shared with the IATTC. Approval of decisions, resolutions, recommendations and publications is achieved by consensus of all Parties to the AIDCP. The Director of Investigations is appointed by the Parties and is responsible for drafting programs of investigations, budget formulation, accounting and administrative support, directing technical staff, coordinating the AIDCP with other organizations and preparing administrative, scientific, and other reports of the AIDCP.

International Review Panel: The International Review Panel (IRP) follows a general procedure for monitoring compliance by vessels with measures established by the AIDCP for minimizing the mortalities of dolphins during fishing operations and reporting on compliance to appropriate governments. The IRP reviews data collected by observers of the On-Board Observer Program related to compliance with the AIDCP, and identifies possible infractions of that Agreement. Lists of these possible infractions are submitted by the Secretariat to the governments of the Parties in which the vessels are registered for investigation and possible action. The governments report back to the Secretariat on actions taken regarding these possible infractions. The IRP publishes an annual report that summarizes the activities, actions, and decisions of the IRP, and lists the possible infractions identified for the various national fleets.

The Permanent Working Group on Tuna Tracking (PWGTT) was established by the Parties to the AIDCP in 1999 as a component of the IRP. The AIDCP requires that all Parties have an approved tuna tracking and verification system. The purpose of the system is to ensure the dolphin-safe status of tuna harvested in the ETP. The first task undertaken by the Working Group was to develop an international tuna tracking and verification system template that each Party could use to prepare a national tuna tracking system consistent with AIDCP requirements. In addition, the PWGTT has encouraged and assisted in the development of national plans as requested by AIDCP Parties. The PWGTT provides a forum for discussing and solving problems encountered in operating the national tuna tracking systems, and from time to time, recommends improvements to the system. At its meeting in El Salvador in June 2001, the PWGTT developed an international dolphin-safe Certification Program to provide a method of documenting the dolphin-safe status of ETP tuna in the world market. The international certification program and system for tracking and verifying tuna are reviewed and amended as necessary.

C. Programs:

To fulfill its mission, the Parties carry out an extensive research and data collection program. This program is conducted by a permanent, internationally recruited staff selected and directed by the Director of Investigations, who is responsible to the Parties. In addition, the Parties to the AIDCP have established work groups to address specific management and organizational issues.

Dolphin Conservation

In the 1950's, fishermen discovered that yellowfin tuna in the ETP aggregated beneath schools of dolphin stocks. Since that discovery, the predominant tuna fishing method in the ETP has been to encircle schools of dolphins with a fishing net to capture the tuna concentrated below. Hundreds of thousands of dolphins died in the early years of this fishery. U.S. participation in the ETP tuna fishery has greatly decreased since the inception of the fishery, coming to a virtual standstill by the early 1980's. However, foreign participation in the ETP fishery has continued to increase. Annual dolphin mortality is down from over 133,000 in 1986 to approximately 2,000 dolphins since 1998. Preliminary dolphin mortality data for 2004 indicate that observed mortality was less than 1,500 dolphins, a total reduction in dolphin mortality of greater than 99%.

In the fall of 1992, the nations participating in the ETP tuna fishery signed the La Jolla Agreement, which placed voluntary limits on the maximum number of dolphins that could be incidentally killed annually in the fishery, decreasing the maximum each year over seven years, with a goal of eliminating dolphin mortality in the fishery. The United States and nine other nations fishing in the ETP negotiated the Panama Declaration in 1995. The Panama Declaration established conservative species/stock-specific annual dolphin mortality limits and represented an important step toward reducing bycatch in commercial fisheries with sound ecosystem management. It contained provisions for additional protection for individual stocks of dolphins and for other living marine resources to achieve an ecosystem approach to management of the fishery. Due to the efforts of the nations that negotiated the Panama Declaration and the IATTC, the yellowfin tuna fishery in the ETP has had 100% observer coverage since 1995. The signatory nations envisioned that, as a result of their actions in reducing dolphin mortality, the United States would amend its laws so their participation in the AIDCP would satisfy comparability requirements of the Marine Mammal Protection Act (MMPA) and result in the lifting of embargoes on yellowfin tuna and yellowfin tuna products.

Congress amended the MMPA in 1997 to: (1) allow for lifting the embargoes for countries fishing in compliance with the AIDCP, (2) lift the ban on the sale of tuna that is not dolphin-safe, and (3) change the definition of dolphin-safe to include tuna caught in accordance with the AIDCP. In 1997, Congress amended the MMPA with the IDCPA to implement the AIDCP and in response to the Panama Declaration.

In February 1998, the nations participating in the tuna purse seine fishery in the ETP negotiated the AIDCP, a legally-binding instrument for dolphin conservation and ecosystem management in the ETP. The IDCPA is intended to give force domestically to the AIDCP, which was designed to strengthen dolphin protection measures already in place and afford nations harvesting tuna in the ETP in compliance with those measures access to the lucrative U.S. market for their tuna.

Despite successes in reducing observed dolphin mortality in the ETP purse seine fishery, the three stocks of dolphin that interact to the greatest degree with the fishery, the eastern spinner dolphin (*Stenella longirostris orientalis*), northeastern offshore spotted dolphin (*Stenella attenuata*) and coastal spotted dolphin (*Stenella attenuata graffmani*), are currently categorized as depleted under the MMPA. These stocks of dolphin are not recovering at a rate of population increase that is consistent with the drastic reduction in observed dolphin mortality in the ETP purse seine fishery. Investigations into the potential causes of this apparent lack of recovery are ongoing.

It is important to note that the dolphin-safe standard established by the AIDCP differs from that currently implemented in the United States. Under the AIDCP, dolphin-safe means "tuna captured in sets in which there is no mortality or serious injury of dolphins." The current dolphin-safe standard in the U.S. is that "no tuna were caught

on the trip in which such tuna were harvested using a purse seine net intentionally deployed on or to encircle dolphins, and no dolphins were killed or seriously injured during the sets in which the tuna were caught.”

Other Conservation and Administration Issues: The Parties have taken a proactive position in fishery management and dolphin conservation in recent years. There are or have been two work groups dealing with specific management issues: (1) fishing by non-parties to the AIDCP and (2) vessel assessments and financing the AIDCP.

The Joint AIDCP / IATTC Working Group on Fishing by Non-Parties was established in 2001 to monitor compliance with the AIDCP and IATTC by non-parties and distinguish between cooperating and non-cooperating non-parties. The joint working group addresses issues related to illegal, unreported and unregulated fishing activities and develops measures to deter fishing by non-cooperating non-parties.

The Working Group on Vessel Assessments and Financing was established and met for the first time in 2002. The Working Group was created with the objective of addressing the long-term budget issues faced by the AIDCP. In 2003, the Parties adopted a new approach to collect vessel fees, or assessments. The new approach resulted in an increase in the number of vessels that required to pay assessments. In previous years, only Class 6 vessels (i.e., in excess of 400 short tons, 362.8 metric tons, carrying capacity) actively fishing in the ETP were required to pay fees because these were the only vessels required to carry observers. However, the new method connects calculation of vessel assessments with the IATTC Capacity Resolution of 2002, requiring that owners of all vessels listed on the register of vessels authorized to purse seine for tuna in the ETP, whether the vessel is active or inactive, pay annual assessments. The rationale for the Parties' decision was that owners of all size vessels benefit from the AIDCP and its On-Board Observer Program, and so all owners should contribute to the maintenance of these programs. In addition, beginning in 2004, to ensure timely payment vessel assessments that are received after specified deadlines are subject to a 10% surcharge. The AIDCP Secretariat expected this method of calculating vessel assessments to contribute to a small surplus for 2004. However, due to differing methods of implementing the vessel assessment resolution and other changes that were not anticipated at the time the resolution was adopted, a deficit is expected. The Parties to the AIDCP are re-evaluating the vessel assessment resolution in 2005 with the aim of repaying the current total deficit by the end of 2007.

As mentioned in the previous paragraph, the AIDCP currently does not require that vessels in size classes 1-5 (i.e., of 400 short tons, 362.8 metric tons, carrying capacity or less) carry observers. However, in light of the concern that some Class 1-5 vessels are setting purse-seine nets on dolphins, in contravention of the AIDCP, the Parties adopted measures to require purse-seine vessels identified by the IRP to have intentionally set on dolphins to carry observers on subsequent trips. An observer was placed on a Class 1-5 purse seine vessel for the first time under this resolution in late 2004. In addition, the Parties are engaged in ongoing discussions to develop indicators (e.g., gear) for identifying Class 1-5 vessels that may be harvesting tuna by intentionally setting purse seine nets on dolphins

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**Convention for the Establishment of an
Inter-American Tropical Tuna Commission (IATTC)**

Basic Instrument

Convention between the United States of America and the Republic of Costa Rica for the establishment of an Inter-American Tropical Tuna Commission, 1949 (TIAS 2044)

Implementing Legislation

Tuna Conventions Act of 1950 (64 Stat. 777), as amended (16 U.S.C., 951-961)

Member Nations

Costa Rica, Ecuador, El Salvador, France, Guatemala, Japan, Mexico, Nicaragua, Panama, Peru, Spain, the United States, Vanuatu, and Venezuela.

Commission Headquarters

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Budget

As defined by the Tuna Conventions Act, the expenses of the Commission are to be shared by the Contracting Parties in relation to the proportion of the total catch by each Party from the fisheries covered by the Convention and the portion of the catch utilized by each Party. "Utilized" is defined as eaten fresh, or processed for internal consumption or export. Thus, tunas landed by a Party and subsequently exported in the round are not included in computing that Party's contribution, but those which are exported canned are included. The Party proportions are calculated from statistics compiled by Commission staff for calendar years previous (about 3 years) to the Fiscal Year (FY) budget in question. Historically, the United States has paid the bulk (80-90 percent) of the Commission's budget. However, U.S. utilization of the catch, as defined by the Convention, from the eastern Pacific Ocean (EPO) has greatly diminished since the U.S. tuna market became "dolphin-safe" in mid-1994, thereby causing the U.S. required contribution to be diminished. Further, the Department of State has indicated that the U.S. contribution will be reduced, and the IATTC is developing a new framework for determining contributions. The IATTC budget for FY 2005 is \$5,016,321; the United States agreed to contribute \$1,936,972.

U.S. Representation**A. Appointment Process:**

The Tuna Conventions Act of 1950 provides that the United States shall be represented by a total of not more than four Commissioners, of which at least one must be an officer of NOAA, one must be chosen from a nongovernmental conservation organization, and not more than one can reside elsewhere than in a state whose vessels maintain a substantial fishery in the area of the Convention. The Commissioners are appointed by and serve at the pleasure of the President.

B. U.S. Commissioners:

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C. Advisory Structure:

The Tuna Conventions Act as amended by the International Dolphin Conservation Program Act of 1997 provides that the Department of State charter a General Advisory Committee (Committee) and a Scientific Advisory Subcommittee (Subcommittee) to advise the U.S. Section regarding policy and science issues and U.S. positions associated with IATTC conservation and management measures. Membership to the Committee was named in 2003 and the first meeting of the Committee was convened in September 2003. All interested sectors - commercial and recreational fishing and environmental organizations - are well represented on the Committee. Membership to the Subcommittee has not yet been named, as we are not able to garner the required minimum of 5 eligible persons. The terms of the advisory committees are fixed at 2 years by the charters. Each member may reapply and there are no term limits. The advisory committees are invited to attend all non-executive meetings and given opportunity to examine and to be heard on all proposed programs, reports, recommendations, and regulations of the Commission.

Description

A. Mission/Purpose:

The IATTC was established to "(1) study the biology of the tunas and related species of the EPO with a view to determining the effects that fishing and natural factors have on their abundance, and (2) to recommend appropriate conservation measures so that the stocks of fish can be maintained at levels which will afford maximum sustainable catches." The Commission's duties were broadened in 1976 to include work on the issues arising from the tuna-dolphin relationship in the EPO. In 2003, the IATTC adopted a resolution that approved the Antigua Convention, a major revision of the original convention establishing the IATTC. This new text brings the convention current with respect to internationally accepted laws on the conservation and management of oceanic resources, including a mandate to take a more ecosystem-based approach to management. The revised convention was the subject of a signing ceremony in November 2003. Currently, U.S. ratification of the Antigua Convention is with the White House for timing of transmittal to Congress. Advice and consent on ratification will be sought by the U.S. Senate in 2005.

B. Organizational Structure:

The IATTC consists of a Commission composed of national sections of member nations and a Secretariat headed by a Director of Investigations.

The principal duties of the Commission are (1) to study the biology of the tropical tunas, tuna baitfish, and other kinds of fish taken by tuna vessels in the EPO and the effects of fishing and natural factors upon them, and (2) to recommend appropriate conservation measures, when necessary, so that these stocks of fish can be maintained at levels which will afford the maximum sustained catches. Approval of decisions, resolutions, recommendations and publications is only by consensus of all Parties to the Commission. National sections may consist of from one to four members appointed by the governments or the respective Contracting Parties. Each national section may establish an advisory committee which is invited to attend non-executive sessions of the Commission meetings. The

Director of Investigations is appointed by the Commission and is responsible for drafting programs of investigations, budget formulation, accounting and administrative support, directing technical staff, coordinating Commission work with other organizations and preparing administrative, scientific, and other reports of the Commission.

C. Programs:

To fulfill its mission, the Commission carries out an extensive research and data collection program. This program is conducted by a permanent, internationally recruited staff selected and directed by the Director of Investigations, who is responsible to the Commission. In addition, the IATTC has established a number of work groups to address specific management and organizational issues and has expanded the scope and nature of its management recommendations in recent years.

Fisheries Conservation and IATTC Management

Yellowfin Tuna: The IATTC recommends proposals for joint action by the member governments aimed at maintaining yellowfin tuna resources at a high level (generally at maximum sustainable yield). From 1966 through 1979, the Commission set annual catch quotas on yellowfin tuna, usually below 200,000 mt, and member nations implemented them. Beginning in 1979, this conservation program was effectively nullified, in large part, because several important member countries, including Mexico, withdrew from the Commission. As a result, the remaining member nations became reluctant to agree to implement a total catch quota when there was no assurance that non-member fishing countries, such as Mexico, would abide by the quota. Nevertheless, the Commission continued to recommend an annual international yellowfin tuna catch quota within the Commission Yellowfin Regulatory Area (CYRA) as the basis for all participants in the fisheries to evaluate the conservation needs of the resource.

Member countries agreed to resume implementing the annual yellowfin tuna quota system in 1998, in part because of the resolution of the tuna-dolphin issue (discussed below) allowed the Commission to refocus on fishery management. For 2002, to simplify and make more effective the control of fishing effort and consequent fishing mortality, the Commission agreed to close the purse seine tuna fishery for the full month of December 2002 throughout the Convention Area. For 2003, an area closure for purse seine fishing was adopted for December, but more importantly, the IATTC agreed to a 6-week purse seine closure for the entire Convention Area in the summer of 2004. Further, the IATTC for the first time agreed to limit longline fishing, recommending that Parties control their fisheries such that the total 2004 longline catch be kept to the level reached in 2001.

Bigeye Tuna: The Commission first set a catch quota for bigeye tuna in the EPO purse seine fishery in 1998 out of concern that the increasing purse seine effort on floating objects and fish aggregating devices (FADs) was resulting in unsustainable harvests of small bigeye tuna. In addition, the Commission adopted resolutions to prohibit the use of tender vessels and to prohibit the at-sea transfer of purse seine-caught tuna. These actions were taken to limit effective fishing capacity and reduce the risk of overcapacity and overfishing. Such harvests could result in long-term damage to the productivity of the bigeye tuna stock. A quota on juvenile bigeye tuna was set in 2001 but was not reached. The purse seine closure for 2002 would have provided protection to bigeye as it did to yellowfin tuna. The area closure in 2003 contributed marginally to bigeye conservation, but the larger seasonal closure and longline catch limits in 2004 were more significant.

Other Conservation and Administration Issues: The Commission has been taking a proactive position in fishery management in recent years. There are or have been five work groups dealing with specific fishery management issues: (1) bycatch, (2) control of the fishery on floating objects/FADs, (3) fleet capacity, (4) compliance, and (5) the joint working group on Illegal, Unreported, Unregulated fishing.

In 2000, a pilot project was agreed to for 2001 under which all tuna brought on board a purse seine vessel would be retained. This was intended to prevent waste associated with discard of dead juvenile fish and possibly result in

vessels aborting sets and releasing live fish rather than having to retain low value fish on board. Again in 2004, the pilot project was extended to now run through January 2006.

While no specific restrictions on FAD fishing have been instituted, the IATTC has considered limiting the number of FADs a vessel may carry and once implemented the bigeye tuna quota by prohibiting floating object (including FAD) sets after the quota was reached. This tool remains available if needed in the future. As noted above, the IATTC also has banned tender vessels and at-sea transshipments from purse seine vessels, which effectively limit some FAD fishing.

In 2002, the IATTC adopted an overall purse seine fleet capacity agreement under which purse seine vessels that were not on the IATTC vessel register would not be authorized to fish for tuna in the Convention Area. This effectively establishes upper limits on capacity in this sector. This is the first known instance of a regional fishery management organization establishing a fleet capacity limit. The IATTC also has a long-term capacity management plan intended to ultimately reduce purse seine capacity to about 135,000 mt carrying capacity, which is thought to be consistent with the long-term maximum yields of the tuna stocks.

A Compliance Working Group was established and met for the first time in 2000 with the goal of promoting more complete and uniform implementation of compliance with IATTC and AIDCP management recommendations. In 2003, this working group was presented with reports on the extent of compliance and on the steps being taken by members to enforce the recommendations of the IATTC. The lack of compliance by certain non-members was a critical element in the IATTC agreement in 2003 that Parties would not engage in trade in any tuna caught in contravention of time or area closures agreed to by the IATTC.

As noted above, the Antigua Convention, the culmination of more than 4 years of work by the Negotiations Work Group, was agreed to by the Commission at its annual meeting in June 2003. The Antigua Convention shall enter into force and effectiveness 15 months after the deposit of the seventh instrument of ratification or accession of the Parties to the 1949 Convention establishing the IATTC. Thus far, thirteen Parties to the 1949 Convention have signed the Antigua Convention and only two, Mexico and El Salvador, have deposited their instrument of ratification or accession with the depository.

The Finance Working Group has moved closer to a new approach, a formula, for determining the contributions of the various Parties to the financing of the IATTC each year, recognizing the different levels of interest in the fisheries and the scale of development of the Parties. A resolution to finance the IATTC for fiscal year 2005 and 2006 was agreed to. The finance resolution itemizes what each Nation is to pay towards the IATTC budget. The resolution falls far short of reaching a formula as was recommended by the Finance Working Group.

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**Convention for the Preservation of the Halibut Fishery
of the Northern Pacific Ocean and Bering Sea
(Basic Instrument for the International Pacific Halibut Commission -- IPHC)**

Basic Instrument

Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, 1953 (TIAS 2900).

Implementing Legislation

Northern Pacific Halibut Act of 1982 (as amended: 50 Stat. 325; 67 Stat. 494; 79 Stat. 902; 97 Stat. 78).

Member Nations

The United States and Canada.

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Budget

The appropriations from the United States for FY 2002-2003 will total \$1,686,000, and those from Canada will be \$849,000 for the fiscal year, resulting in a final base budget of \$2,768,039. The budget is supplemented by funds generated by Commission staff from the sale of halibut gathered during stock assessment cruises, contracts, and research grants.

U.S. Representation**A. Appointment Process:**

The United States is represented on the IPHC by three Commissioners who are appointed by the President for a period of 2 years (with eligibility for reappointment). Of these Commissioners, one must be a NOAA official, one must be a resident of Alaska, and one must be a nonresident of Alaska. In addition, one of these three Commissioners must be a voting member of the North Pacific Fishery Management Council. The Secretary of State, in consultation with the Secretary of Commerce, may designate from time to time Alternate U.S. Commissioners to the IPHC.

B. U.S. Commissioners:

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C. Advisory Structure:

There are no formal provisions for a U.S. Advisory Committee to IPHC, although informal groups made up of U.S. and Canadian industry representatives, known as the IPHC Conference Board and the Processor Advisory Group, do attend and provide recommendations to annual Commission meetings.

Description

A. Mission/Purpose:

The IPHC was created to conserve, manage, and rebuild the halibut stocks in the Convention Area to those levels that would achieve and maintain the maximum sustainable yield from the fishery. The yield definition was changed to optimum sustainable yield by the amending 1979 Protocol.

The halibut resource and fishery have been managed by the IPHC since 1923. The IPHC was established by a Convention between the United States and Canada, which has been revised several times to extend the Commission's authority and meet new conditions in the fishery. The most recent change, a protocol, was concluded in 1979, and involved an amendment to the 1953 Halibut Convention.

"Convention waters" are defined as the waters off the west coasts of Canada and the United States, including the southern as well as the western coasts of Alaska, within the respective maritime areas in which either Party exercises exclusive fisheries jurisdiction. For purposes of the Convention, the "maritime area" in which a Party exercises exclusive fisheries jurisdiction includes without distinction areas within and seaward of the territorial sea or internal waters of that Party.

B. Organizational Structure:

The IPHC consists of a Commission and staff. The Commission consists of six members; three representatives appointed by each Contracting Party. All decisions of the Commission are made by a concurring vote of at least two of the Commissioners of each Contracting Party. The research programs and regulatory actions of the Commission are coordinated by the IPHC staff, in consultation with the Commissioners. The IPHC staff currently consists of 27 permanent employees, including fishery biologists, administrative personnel and support staff.

In addition, the Commission is advised by a Conference Board, a Processor Advisory Group (PAG), and a Research Advisory Board. The Conference Board is a panel representing U.S. and Canadian commercial and sport halibut fishers. Created in 1931 by the Commission, the Board provides the industry/sport/native harvesters' perspectives on Commission proposals presented at Annual Meetings. Members of the Board are designated by union, vessel owner, recreational harvester, Native American, and Canadian First Nations organizations from both nations. Created in 1996, the Processor Advisory Group (PAG) represents halibut processors. Like the Conference Board, the PAG lends its opinion regarding Commission proposals and offers recommendations at IPHC Annual Meetings. In 1999, the IPHC Director created the Research Advisory Board (RAB), which consists of both harvesters and processors who offer suggestions to the Director and staff on content, design, conduct, and evaluation of Commission research programs.

C. Programs:

Under the Protocol to the Convention, the Commission retains a research staff and recommends, for the approval of the Parties, regulations designed to achieve the purpose of the Convention. The Protocol provides for: (1) the setting of quotas in the Convention Area, and (2) joint regulation of the halibut fishery in the entire Convention Area under Commission regulations. Neither U.S. nor Canadian halibut fishing vessels are presently allowed to fish in the waters of the other country. In 1991, Canada implemented an individual vessel quota (IVQ) system; a similar, individual fishing quota (IFQ) system for Alaska was implemented by the United States in 1995.

D. Conservation and Management Measures:

2005 Annual Meeting: The International Pacific Halibut Commission completed its Eighty-first Annual Meeting in Victoria, British Columbia, with Dr. Richard J. Beamish of Nanaimo, British Columbia presiding as Chair. The Commission is recommending to the governments of Canada and the United States, catch limits for 2005 totaling 73,820,000 pounds, a 3.5% decrease from the 2004 catch limit of 76,510,000 pounds.

The Commission staff reported on the 2004 assessment of the Pacific halibut stock which implemented only minor technical changes from the previous year. The halibut stock is healthy in the central and southern portions of the range (Areas 3A through 2A) but is believed to have declined in Areas 3B through Area 4, and lower catch limits are required in those areas. The recruitment of the 1994 and 1995 year classes appears to be relatively strong in most areas, although Area 4B is showing a notably lower level of recruitment of these same year classes compared with other regulatory areas. Estimates of fishing rate, hence exploitable biomass, derived from mark-recapture analysis of PIT-tagged halibut are not yet used directly for determining recommended catch limits. The primary tagging took place in 2003 and there are not yet sufficient recoveries of tagged fish, particularly for the western areas, to determine mixing rates among and exploitable biomass within regulatory areas.

In 2004, Commission staff identified a 25% harvest rate as a candidate target rate for use with a new population assessment, pending its evaluation using the sex-specific population model. This updated evaluation was completed and indicated that a harvest rate less than 25% would result in a 50% lower probability that the stock biomass would reach a level requiring reductions in harvest rate. Accordingly, the Commission adopted a harvest rate of 22.5% as the baseline harvest rate for the central Gulf of Alaska and southward regulatory areas. For the western Gulf of Alaska (Area 3B) and the Bering Sea (Area 4), a 20% harvest rate is maintained due to concern that the long term productivity of these areas may not be as high as that in the central and southern areas of the stock.

Seasons and Catch Limits

The Commission received regulatory proposals for 2005 from the scientific staff, Canadian and United States harvesters and processors, and other fishery agencies. The Commission will recommend to the governments the following catch limits for 2005 in Area 2A (California, Oregon, and Washington), Area 2B (British Columbia), Area 2C (southeastern Alaska), Area 3A (central Gulf), Area 3B (western Gulf), Area 4A (eastern Aleutians), Area 4B (western Aleutians), Area 4C (Pribilof Islands), Area 4D (northwestern Bering Sea), and Area 4E (Bering Sea flats):

2005 Catch Limits	
Area	Catch Limit (pounds)
2A Non-treaty directed commercial (south of Point Chehalis)	226,203
2A Non-treaty incidental catch in salmon troll	39,918
2A Non-treaty incidental catch in sablefish longline fishery (north of Point Chehalis)	
2A Treaty Indian commercial	70,000
2A Treaty Indian ceremonial and subsistence (year-round)	452,500
2A Sport – North of Columbia River	38,000
<u>2A Sport – South of Columbia River</u>	<u>237,257</u>
Area 2A total	<u>266,122</u>
	1,330,000
2B (includes sport catch allocation)	
2C	13,250,000
	10,930,000
3A	
3B	25,470,000
	13,150,000
4A	
4B	3,440,000
4C	2,260,000
4D	1,815,000
<u>4E</u>	<u>1,815,000</u>
Area 4 total	<u>359,000</u>
	10,240,000
Total	73,820,000

The Department of Fisheries and Oceans, Canada will allocate the adopted Area 2B catch limit between sport and commercial fisheries.

The IPHC sets biologically-based catch limits for Areas 4A, 4B, and a combined Area 4C-D-E. The catch limits for Regulatory Areas 4C, 4D, and 4E reflect the catch-sharing plan implemented by the North Pacific Fishery Management Council (NPFMC). The catch-sharing plan allows Area 4D Community Development Quota (CDQ) harvest to be taken in Area 4E.

The catch-sharing plan implemented by the Pacific Fishery Management Council (PFMC) for Area 2A was adopted by the Commission and is reflected in the catch limits adopted for the Area 2A fisheries. In Area 2A, seven 10-hour fishing periods for the non-treaty directed commercial fishery are recommended: June 29, July 13, July 27, August 10, August 24, September 14, and September 28, 2005. All fishing periods will begin at 8:00 a.m. and end at 6:00 p.m. local time, and will be further restricted by fishing period limits announced at a later date.

Area 2A fishing dates for an incidental commercial halibut fishery concurrent with salmon troll fishing seasons and the incidental commercial halibut fishery during the sablefish fishery north of Point Chehalis will be established under

United States domestic regulations by the National Marine Fisheries Service (NMFS). The remainder of the Area 2A catch-sharing plan, including sport fishing seasons and depth restrictions, will be determined under regulations promulgated by NMFS. For further information of the depth restrictions in the commercial directed halibut fishery, incidental halibut during the sablefish fishery, and the sport fisheries, call the NMFS hotline (1-800-662-9825).

The Commission continued its discussions on the season extension issue and received several industry proposals and public testimony. The Commission also received a staff report indicating very little difference between the size compositions of halibut landed in the first two weeks compared with that during the last two weeks of March in 2004. After reviewing staff information and proposals from the harvesting and processing sector, the Commission voted on a season similar to 2003 and 2004. Further, it was agreed to open the season on a Sunday to facilitate marketing. Therefore, seasons will commence at 12 noon local time on February 27 and terminate at 12 noon local time on November 15, 2005, for the following fisheries and areas: the treaty Indian commercial fishery in Area 2A, the Canadian Individual Vessel Quota (IVQ) fishery in Area 2B, and the United States Individual Fishing Quota (IFQ) and CDQ fisheries in Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E. In addition, the Commission formed a working group, composed of staff and members of its advisory bodies, to examine and report on the relative merits and expense of different research to understand the timing and extent of winter migratory movements of halibut among regulatory areas. The working group will consider both pop-up satellite and transponder tagging, as well as an experimental winter fishery, and make recommendations to the Commission prior to its next Annual Meeting.

Regulatory Changes and Issues

The Commission approved changes to the regulations that will allow Area 4C IFQ and CDQ fishing to occur in Areas 4C or 4D. This measure facilitates implementation of action approved by the U.S. NPFMC. A component of this measure is a modification of the IPHC clearance regulations that will allow a vessel to clear simultaneously into Areas 4C and 4D.

At the request of NOAA Enforcement, the Commission will clarify its regulations to ensure that halibut fillets are not allowed on board a commercial vessel. The clarification will change the wording and move the regulation paragraph from the size limit section to the receipt and possession section. This clarification will not change the current exceptions for checking of halibut in accordance with NMFS regulations, or for filleting of weighed and recorded IFQ fish (Section 13 (2) (a) and (b)).

Other Actions

The staff proposal to recognize First Nations' ceremonial and subsistence fishing in IPHC regulations was deferred, pending clarification of this regulation.

The Commission and its advisory bodies reviewed the request from the Alaska Food Coalition for a food bank donation program in the Gulf of Alaska, funded by retained halibut bycatch from trawl fisheries. Neither the Commission nor its advisory bodies approved of this proposal. While the Commission understood the intent of the proposal, it believed that this proposal would work against the Commission's agreement between the two countries to reduce halibut bycatch mortality in non-target fisheries. The advisory bodies also believed that other available sources of acceptable fish protein should be thoroughly evaluated.

The Commission honoured Mr. Casey Knight of Petersburg, Alaska as the third recipient of the IPHC Merit Scholarship. Mr. Knight was unable to attend the meeting because of academic commitments but has been presented with a certificate and plaque, as well as the scholarship of \$2,000 (U.S.). The Commissioners expressed their continued support for the scholarship program and commended the Scholarship Committee for their efforts in assessing the candidates.

The Commission noted that halibut bycatch mortality in non-target fisheries was reduced slightly in 2004, and was at the lowest level since 1987, continuing the trend initiated by the 1991 Commission agreement to achieve lower bycatch mortality levels. However, the Commission agrees that further reductions are desirable and that current levels of

mortality reduce yield to the directed halibut fisheries. The Commission will continue to work with agencies of the two governments to achieve reductions in halibut bycatch mortality.

The recommended regulations for the 2005 halibut fishery will become official as soon as they are approved by the Canadian and United States Governments. The Commission will publish and distribute regulation pamphlets.

Future Meetings: The next Annual Meeting of the Commission is planned for Bellingham or Seattle, Washington from January 17 to 20, 2006. The United States Government commissioner, Dr. James Balsiger, was elected Chair for the coming year. The Canadian Government commissioner, Dr. Richard Beamish, was elected as Vice Chair. Other Canadian commissioners are Clifford Atleo and John Secord. The other United States commissioners are Ralph Hoard and Phillip Lestenkof. Dr. Bruce Leaman is the Executive Director of the Commission.

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**Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean
(Basic Instrument for the North Pacific Anadromous Fish Commission – NPAFC)**

Basic Instrument

Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean, 1992 (hereafter referred to as the "Convention," Senate Treaty Document 102-30, 102d Congress, 2d Session).

Implementing Legislation

The North Pacific Anadromous Stocks Act of 1992 (Title VIII of P.L. 102-567).

Member Nations

Canada, Japan, the Republic of Korea, the Russian Federation, and the United States.

Commission Headquarters

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Budget

The approved NPAFC budget for Fiscal Year (FY) 2004/2005 (July 1, 2004-June 30, 2005) is Can\$703,000, with each Party contributing Can\$145,000. The budget estimate for FY 2005/2006 is Can\$733,000 with each Party contributing Can\$145,000. The budget forecast for FY 2006/2007 is Can\$705,000 with each Party contributing Can\$145,000.

U.S. Representation

A. Appointment Process:

The United States is represented on the Commission by not more than three U.S. Commissioners who are appointed by the President and serve at his pleasure. Each U.S. Commissioner is appointed for a term not to exceed 4 years, but is eligible for reappointment. Of the three Commissioners, one must be an official of the U.S. Government, one a resident of the State of Alaska, and the third a resident of the State of Washington. Candidates for the non-Federal Commissioner positions must be knowledgeable or experienced concerning anadromous stocks and ecologically-related species of the North Pacific Ocean.

In addition, the Secretary of State, in consultation with the Secretary of Commerce, may designate from time to time Alternate U.S. Commissioners to the NPAFC. The number of Alternate Commissioners that may be designated to a Commission meeting is limited to the number of authorized U.S. Commissioners that will not be present.

B. U.S. Commissioners (currently, all are Alternate Commissioners, pending appointment as Commissioners):

James W. Balsiger
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 National Marine Fisheries Service, NOAA
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Frank L. Cassidy, Jr.
 Council Member
 Northwest Power and Conservation Council
 110 Y Street
 Vancouver, WA 98661

Alan Austerman
 State of Alaska Fishery Policy Advisor
 P.O. Box 110001
 Juneau, AK 99811-0001

C. Advisory Structure:

The North Pacific Anadromous Stocks Act of 1992 established an Advisory Panel to the United States Section of the NPAFC. The Advisory Panel shall be composed of: (1) the Commissioner of the Alaska Department of Fish and Game; (2) the Director of the Washington Department of Fisheries and Wildlife; (3) one representative of the Pacific States Marine Fisheries Commission; and (4) 11 members (6 residents of the State of Alaska and 5 residents of the State of Washington) appointed by the Secretary of State, in consultation with the Secretary of Commerce, from among a slate of 12 persons nominated by the Governor of Alaska and a slate of 10 persons nominated by the Governor of Washington. There must be at least one representative of commercial salmon fishing interests and one representative of environmental interests on each of the Governors' slates. As is the case with NPAFC Commissioners, Advisors must be knowledgeable of North Pacific anadromous stocks and ecologically related species. Advisors serve for a term not to exceed 4 years, and may not serve more than two consecutive terms.

Description

A. Mission/Purpose:

The NPAFC serves as a forum for promoting the conservation of anadromous stocks and ecologically-related species, including marine mammals, sea birds, and non-anadromous fish, in the high seas area of the North Pacific Ocean. This area, as defined in the Convention, is "the waters of the North Pacific Ocean and its adjacent seas, north of 33° North Latitude beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured." In addition, the NPAFC serves as the venue for coordinating the collection, exchange, and analysis of scientific data regarding the above species within Convention waters. It also coordinates high seas fishery enforcement activities by member countries (the Convention prohibits directed fishing for salmonids and includes provisions to minimize the incidental take of salmonids in other fisheries in the Convention area).

B. Organizational Structure:

The NPAFC has three standing committees: the Committee on Enforcement, the Committee on Finance and Administration, and the Committee on Scientific Research and Statistics. The committees are responsible for providing accurate and timely advice to the Commission in the areas relating to the finances of the Secretariat and the scope of the enforcement activities and scientific research conducted under the auspices of the Commission.

C. Programs:

The 12th Annual Meeting of the NPAFC was held in Sapporo, Japan, on October 24-29, 2004. All of the Parties--Canada, Japan, the Republic of Korea (Korea), the Russian Federation (Russia), and the United States--were

represented. Dr. James Balsiger, NMFS Alaska Regional Administrator, led the U.S. delegation. The plenary meeting was chaired by Mr. Koji Imamura (Japan), President of the Commission.

At NPAFC Annual Meetings, the majority of the work of the Commission generally takes place in its three standing committees: the Committee on Enforcement (ENFO), the Committee on Finance and Administration (F&A), and the Committee on Scientific Research and Statistics (CSRS). The recommendations of each Committee on its agenda items are presented in the form of a report to the Commission for its consideration. These reports are formally adopted by the Commission at its final plenary session. The major accomplishments of each committee are highlighted below.

ENFO Committee

Unauthorized Fishing--The ENFO Committee reviewed unauthorized fishing activities in the Convention Area in 2004 on the basis of information provided by each of the Parties. Due to the Parties' cooperative enforcement efforts, no vessels were detected engaged in illegal large-scale driftnet fishing for salmon in or near the Convention Area. However, the United States reported that at least 22 potential high seas driftnet vessels were reported in the Northwest Pacific Ocean. These vessels appeared to be primarily targeting tuna and squid, rather than salmon. Due to the remote location of the vessels, the U.S. Coast Guard (USCG) was unable to intercept and board any of them to positively identify states of registry. A Japanese patrol vessel was able to board one of the vessels and tentatively identified it as being flagged to Georgia; 11 vessels are believed to be flagged to the People's Republic of China; and the flag states of the remaining vessels are unknown at this time. Nine of the vessels were sighted by U.S. tuna fishermen in the western North Pacific, and by home port, appeared to be Indonesian. The Indonesian Government denied having any association with them.

Despite the Parties' success in reducing illegal salmon fishing in the Convention Area, each year suspected high seas driftnet vessels are still detected. To build on the successes of this coordinated enforcement effort, the Commission agreed to complete development of a new Integrated Information System (IIS) on enforcement. The IIS will allow the Parties to keep all electronic information about illegal or suspected vessels in the Convention Area on a closed website. The Parties plan to begin testing the new system in 2005.

All Parties agreed to maintain 2005 enforcement activities at high levels as a deterrent to the threat of potential unauthorized fishing activities. To coordinate enforcement efforts, Russia agreed to host the Enforcement Evaluation and Coordination Meeting in 2005.

F&A Committee

Revised Current Fiscal Year (FY) 2004/2005 Budget and Estimate for FY 2005/2006 Budget--Upon the recommendation of the F&A Committee, the Commission adopted a revised general fund budget of CAD\$703,000 for the current FY, which began on July 1, 2004. The Commission reviewed and adopted a revised budget estimate for FY 2005/2006 of CAD\$733,000. At this level of funding, each country's annual contribution to the Commission is CAD\$145,000 (approximately US\$117,000).

CSRS Committee

The CSRS Committee exchanged scientific research information on a broad range of issues concerning North Pacific salmonid stocks. The Committee reviewed approximately 70 documents related to scientific research activities, salmon catches, and salmon enhancement.

International cooperation in salmon research among the Parties was reviewed and discussed. This exchange is helping to seek answers to many perplexing questions concerning changes in abundance of salmon. The Parties' cooperative research program, Bering-Aleutian Salmon International Survey (BASIS), is documenting ocean and atmospheric changes and other biological and ecological dynamics affecting salmonid production. New genetic techniques have been developed by the Parties and some of the techniques are being used to identify the origins of salmon. In addition, some of the new tracking methods are being used to monitor the migratory behavior of salmon on the high seas.

Canada invited the Parties to participate in the 2005 Research Planning and Coordinating Meeting to be held in April in Nanaimo, British Columbia.

North Pacific Salmon Catch and Hatchery Releases The total 2003 commercial salmon catch was 955,655 metric tons. This is an increase from the 2002 commercial catch of 726,852 metric tons and is the second highest level recorded. Hatchery releases from the Parties totaled 4.9 million juvenile salmon in 2003--approximately the same as in 2002.

Other Issues

Prize Drawing: A prize drawing for those who returned high seas salmon tags under the NPAFC International High Seas Salmon Tagging Project was held at the end of the Annual Meeting. Seventy four entries were eligible for four cash prizes totaling US\$10,000. The winners were all from Japan.

Future Meetings Korea invited the Commission to hold its 13th Annual Meeting on Jeju Island on October 24-28, 2005. Canada offered to host the 14th Annual Meeting in 2006.

Workshops The NPAFC sponsored an international workshop on BASIS-2004: "Salmon and Marine Ecosystems in the Bering Sea and Adjacent Waters" on October 30-31, immediately following the Annual Meeting. The NPAFC will co-sponsor an international symposium with PICES on "The Status of Pacific Salmon and Their Role in North Pacific Ecosystems" following the 13th Annual NPAFC Meeting in October 2005.

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**Treaty Between the Government of the United States of America
and the Government of Canada Concerning Pacific Salmon
(Basic Instrument for the Pacific Salmon Commission – PSC)**

Basic Instrument

Treaty Between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, 1985.

Implementing Legislation

Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3631).

Member States

The United States and Canada.

Commission Headquarters

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Budget

Each Party contributed Can\$1506,442 to the approved Commission budget for Fiscal Year 2004-2005 (April 1, 2004-March 31, 2005). The budget for the fiscal year that starts April 1, 2005, is Can \$3,202,873 and includes contributions of Can \$1,492,117 from each Party.

U.S. Representation

A. Appointment Process:

The appointment process for U.S. members of the PSC includes several unique features. The legislation implementing the treaty specifies: "The United States shall be represented on the Commission by four Commissioners who are knowledgeable or experienced concerning Pacific salmon, to be appointed by and serve at the pleasure of the President. Of these, one shall be an official of the U.S. Government who shall be a non-voting member of the U.S. Section; one shall be a resident of the State of Alaska and shall be appointed from a list of at least six qualified individuals nominated by the Governor of that State; one shall be a resident of the States of Oregon or Washington and shall be appointed from a list of at least six qualified individuals nominated by the Governors of those States; and one shall be appointed from a list of at least six qualified individuals nominated by the treaty Indian Tribes of the States of Idaho, Oregon, or Washington. Two of the initial appointments shall be for 2-year terms; all other appointments shall be for 4-year terms." Legislation also provides for the designation of an Alternate Commissioner for each Commissioner. In the absence of a Commissioner, the Alternate Commissioner may exercise all functions of the Commissioner.

B. Commissioners:

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C. Alternate Commissioners:

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Description

A. Mission/Purpose:

The PSC's mission is to serve as a forum for cooperation between the United States and Canada in the establishment of general fishery management regimes for the international conservation and harvest sharing of intermingling North Pacific salmon stocks. Implementation of the principles of the Pacific Salmon Treaty should enable the two countries, through better conservation and enhancement, to "prevent overfishing and provide for optimum production; and provide for each Party to receive benefits equivalent to the production of salmon originating in its waters." The Commission also serves as a forum for consultation between the Parties on their salmonid enhancement operations and research programs.

B. Organizational Structure:

The Commission has a complex organizational structure which includes four regional Panels (Northern, Transboundary, Fraser River, and Southern) consisting of 23 U.S. Panel Members (15 of whom are appointed by the Secretary of Commerce). Each Panel member on the Northern, Fraser River, and Southern Panels has an Alternate Member (16 total, 9 of whom are appointed by the Secretary of Commerce). The Northern Panel's stocks of concern are those originating in rivers between Cape Suckling in Alaska and Cape Caution in British Columbia. The Transboundary Panel's stocks of concern originate in rivers in British Columbia that flow to the sea through Southeast Alaska. The Fraser River Panel is the only panel with regulatory responsibility. It is responsible for stocks of sockeye and pink salmon originating in the Fraser River. The Southern Panel is concerned with stocks originating in rivers of Canada south of Cape Caution (not including Fraser River pink and sockeye salmon) and the rivers of Washington, Oregon and Idaho.

The Panels are responsible for providing advice to the Commission on the management regimes for the intercepting salmon fisheries in those regions, i.e., those in which one or both countries intercept salmon spawned in the other country. This is done by reviewing technical data on annual fishing plans, regulations, and the salmon enhancement programs of each country. Based on the advice provided by the Panels, the PSC formulates management recommendations, including catch limits and related regulations, to present to the two governments. These recommendations become effective upon approval by both governments.

C. Programs:

On June 30, 1999, the United States and Canada signed a new Pacific Salmon Agreement, thereby resolving one of the most contentious issues in the U.S.-Canada relationship. The agreement concluded 7 years of negotiations and establishes new fishing regimes under the 1985 Pacific Salmon Treaty to protect and rebuild salmon stocks.

The long-term agreement secures a management and harvest-sharing framework for the next decade. Most of the new fishery arrangements will be in effect for 10 years, beginning in 1999. The arrangement concerning the management of Fraser sockeye and pink salmon will be in effect for 12 years, also beginning in 1999.

The agreement establishes abundance-based fishing regimes, based on run strength, for the major salmon intercepting fisheries in the United States and Canada. Larger catches will be allowed when abundance is higher and catches will be constrained in years when abundance is down. These regimes are designed to implement the conservation and harvest sharing principles of the Pacific Salmon Treaty.

Also under the agreement, two bilaterally-managed regional funds were established. The funds will be used to improve fisheries management and aid efforts to recover weakened salmon stocks. The United States contributed US\$75 million and US\$65 million to a northern and southern fund, respectively, over a 4-year period. The agreement also highlights the importance of habitat protection and restoration to achieving the long-term objectives of the Parties relative to salmon. It also includes a commitment by the two countries to improve how scientific information is obtained, shared, and applied to the management of the resource.

Overview of the Agreement's Fishing Regimes in Annex IV of the Treaty

Transboundary Rivers (Chapter 1): This agreement specifies arrangements for sockeye, coho, chinook, and pink salmon management for several rivers that flow from Canada to the Pacific Ocean through the Alaskan panhandle, including the Stikine, Taku and Alsek rivers. An attachment to the agreement describes programs and associated costs for joint enhancement of sockeye salmon in the Taku and Stikine rivers.

Northern British Columbia and Southeast Alaska (Chapter 2): This agreement addresses the management of sockeye, pink and chum salmon fisheries in southeast Alaska and northern British Columbia. It specifies how the fisheries will be managed to achieve conservation and fair sharing of salmon stocks that intermingle in the border area. The fixed catch ceilings contained in the expired agreements are replaced with abundance-based provisions that allow harvests to vary from year to year depending on the abundance of salmon. Of particular note, because they resolve long-contentious issues, are agreements governing the harvest of sockeye in Alaska's purse seine fisheries near Noyes Island (District 104) and the gillnet fishery at Tree Point (District 101), and Canada's various marine net fisheries for pink salmon and its troll fishery for pink salmon in specific Canadian fishing areas .

Chinook Salmon (Chapter 3): Because they pass through fisheries regulated by many jurisdictions in both Canada and the United States, chinook salmon have been the focus of increasing concern and controversy in recent years. Although some chinook populations are relatively healthy, particularly the "far north migrating stocks" that tend to migrate to the marine waters near Alaska to grow and mature, others have been so diminished in recent years that they have been listed by the U.S. federal government under the Endangered Species Act. The new chinook regime encompasses marine and certain freshwater fisheries in Alaska, Canada, Washington, and Oregon. All chinook

fisheries will be managed based on abundance, replacing the fixed catch quotas that applied in previous regimes. Two types of fisheries have been designated: (1) those that will be managed based on the aggregate abundance of chinook salmon present in the fishery, and (2) those that will be managed based on the status of individual stocks or stock groups in the fishery.

The agreement provides a degree of flexibility to allow management agencies to decide how best to distribute the harvest impacts across their various fisheries to reflect domestic fishery priorities, provided the over-all reductions are achieved. For some chinook stocks, the total reductions will have to be much greater than the general obligation, due to the need to provide extra protection for certain very depressed stocks. The general obligation will not apply to hatchery stocks or healthy natural stocks that are achieving escapement objectives and can support harvest. In addition to predetermined harvest schedules, the agreement contains provisions that specify conditions under which even greater harvest reductions will apply. These so-called “weak stock” provisions serve as a safety valve to afford additional protection to stocks that may fail to respond to the recovery programs.

Fraser River Sockeye and Pink Salmon (Chapter 4): Although much of the structure of the previous agreements relating to the Fraser River is retained, the new agreement requires a reduction of the U.S. share of Fraser sockeye, which was phased in by 2002. The U.S. share in Washington State is 16.5 percent of the total allowable catch. (By way of contrast, the U.S. share specified in the first 4 years of the Pacific Salmon Treaty was approximately 26 percent.) The U.S. share of Fraser pink salmon will be 25.7 percent of the total allowable catch.

Coho Salmon (Chapter 5): The coho agreement essentially provides a blueprint and specifications (biological criteria) for a conservation-based regime for border area fisheries in southern British Columbia and Washington State. The specifics of the regime were bilaterally developed and were agreed to in February of 2002. The new regime will include rules that will establish harvest limits in specified border area fisheries. The rules are designed to limit exploitation rates on natural coho stocks to sustainable levels, taking into account all fisheries affecting the stocks, thereby improving the long term prospects of sustainable, healthy fisheries in both countries.

Southern British Columbia and Washington State Chum Salmon (Chapter 6): This chapter incorporates certain refinements to the provisions that trigger fisheries directed at chum salmon in the Strait of Georgia and Puget Sound. These refinements will have only a minor impact on the allocations of catches, but will improve the effectiveness of the regime. Additionally, at the request of the United States, Canada has agreed to require the live release of chum salmon in certain of its net fisheries in its southern boundary areas at those times of the year when “summer chum”--a species recently listed as threatened under the ESA--may be present in the areas. Both countries agreed to collect better data relating to these fish.

The 1999 agreement can be found at: http://www.state.gov/www/global/oes/oceans/990630_salmon_index.html.

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Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea

Implementing Legislation

There is no implementing legislation for the Convention.

Parties

Japan, People's Republic of China (China), Republic of Korea (Korea), Republic of Poland (Poland), Russian Federation, and the United States.

Description

A. Mission/Purpose:

The objectives of the Convention are:

- "1. to establish an international regime for conservation, management, and optimum utilization of pollock resources in the Convention Area [the high seas area of the Bering Sea beyond the U.S. and Russian 200-mile jurisdictions];
2. to restore and maintain pollock resources in the Bering Sea at levels which will permit their maximum sustainable yield;
3. to cooperate in the gathering and examining of factual information concerning pollock and other living marine resources in the Bering Sea; and
4. to provide, if the Parties agree, a forum in which to consider the establishment of necessary conservation and management measures for other living marine resources in the Convention Area as may be required in the future."

B. Organizational Structure:

The Convention does not provide for a commission. It does, however, specify that Parties will convene an Annual Conference and establish a Scientific and Technical (S&T) Committee. The functions of the Annual Conference are, among other things, to establish an annual allowable harvest level (AHL) for pollock in the Convention Area, establish an annual individual national pollock quota (INQ) for each Party, adopt appropriate pollock conservation and management measures, establish a Plan of Work for the S&T Committee, and discuss cooperative enforcement measures and receive enforcement reports from each Party. Parties may also use the Annual Conference to determine the scope of any cooperative scientific research on, and conservation and management measures for, living marine resources other than pollock covered by the Convention.

The S&T Committee has the charge to "compile, exchange, and analyze information on fisheries harvests, fish stocks, and other living marine resources covered by this Convention in accordance with the Plan of Work established by the Annual Conference, and shall investigate other scientific matters as may be referred to it by the Annual Conference." The S&T Committee also makes recommendations to the Annual Conference regarding the conservation and management of pollock, including the AHL.

C. Advisory Body:

No formal U.S. advisory body has been legislated for the Convention. However, the U.S. Department of State has invited the 12-member "North Pacific and Bering Sea Fisheries Advisory Body," appointed to advise the U.S.

Representative to the U.S.-Russia Intergovernmental Consultative Committee (ICC), to serve informally as the advisory body. This group consists of the following individuals:

- The Director of the Department of Fisheries and Wildlife of the State of Washington;
- The Commissioner of the Department of Fish and Game of the State of Alaska;
- Five members appointed by the Secretary of State from a list of 10 nominees provided by the Governor of Alaska; and,
- Five members appointed by the Secretary of State from a list of 10 nominees provided by the Governor of Washington.

D. Background:

The development in the mid-to-late 1980s of an extensive pollock fishery in the central Bering Sea area of the Aleutian Basin, beyond the U.S. and Russian 200-mile zones, was of great concern to U.S. and Russian fishing interests. The United States closed a domestic fishery as a result of the adverse impact this unregulated fishery was having on U.S. pollock stocks. Concern also extended to bycatch problems associated with the fishery.

The central Bering Sea pollock fishery was conducted by trawl vessels from China, Japan, Korea, Poland, and the former Soviet Union. Catch data submitted by these countries indicated that annual harvests in the area rose to approximately 1.5 million metric tons (mt) in the years leading up to 1989. Largely due to drastic declines in catch and catch-per-unit-effort, leading to a total catch of under 300,000 mt in 1991 and only 10,000 mt in 1992, the governments involved agreed to a voluntary suspension of fishing in the area for 1993-94. During the 2-year suspension of fishing, an agreed scientific monitoring program was carried out that showed no evidence of the recovery of the resource.

On February 11, 1994, after 3 years of negotiations, the Parties initialed the Convention on the Conservation and Management of Pollock Resources in the central Bering Sea. Its major principles include: no fishing permitted in the Convention area unless the biomass of the Aleutian Basin stock exceeds a threshold of 1.67 million mt (if the parties cannot agree on an estimate of the biomass, the estimate of the Alaska Fisheries Science Center and its Russian counterpart will be used); allocation procedures; 100 percent observer and satellite transmitter coverage; and prior notification of entry into the Convention area and of transshipment activities.

On June 16, 1994, the Convention was signed by China, Korea, the Russian Federation, and the United States. Japan and Poland signed it on August 4, 1994, and August 25, 1994, respectively. The Convention entered into force on December 8, 1995, for Russia, Poland, China, and the United States, on December 21, 1995, for Japan, and on January 4, 1996, for Korea.

Current Status

Representatives of the United States, Japan, Korea, Poland, and Russia met in Kushiro City, Japan, on September 7-10, 2004, for the 9th Annual Conference of the Parties to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea. The People's Republic of China (China) did not send a delegation to the meeting. The Conference was chaired by Dr. Nagahisa Uki, Director of the Hokkaido National Fisheries Research Institute, Japan. Dr. James Balsiger, Regional Administrator, NMFS Alaska Region, led the U.S. delegation. September 7 and 8 were devoted to a Scientific and Technical (S&T) Committee meeting; plenary sessions were conducted on September 9-10.

The major functions of the Annual Conference are, among other things, to establish an allowable commercial harvest level (AHL) for pollock in the central Bering Sea for the following year, establish an annual individual national pollock quota (INQ) for each Party, establish a Plan of Work for the S&T Committee, and adopt appropriate pollock conservation and management measures for the Convention area.

2005 AHL and INQs:

At the May 2003 Pollock Workshop in Pusan, Korea, Parties agreed to establish an intermediary step of determining the allowable biological catch (ABC) of pollock in Convention Area, using the North Pacific Fishery Management Council methodology, prior to determining an AHL. The fact that the United States did not conduct a mid-water echo integration-trawl survey of the Bogoslof Island pollock spawning stock in 2004 was a complicating factor for this exercise at the 2004 Annual Conference. This survey has historically provided the best available scientific information to estimate the biomass of the Aleutian Basin pollock biomass each year, which is used as a basis for determining the ABC. Consequently, the Parties attempted to develop a forecast procedure for the 2005 biomass based on data from the 2003 U.S. Bogoslof Island pollock spawning stock survey, but could not agree on the appropriate methodology.

The U.S. side proposed using an ABC range (1,026-3,349 t for the extrapolated Aleutian Basin area). In the end, regardless of whether the ABC was a range or a point estimate, it was very small. Japan pushed to set an AHL based on the ABC range. Ultimately, given poor trial fishing results, which indicate that the Aleutian Basin pollock stock is not rebuilding, and the lack of a current Aleutian Basin pollock stock biomass estimate, the Parties could not agree on an AHL. The AHL was set at zero for 2005 using the fall-back formula in Part 1 of the Annex to the Convention. Consequently, the INQ was also set at zero. The year 2005 will mark the 12th anniversary of a moratorium on commercial pollock fishing in the central Bering Sea.

As a result of the Parties' discussions on how to derive the AHL from the ABC, the United States agreed to host a workshop in Seattle in May-June 2005 to develop clearly definable scientific criteria for deriving the AHL from the ABC and to propose scientific procedures to determine what effects different AHLs would have on the status of the stock.

Trial Fishing: Russia reported that the F/V *PIONER NIKOLAYEVA* conducted trial fishing operations utilizing mid-water trawl and echo-integration surveys in the Central Bering Sea on November 15-17, 2003. Thirteen trawl hauls yielded only one female pollock and the echo-integration surveys revealed no pollock sign. The cost of the operation was approximately \$250,000.

Korea reported on trial fishing results of the F/V *ORYONG 503*, which fished in the Convention Area from October 19-November 7, 2003. The vessel conducted six hauls using a mid-water trawl, but caught no pollock.

The Parties agreed to roll over 2004 terms and conditions for trial fishing for 2005. Japan indicated that it might consider conducting trial fishing in the remaining months of 2004. Korea also expressed interest in conducting trial fishing in 2005 to offset the cost of research cruises. Korea requested permission to use more than five vessels for trial fishing and agreed to submit a detailed trial fishing plan and the rationale for using additional vessels to the other Parties for consideration at the next Annual Conference. (Under the current terms and conditions, each Party may conduct trial fishing with no more than two vessels in the Convention Area at any one time.) Korea will observe the agreed trial fishing terms and conditions for 2005.

Work Plan for the S&T Committee: In addition to agreeing to hold an AHL Workshop in 2005, the Parties agreed to form a working group to develop the protocol for pollock genetic research. Drs. Alexander Glubokov (Russia) and Low-Lee Low (United States) were selected to co-chair this working group.

Enforcement: The Parties did not observe any unauthorized pollock fishing in the Convention Area in 2004.

Transparency: The Parties agreed to the same interim observer rules for 2005 that were employed from 1998-2004. These rules do not address attendance by non-governmental observers--only observers from regional and intergovernmental organizations.

10th Annual Conference: Korea offered to host the 10th Annual Conference of the Parties on September 6-9, 2005. The meeting location will likely be Cheju Island, just south of the Korean mainland in the East China Sea.

Frequency of the Annual Conferences:

Given that the Bogoslof Island area spawning pollock stock survey is now conducted every 2 years instead of annually, and that the Aleutian Basin pollock stock biomass estimate has remained considerably below the level that would trigger a commercial pollock fishery in the Convention Area, the Parties are now considering holding face-to-face Annual Conferences every 2 years on a fixed rotating basis to coincide with the U.S. Bogoslof Island survey schedule; unless another Party comes up with surveys in between years. Should the Parties agree to such a scheme, 2006 would be the first year that the Parties would not meet face-to-face, as there will be a Bogoslof Island survey in 2005.

Because the Convention specifies that the Parties convene an Annual Conference, the U.S. delegation proposed that during non-survey years, the Parties hold a "virtual" Annual Conference. It offered to draft rules of procedure to show how the Annual Conference might be convened without a face-to-face meeting. The draft would describe the purpose for holding a virtual meeting, processes to share information, and meeting procedures for holding a virtual meeting. The draft will be prepared prior to the next Annual Conference and added as a point of discussion to the agenda.

Even though the Annual Conference Plenary may not need to meet face-to-face every year, there is still the need to hold annual meetings of the S&T Committee to discuss stock assessment and enforcement issues. The Parties will consider various scenarios for the timing of S&T Committee meetings at the next Annual Conference.

Copies of the approved reports of the 2004 Annual Conference and the S&T Committee are available from NOAA Fisheries upon request or on the internet at [www](http://www.noaa.gov).

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**Treaty Between the Government of the United States of America
and the Government of Canada on
Pacific Coast Albacore Tuna Vessels and Port Privileges**

Implementing Legislation

Implementing legislation was signed on April 13, 2004, as Public Law 108-219, 118 Stat. 615.

Parties

The United States and Canada.

Description

The Treaty entered into force in 1982. In 2001, at the request of the U.S. albacore fishing industry, the United States requested consultations with Canada for the purpose of discussing limitations on the catch or effort by fishing vessels of one Party operating in the jurisdiction of the other Party. Following initial consultations, three subsequent negotiating sessions culminated in agreement in April, 2002, to amend the Treaty. The U.S. Senate gave its advice and consent to the Treaty amendments, and Congress enacted H.R. 2584 (Public Law 108-219) on March 29, 2004, to authorize the Secretary of Commerce to issue regulations to implement the amended Treaty. The President signed H.R. 2584 into law on April 13, 2004. Proposed regulations to allow the United States to implement the amendments to the Treaty were published in April, 2004 and final regulations followed in June, 2004.

The United States and Canada agreed to allow fishing vessels of the other Party to fish for albacore tuna in waters under its fisheries jurisdiction beyond 12 nautical miles during a fishing season which occurs from June through October in most years. The Treaty requires that the United States and Canada annually exchange lists of fishing vessels which may fish for albacore tuna in each other's waters. The vessels agree to abide by the provisions of the Treaty, which include: vessel marking; hail-in, hail-out procedures; recordkeeping; reporting. The Treaty also allows the fishing vessels of each Party to enter designated fishing ports of the other Party to:

1. land their catches of albacore without payment of duties, and
2. transship them in bond under the supervision of U.S. Customs and Border Protection to any port of the flag state, or
3. sell them for export in bond, or
4. sell them locally on payment of the applicable customs duty and
5. obtain fuel, supplies, repairs, and equipment on the same basis as albacore tuna vessels of the other Party.

Under the amended Treaty, the United States and Canada also agree to:

1. Establish limits on reciprocal fishing by vessels of one Party in the other Party's waters which will have the effect of decreasing such fishing effort over a three-year period.
2. Develop mechanisms to monitor vessel movements across boundaries and to exchange information on such movements to assure that the fishing limits are enforced;
3. Conduct an ongoing scientific and fishery information exchange between the Parties;
4. Conduct annual Treaty consultations.

Current Issues

The first fishing season conducted under the amended Treaty occurred during the summer of 2004. Both Parties worked diligently to put the new requirements of the Treaty into force in their respective fishing areas. Reports exchanged during the months following the fishing season indicate that most of the new requirements worked well and were respected by fishers of both Parties. Discussion of improvements to the procedures undertaken in the first season will be discussed by the Parties at the annual consultation required by the Treaty which is scheduled for April 26-27, 2005.

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**Treaty on Fisheries Between the Governments of Certain Pacific Island States and
the Government of the United States of America (South Pacific Tuna Treaty -- SPTT)**

Implementing Legislation

South Pacific Tuna Act of 1988 as amended (54 FR 4033, January 27, 1989; 56 FR 19312, April 26, 1991).

Parties

The United States, Australia, Cook Islands, Federates States of Micronesia , Fiji, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, Vanuatu, and Samoa.

Description

The SPTT entered into force in 1988. After an initial 5-year agreement, the SPTT was extended in 1993 and again in March 2002, when the Parties agreed to amend and extend the Treaty and to extend the related Economic Assistance Agreement between the United States and the Forum Fisheries Agency (FFA) beyond the June 2003 expiration date, for a term of 10 years. The 2002 extension provides licenses for up to 40 U.S. purse seiners, with an option for 5 additional licenses reserved for joint venture arrangements, to fish for tuna in the EEZ's of the Pacific Island Parties. It also contains a number of amendments to the Treaty and its annexes, such as updating the methods available for reporting; a revised procedure for amending the annexes; a revised observer program fee formula; provisions on the use of a vessel monitoring system (VMS); and general provisions on fishing capacity, revenue sharing, and linkages between the Treaty and the Western and Central Pacific Tuna Convention (WCPTC), among others. The SPTT agreement expires on June 14, 2013.

The Treaty is said to be working efficiently and to the benefit of all involved. It has been viewed as a model of international and fishery cooperation. Issues that arise typically are addressed in formal annual consultations between U.S. Government and Pacific Island States representatives, or during informal discussions which also have taken place on an annual basis.. The Department of State has specific authority to act for the United States.

Budget

Of the total cost for access under the SPTT, the U.S. tuna industry, as coordinated by the American Tunaboat Owners Association , provides up to \$3 million each year to the Forum Fisheries Agency (FFA) located in Honiara, Solomon Islands. The FFA Director and staff act as the SPTT Administrators for the Pacific Island Countries party to the agreement. The FFA deducts a small amount (approx. \$500,000) for treaty administration, after which 15 percent of the revenue is divided equally among FFA members, with the remaining balance (85 percent) distributed on a *pro rata* basis depending on the weight of tuna landed in each respective EEZ. The Director of the FFA is currently Feleti P. Teo (telephone: 677-21124; fax: 677-23995).

Also associated with the SPTT is an Economic Assistance Agreement between the U.S. Government (U.S. Agency for International Development) and the FFA. The U.S. Government pays \$18 million annually, subject to the availability of appropriated funds for this purpose, into an economic development fund administered by the FFA. The FFA ensures that the fund is used to support economic development programs in the region. Payments to the Pacific Island Countries under the Economic Assistance Agreement are now the only significant source of U.S. economic support for the stability and security of the region outside the assistance provided to the Freely Associated States. Under the terms of the SPTT, both the U.S. tuna industry and the U.S. Government annual payments must be made before any fishing licenses will be issued. In addition to paying access fees, the U.S. tuna industry also pays the FFA costs associated with observer coverage (including training), vessel monitoring system deployment and

associated recurring costs, and a regional registration fee. Under the new agreement, the overall costs of the industry supported observer fund will be based on 25 vessels making an average of five trips and an average observer placement cost of an estimated \$4,500 per trip. Also included are newly agreed costs for program management (\$30,000) and training (\$17,000) resulting in an estimated total cost to the U.S. industry of \$163,822.

Although the major beneficiaries vary from year to year, on average the Governments of Papua New Guinea, FSM, the Solomon Islands, and Kiribati receive the greatest share of the funds distributed. For the Tuvalu and Kiribati, revenues derived from tuna access agreements can make up 30-40 percent of the total monies available to those Governments.

U.S. Administration

U.S. operational, administrative, and enforcement commitments under the SPTT are carried out by the National Marine Fisheries Service (NMFS). These responsibilities are implemented by the NMFS Pacific Islands Regional Administrator, located in Honolulu, Hawaii.

Future Meetings

The Pacific Island Countries confirmed that the next meeting would be held in Hawaii at a date and specific location to be determined.

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SOUTHERN OCEAN

**Convention for the Conservation of Antarctic Marine Living Resources
(Basic Instrument for the Commission for the Conservation of
Antarctic Marine Living Resources – CCAMLR)**

Basic Instrument

Convention for the Conservation of Antarctic Marine Living Resources (TIAS 10240), 1982.

Implementing Legislation

Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C.2431).

Member Nations

Argentina, Australia, Belgium, Brazil, Chile, European Community, France, Germany, India, Italy, Japan, Republic of Korea, Namibia, New Zealand, Norway, Poland, Russian Federation, South Africa, Spain, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay (note: Bulgaria, Canada, Finland, Greece, the Netherlands, Peru and Vanuatu have acceded to the Convention, but are not members of the Commission).

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Budget

The Commission approved a budget of Australian \$3,080,300 (approximately U.S. \$2.4 million) for 2005. The U.S. share for the budget was requested at \$106,287 (U.S. \$82,900).

U.S. Representation

A. Appointment Process:

The Secretary of State, with the concurrence of the Secretary of Commerce and the Director of the National Science Foundation, appoints an officer or employee of the United States as the U.S. representative to the Commission. The Secretary of Commerce and the Director of the National Science Foundation, with the concurrence of the Secretary of State, designates the U.S. representative to the Scientific Committee.

B. U.S. Representative to the Commission:

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C. Advisory Structure:

The U.S. Representative to the Scientific Committee is responsible for providing scientific advice to the Commissioner on the operation of the U.S. Antarctic Marine Living Resources (AMLR) directed research program; on the status of krill, finfish, squid, marine mammal, and bird populations; on data requirements; on the long-term program of work of the Scientific Committee; and on recommendations for conservation and management measures.

The Commission also receives advice from its two standing committees, the Standing Committee on Compliance and Inspection (SCIC) and the Standing Committee on Administration and Finance (SCAF).

Permanent Working Groups on Fish Stock Assessment (WG-FSA) and Ecosystem Monitoring and Management (WG-EMM) have been constituted to develop and review research proposals and results.

The Commission is also assisted by an ad hoc Working Group on Incidental Mortality Associated with Fishing (WG-FSA-IMAF) and a Subgroup on Assessment Methods (WG-FSA-SAM).

Description**A. Mission/Purpose:**

The 1982 Convention established CCAMLR for the purpose of protecting and conserving the marine living resources in the waters surrounding Antarctica. The Convention is based upon an ecosystem approach to the conservation of marine living resources and incorporates standards designed to ensure the conservation of individual populations and species and the Antarctic marine ecosystem as a whole.

The Convention applies to the Antarctic marine living resources of the area south of 60° South latitude and to the Antarctic marine living resources of the area between that latitude and the Antarctic Convergence which form part of the Antarctic marine ecosystem. The Antarctic Convergence is deemed to be a line joining the following points along parallels of latitude and meridians of longitude: 50°S, 0°; 50°S, 30°E; 45°S, 30°E; 45°S, 80°E; 55°S, 80°E; 55°S, 150°E; 60°S, 150°E; 60°S, 50°W; 50°S, 50°W; 50°S, 0°.

B. Organizational Structure:

CCAMLR is comprised of the Commission, Executive Secretary, and the Scientific Committee. The Commission consists of one representative from each member nation and is responsible for facilitating research, compiling data on the status of and changes in Antarctic marine living resources, ensuring the acquisition of catch and effort data, publishing information, identifying conservation needs, adopting conservation measures, and implementing a system of observation and inspection. The Executive Secretary handles the administrative matters for the Commission. The Scientific Committee is comprised of scientific advisors from the member nations. It sponsors the permanent working groups and recommends research programs and conservation and other measures to the Commission. These are WG-FSA and WG EMM.

U.S. participation on the Scientific Committee and on WG-FSA and WG-EMM is supported by the activities of the U.S. Antarctic Marine Living Resources (AMLR) Directed Research Program, conducted by the National Marine Fisheries Service's Antarctic Ecosystem Research Group (AERG), Southwest Fisheries Science Center, La Jolla, California.

C. Programs:

The Commission adopted its first conservation measures during the 1984 session (CCAMLR III). The conservation and management measures adopted by the twenty-third meeting of restrict overall catches and bycatch of certain species of fish, krill and crab; limit participation in several exploratory fisheries; restrict fishing in certain areas and to certain gear types; set fishing seasons; require the use of a centralized Vessel Monitoring System; and urge the Members of CCAMLR as a matter of priority to adopt and use the electronic *Dissostichus* catch document. The Commission also adopted a number of non-binding resolutions urging action by Commission Members and Contracting Parties. More specifically, measures include:

Compliance

The Commission adopted a measure that requires CCAMLR member countries to submit additional detail to the CCAMLR Secretariat on every vessel that the member licenses to fish in the CCAMLR Convention Area, including the vessel's International Maritime Organization (IMO) number, if issued, the name and address of the vessel's owner(s) and any beneficial owner(s), if known, and three color photographs of the vessel. The Commission also agreed that information on a number of other vessel details should, to the extent practicable, be provided by Members. The requirement for the additional information specified in the revised measure will not enter into force until August 1, 2005, to give Members time to collect the additional detail. A list of licensed vessels will be placed on the password protected, Members only section of the CCAMLR website.

Based upon the results of a trial conducted during the 2003/2004 fishing season, the Commission revised the requirements for its vessel monitoring system (VMS) and adopted a conservation measure to implement centralized VMS (C-VMS). This conservation measure requires a vessel fishing in CCAMLR managed waters to use a VMS that automatically transmits the vessel's position at least every four hours to a land-based fisheries monitoring center of its Flag State. Each Contracting Party to the Convention must forward the VMS reports and messages received to the CCAMLR Secretariat as soon as possible, but not later than four hours after receipt for exploratory longline fisheries or following departure from the Convention Area for all other fisheries. The conservation measure requires the CCAMLR Secretariat to place a list of vessels submitting VMS reports on a password-protected section of the CCAMLR website. The list will be divided into subareas and divisions, without indicating the exact position of vessels. The conservation measure also requires the CCAMLR Secretariat to transmit VMS data and reports using secure Internet protocols Secure Socket Layer (SSL), (Data Encryption Standard (DES) or verified certificates obtained from the Secretariat. These protocols are similar to those in use by the North Atlantic fisheries Organization (NAFO). The US informed CCAMLR that although the new conservation measure only requires centralized VMS reporting in the CCAMLR Convention Area, the US would continue to require Its flagged vessels as well as the vessels whose catch of toothfish is imported into the United States to have on board a VMS unit that transmits the vessel's position from port to port every four hours.

The Commission adopted amendments to its conservation measures delineating a process for the listing of vessels suspected of illegal, unregulated or unreported (IUU) fishing or trading (the IUU vessel list). The Commission will require additional detail on any vessel proposed by a Member for inclusion on the CCAMLR IUU Vessel List including previous names, flags, owners, and operators and a summary of activities that justify inclusion of the vessel on the list. The vessels agreed for listing are the Amorinn, Apache I, Champion I, Golden Sun, Hammer, Koko, Lucky Star, Maya V, Piscis, Ross, Sargo, Sherpa Uno and Thule. All CCAMLR members are urged to prohibit trade with the vessels on the CCAMLR IUU Vessel List. NMFS may implement a prohibition on the importation of toothfish harvested by vessels identified on the CCAMLR IUU vessel list in a future rulemaking.

Catch Documentation Scheme (CDS)

The Commission adopted a resolution noting the successful completion of the electronic toothfish document trial and urging CCAMLR Contracting and Non-Contracting Parties to adopt the electronic format as a matter of priority. The US indicated its intention to require that all imports of toothfish be documented using the electronic format through future rule making. The Commission deferred a decision on clarifying the definitions of port state, transshipment, landing, export and import to further intersessional work. The United States indicated that it would continue to interpret these terms as it has been interpreting them.

Incidental Mortality Associated with Fishing

The Commission endorsed the Scientific Committee's recommendations for a protocol for testing integrated weighted longlines in new and exploratory fisheries and revised the seabird mitigation conservation measures to require use of the protocol. The protocol was required in Subareas 88.1 and 88.2 during the 2003/2004 season as a part of an experimental trial. Under the revised conservation measure, fishers employing the protocol to test the sink rate of their longlines are now allowed to set lines in Subareas 48.6, 88.1 and 88.2 Divisions 58.4.1, 58.4.2, 58.4.3a, 58.4.3b and 58.5.2 during daylight hours. Lines sinking at the rate specified in the protocol lessen the time during which bait on the lines is visible and attractive to seabirds. Fishers not employing the protocol are restricted to night setting to minimize seabird interaction.

The Commission confirmed that all seabird bycatch limits set in conservation measures include both the count of dead seabirds and those injured but released alive.

The Commission agreed with the recommendation of its Working Group on the Incidental Mortality Associated with Fishing that "offal" be defined to include discarded bait and discarded fish bycatch.

The Commission adopted a resolution inviting the Inter-American Tropical Tuna Commission, the International Commission for the Conservation of Atlantic Tunas, The South East Atlantic Fisheries Organisation, the Indian Ocean Tuna Commission, the Commission for the Conservation of Southern Bluefin Tunas, the Agreement on the Organization of the Permanent Commission on the Exploitation and Conservation of the Marine Resources of the South Pacific, the Southwest Indian Ocean Fisheries Commission, the Commission for Highly Migratory Species in the Central and Western Pacific, and the Western Indian Ocean Tuna to implement or develop mechanisms to require the collection, reporting and dissemination of data on incidental mortality of seabirds. CCAMLR Members who are also members of these Regional Fishery Management Organizations (RFMO) are urged to raise issues of seabird mortality within those organizations. The resolution also urges Flag States conducting longline and other fishing outside the CCAMLR Convention Area which incidentally takes seabirds of species breeding inside the Convention Area in areas where such mechanisms are unavailable or where systematic reporting has not commenced to provide the CCAMLR Secretariat with summary data. Finally, the resolution encourages Flag States involved with new and developing RFMOs to request that incidental mortality of seabirds and other taxa is adequately addressed and mitigated by the RFMO.

The Scientific Committee recommended several seal bycatch mitigation measures to the Commission. The Commission endorsed these measures in its report but did not adopt a conservation measure. These measures were that: (1) information on all seal excluder devices be combined and circulated to CCAMLR member countries and other interested parties; (2) every vessel fishing for krill employ a device for excluding seals or facilitating their escape from the trawl net; (3) observers on krill vessels be required to collect reliable data on seal entrapment and on the effectiveness of mitigation devices; (4) all observers complete data forms accurately, consistently and comprehensively; and (5) the United Kingdom be requested to submit their observer data to the CCAMLR Secretariat. The United States will implement these measures for its fishers as a condition of Antarctic Marine Living Resources harvesting permits.

Vessel Safety

The Commission adopted a resolution urging Members to promote the safety of all those on board vessels fishing in the Convention Area by assuring that fishing crews and scientific observers receive survival training and are provided with appropriate and well maintained equipment and clothing.

Exploratory Fisheries

The Commission revised its conservation measure on exploratory fisheries to require specific and detailed information on the vessels that are notified for participation in exploratory fisheries. A vessel on the IUU Vessel List established by the Commission will not be permitted to participate in exploratory fisheries.

Data reporting

The Commission revised its conservation measure requiring that 5-day catch and effort reports reach the CCAMLR Secretariat not later than two working days after the end of the reporting period for exploratory fisheries to apply to all other fisheries reporting under the 5-day catch and effort system. The conservation measures also permits Contracting Parties to authorize its vessels to report directly to the Secretariat. The Commission noted in the report of its meeting its agreement that monthly catches in krill fisheries should continue to be reported using the format and deadline specified in the monthly catch and effort reporting system.

Prohibitions on Directed Fishing

The Commission revised the conservation measure prohibiting directed fishing for Dissostichus species to apply it from December 1, 2004, to November 30, 2005, in Statistical Subarea 48.5 and continued the indefinite prohibitions on directed fishing for Dissostichus and certain other finfish species in conservation measures adopted at earlier meetings.

The Commission through a new conservation measure limited directed fishing in the 2004/2005 season in Division 58.5.2 to Dissostichus eleginoides and Chamsocephalus gunnari and set bycatch limits for other species.

Dissostichus Species

The Commission extended the general measures in its conservation measure for exploratory fisheries for Dissostichus species in the Convention Area to the 2004/2005 season. The Commission also adopted area specific conservation measures for Dissostichus species for the 2004/2005 season.

The Commission set a catch limit of 3,050 tons for the longline fishery for D. eleginoides in Subarea 48.3 in the 2004/2005 season, set bycatch limits on other species and indicated that any catch of crab in any pot fishery will count against the catch limit for crab in Subarea 48.

The Commission set a combined catch limit of 2,787 tons of D. eleginoides in Division 58.5.2 west of 79°20'E from December 1, 2004, to November 30, 2005, for trawl fishing and from May 1, 2005, to August 31, 2005, for longline fishing.

The Commission designated several Dissostichus fisheries as exploratory fisheries for the 2004/2005 fishing season. These fisheries are total allowable catch fisheries and are open only to the flagged vessels of countries that notified CCAMLR of an interest by named vessels to participate in the fisheries.

The exploratory fisheries for Dissostichus species authorized by the Commission for the 2004/2005 fishing season include the following: (1) longline fishing in Statistical Division 58.4.1 by Chile, republic of Korea, New Zealand, Spain and Ukraine; (2) longline fishing in Statistical Subarea 48.6 by Japan, Republic of Korea and New Zealand; (3) longline fishing in Statistical Division 58.4.2 by Chile, Republic of Korea, New Zealand, Spain and Ukraine; (4) longline fishing in Statistical Division 58.4.3a (the Elan Bank) outside areas under national jurisdiction by Australia, Republic of Korea and Spain; (5) longline fishing in Statistical Division 58.4.3b (the BANZARE Bank) outside areas of national jurisdiction by Australia, Chile, Japan, Republic of Korea and Spain; (6) longline fishing in Statistical Subarea 88.1 by Argentina, Australia, New Zealand, Norway, Russia, South Africa, Spain, Ukraine, United Kingdom, and Uruguay; and (7) longline fishing in Statistical Subarea 88.2 by Argentina, New Zealand, Norway and Russia.

Champscephalus gunnari

The Commission also adopted area specific conservation measures for C. gunnari for the 2004/2005 season.

The Commission set the overall catch limit for the C. gunnari trawl fishery in Subarea 48.3 for the 2004/2005 season at 3,574 tons and continued previously adopted restrictions on the fishery.

The Commission also set the catch limit for C. gunnari trawl fishery within defined areas of Division 58.5.2 for the 2004/2005 season at 1,864 tons and continued previously adopted restrictions on and reporting requirements for the fishery.

Crab

The Commission set the total allowable catch level for the pot fishery for crab for the 2004/2005 fishing season at 1,600 tons and continued to limit participation to one vessel per member country conducted as an experimental harvest regime.

Squid

The Commission set the total allowable catch limit for the exploratory jig fishery for Martialia hyadesi for the 2004/2005 fishing season at 2,500 tons.

Krill

The Commission carried forward the precautionary catch limits for krill in Statistical Area 48 at 4.0 million tons overall and, as divided by subareas, at 1.008 million tons in Subarea 48.1, 1.104 million tons in Subarea 48.2, 1.056 million tons in Subarea 48.3, and 0.832 million tons in Subarea 48.4.

Bycatch

The Commission through a new conservation measure revised the limitations on bycatch in new and exploratory fisheries in Statistical Division 58.5.2 for the 2004/2005 season.

The Commission through a new conservation measure also revised the bycatch limits in all new and exploratory fisheries for the 2004/2005 season in all areas containing SSRUs (Statistical Subareas 48.6, 88.1 and 88.2, and Statistical Subdivisions 58.4.2, 58.4.3a, 58.4.3b) for all Macrourus, skates and rays, and other species.

Protected Areas

The Commission revised the conservation measure requirements for information to be detailed on maps appended to management plans for CCAMLR Ecosystem Monitoring Program (CEMP) sites. The Commission amended the background information in the annexes to the conservation measures for the protection the Cape Shirreff and Seal Islands CEMP sites. The amendments were made to correctly reflect the extent and development of human activities in the early 1880s.

The Commission revised the limitations on bycatch in new D. Activities and Meetings

The CCAMLR Scientific Committee will hold the following intersessional meetings:

WG-FSA Subgroup on Assessment Methods
June 28 – July 1, 2005
Yokohama, Japan

WG-EMM
July 4 -15,2005
Yokohama, Japan

WG-FSA (including the Ad hoc WG-IMAF)
October 10 - 21,2005
Hobart, Tasmania, Australia

Scientific Committee
October 24-28, 2005
Hobart, Tasmania, Australia

The next annual meeting of the Commission is October 24-November 4, 2005, in Hobart, Tasmania, Australia.

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Convention for the Conservation of Antarctic Seals (CCAS)

Basic Instrument

Convention for the Conservation of Antarctic Seals (29 UST 441, TIAS 8826)

Implementing Legislation

None.

Member Nations

Argentina, Australia, Belgium, Chile, France, the Federal Republic of Germany, Japan, Norway, Poland, South Africa, the Russian Federation, the United Kingdom, and the United States of America.

Commission Headquarters

The Convention did not establish a Commission. The United Kingdom serves as the Depository Government.

Budget

None.

U.S. Representation

The United States is represented at Meetings of Contracting Parties to the Convention by a delegation, headed by the Department of State and including representatives of the National Marine Fisheries Service, the Marine Mammal Commission, and the environmental community.

Description**A. Mission/Purpose**

The Convention for the Conservation of Antarctic Seals was signed in London on February 11, 1972. It entered into force on March 11, 1978, and calls for Contracting Parties to meet within 5 years of entry into force, and at least every 5 years thereafter, to review the operation of the Convention. The purpose of the Convention is to promote and achieve the objectives of protection, scientific study and rational use of Antarctic seals, and to maintain a satisfactory balance within the ecological system.

The Convention applies to the seas south of 60° South Latitude, in respect of which the Contracting Parties affirm the provisions of Article IV of the Antarctic Treaty.

B. Organizational Structure

There is no Commission. The Scientific Committee on Antarctic Research (SCAR) of the International Council of Scientific Unions, through its Group of Specialists on Seals, receives reports from and advises the Contracting Parties on the number of seals killed or captured, the status of stocks, and the need, if any, for conservation and management measures.

C. Programs

Because there had been no commercial sealing in the Antarctic after the Convention entered into force in 1978, an offer by the United Kingdom, as Depository Government, to host a 1983 meeting of Parties, was declined. The first

and, to date, only meeting of Parties, held in 1988, was occasioned by a 1986/87 Soviet commercial sealing expedition and research cruise.

The 1988 meeting limited its recommendations to amendments to the Annex to the Convention or to Contracting Parties and other institutional action independent of the terms of the Convention. The Meeting agreed that Contracting Parties should restrict the number of seals killed or captured by special permit. It also agreed to encourage cooperative planning among holders of special permits for scientific research and detailed the scientific information which should be reported. The meeting recommended that the Annex be amended to increase the period of notification by a Contracting Party to other Contracting Parties prior to leaving home port for a commercial sealing expedition from 30 to 60 days. The final report of the meeting noted, however, that Contracting Party countries are unlikely to engage in commercial sealing in the foreseeable future.

In 1992, the United Kingdom proposed, but the Parties did not feel it necessary, to hold a further meeting. In October 1993, the United Kingdom hosted an informal meeting of the Parties to review the operation of the Convention. The meeting was held in the margins of the twelfth meeting of the Commission for the Conservation of Antarctic Marine Living Resources. As a result, the Parties noted the need to: improve the submission and exchange of data; endorse scientific programs on seal research; provide SCAR with contact points of CCAS parties; and circulate copies of reports from the SCAR Group of Specialists to CCAS Parties. In response to an inquiry, the United Kingdom confirmed that the recommendations adopted by the 1988 Meeting of Parties entered into force on March 27, 1990.

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WESTERN HEMISPHERE

Inter-American Convention (IAC) for the Protection and Conservation of Sea Turtles

Basic Instrument

Inter-American Convention for the Protection and Conservation of Sea Turtles

Member Nations

Belize, Brazil, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Netherlands, Peru, United States, and Venezuela.

Description

A. Mission/Purpose:

The Convention entered into force on May 2, 2001, with nine signatory nations ratifying--Brazil, Costa Rica, Ecuador, Honduras, Mexico, the Netherlands, Peru, the United States, and Venezuela. Nicaragua and Uruguay have signed, but have not yet completed their internal ratification processes and/or deposited instruments of ratification. Belize ratified the IAC on February 3, 2003, and Guatemala ratified on August 15, 2003, bringing the number of Parties to 11. The Convention is open for accession to all countries of the Inter-American region.

The IAC is the first regional agreement with broad coverage for protecting sea turtles and their habitats in the Western Hemisphere. The stated purpose of the Convention is "to promote the protection, conservation and recovery of sea turtle populations and of the habitats on which they depend, based on the best available scientific evidence, taking into account the environmental, socioeconomic and cultural characteristics of the Parties." The measures in the Inter-American Convention promote sub-regional management plans and accords. The Convention also places great importance on environmental conservation and the reduction of bycatch by developing more selective fisheries gear and requires the use of Turtle Excluder Devices (TEDs).

B. Organizational Structure:

The Convention provides for the creation of an Executive Secretary, a Consultative Committee of Experts, and a Scientific Committee. The Consultative Committee will, among other things, review and analyze information relating to the protection and conservation of populations of sea turtles and their habitats; examine reports concerning the environmental, socio-economic and cultural impact on affected communities resulting from the measures set forth or adopted pursuant to the Convention; and evaluate the efficiency of the different measures proposed to reduce the capture and incidental mortality of sea turtles, as well as the efficiency of different kinds of TEDs. The Scientific Committee will examine and, as appropriate, conduct research on sea turtles covered by the Convention, including research on their biology and population dynamics. It would also evaluate the environmental impact on sea turtles and their habitats of activities such as fishing operations and the exploitation of marine resources, coastal development, dredging, pollution, clogging of estuaries and reef deterioration, among other things. Finally, the Consultative Committee will analyze relevant research conducted by the Parties and formulate recommendations for the protection and conservation of sea turtles and their habitats.

The identification and location of a permanent Secretariat for the new Convention has not yet been determined. Costa Rica is currently hosting the interim Secretariat. The official website for the organization is <http://www.iacseaturtle.org/iacseaturtle/>

Status

The IAC's initial meeting of member countries--the First Conference of the Parties (IAC COP1)--took place in San José, Costa Rica on August 6-8, 2002. Delegates from all 11 signatory countries were present, along with 27 observers from 10 countries. The goal of COP1 was primarily to create procedural rules and bylaws. Because there was not enough time to address all of the specific items set out in the Convention to be accomplished at the first COP, the Parties decided to suspend COP1 and resume it in August 2003 in San Jose. At this session, the Parties were able to come to agreement on the outstanding substantive items on the agenda--the rules of procedure and the terms of reference for the Consultative Committee of Experts and the Scientific Committee. Agreement was also reached with regard to guidelines for international cooperation and the 2004 work program for the pro tempore Secretariat.

Several delegations raised the issue of funding for the IAC. It was stressed that adequate and reliable sources of funding must be secured in order to ensure the continued operation of the pro tempore Secretariat and to assist Parties in implementing the provisions of the IAC. While it was recognized that most Parties contribute to the implementation of the IAC through their national efforts to protect and conserve sea turtles, financial contributions are necessary to support the work of the pro tempore Secretariat and the meetings of the Parties. To address this situation, Peru proposed that a minimum voluntary contribution from each Party in the amount of US\$2,000 be established. The Parties agreed, but several delegations noted that financial contributions to the IAC are voluntary and so Parties may not all be able to meet the minimum level each year.

The Second Conference of the Parties took place in Isla de Margarita, Venezuela, 16-18 November, 2004. Delegates from 10 of the 11 signatory countries were present (Ecuador did not attend), along with observer states Nicaragua and Panama, and observers representing the United Nations Environment Program, OLDEPESCA, and 11 non-governmental organizations. At COP2 the Parties constituted the Consultative Committee, finalized the format for the annual report form, extended the Secretariat Pro Tempore, continued discussions on the agreement of the structure of the Scientific Committee (SC), passed the IAC's first resolution (a largely advisory resolution on conservation of the leatherback sea turtle) and concluded its first Memorandum of Understanding between the IAC and the regional South American fisheries development organization OLDEPESCA. The IAC is now moving beyond procedural discussions to substantive consideration of sea turtle conservation.

Future Meetings

COP3 will be hosted by the Government of Mexico at a place and time (likely September 2006) to be announced.

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GREAT LAKES

**Convention on Great Lakes Fisheries Between the United States and Canada
(Basic Instrument for the Great Lakes Fishery Commission – GLFC)**

Basic Instrument

Convention on Great Lakes Fisheries between the United States and Canada signed September 10, 1954; entered into force October 11, 1955. 6 UST 2836; TIAS 3326; 238 UNTS 97.

Implementing Legislation

Great Lakes Fisheries Act of 1956 (16 USC 932).

Member Nations

United States and Canada.

Commission Headquarters

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Budget

The U.S. Congress provided \$12.248 million for the Great Lakes Fishery Commission in fiscal year (FY) 2004. The Commission recommends at least \$16.4 million for FY 2005. The Commission approved a budget of \$17.5 million for FY 2003, of which the U.S. contribution was \$12.2 million.

U.S. Representation

A. Appointment process:

The United States is represented by four Commissioners appointed by the President. Of the Commissioners, one is to be an official of the U.S. Government and three are individuals who reside in different Great Lakes States and who are knowledgeable regarding the fisheries of the Great Lakes; one of these three must be an official of a Great Lakes state. The term of office for Commissioners is 6 years, except for the Commissioner representing the U.S. Government, who is appointed “at pleasure.” The President also appoints an Alternate Commissioner who performs the duties of a Commissioner in the absence of a Commissioner, or when a Commissioner vacancy occurs. The Alternate-Commissioner is also appointed “at pleasure.” There are no set guidelines for the nomination process. The U.S. Commissioners do not receive compensation.

B. U.S. Commissioners:

Mr. Gerry A. Barnhart
Division Director
Division of Fish, Wildlife, & Marine Resources
NYSDEC
625 Broadway
Albany, NY 12233-4750
(Appointed November 27, 2002)

Bernard J. Hansen
Alderman, 44th Ward
City of Chicago
(Appointed September 16, 1994)

Dr. Michael J. Hansen
Professor
University of Wisconsin-Stevens Point
College of Natural Resources
800 Reserve Street
Stevens Point, WI 54481-3897
(Appointed July, 2004)

Judge Craig Manson
Asst. Secretary for Fish, Wildlife & Parks
U.S. Department of the Interior
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(Appointed November 27, 2002)

Dr. William W. Taylor, Alternate
Michigan State University
Department of Fisheries and Wildlife
13 Natural Resources Building
East Lansing, MI 48824-1222
(Approved November 27, 2002)

C. Advisory structure:

The Great Lakes Fishery Act of 1956 requires establishment of an advisory committee for each of the Great Lakes. Appointments are proposed by governors of each Great Lakes state, giving due consideration to the interests of state agencies with fisheries management jurisdiction, the commercial fishing industry, sports fishing, and the public at large. Advisors are appointed by the U.S. Section. An extensive advisory network has been developed by the Commission (see "GLFC and Its Stakeholders" below).

Description

A. Mission/Purpose:

The GLFC was established to provide research and recommendations to aid in the management of Great Lakes fisheries and to control and eradicate sea lamprey. Sea lamprey entered the Great Lakes from the Atlantic Ocean via canals constructed in the nineteenth century and quickly decimated important commercial and recreational fisheries. Specific responsibilities of the Commission are:

- 1) to formulate research programs to sustain maximum productivity of fish stocks in the Convention area that are of common concern to the United States and Canada, to coordinate research done pursuant to such programs, and, if necessary, to undertake such research itself;
- 2) to recommend appropriate measures to the Contracting Parties based on the findings of such research programs;
- 3) to formulate and implement a program for eradicating or minimizing sea lamprey populations in the Great Lakes basin; and
- 4) to publish the scientific findings obtained in the performance of its duties.

The Commission provides more specific statements of its approach to meeting these responsibilities in its *Strategic Vision for the First Decade of the New Millennium*. The Commission has defined specific milestones for healthy Great Lakes ecosystems, integrated sea lamprey management, and partnerships. Over the years, as new organizations and new ecological challenges have arisen, the state, provincial, tribal, and federal fisheries management agencies have signed the *A Joint Strategic Plan for the Management of Great Lakes Fisheries*, as their basis for cooperative science-based management of the fisheries resources in the Great Lakes. The Commission facilitates this multi-jurisdictional, cooperative process.

B. Organizational Structure:

The GLFC secretariat handles the day-to-day operations of the Commission. The Commission meets in plenary session annually, in early June. Commissioners convene an Interim Meeting in early December, and special meetings of the Commissioners take place as needed. Lake Committee meetings, convened by the Commission under *A Joint Strategic Plan for Management of Great Lakes Fisheries* are held in March of each year and as appropriate.

C. Programs:

Lamprey Control: The lamprey eradication and control mandate of the Commission consumes the bulk of the Commission's budget and is carried out by the Commission's "control agents" in the United States and Canada. The U.S. agent is the U.S. Fish and Wildlife Service (USFWS). The Department of Fisheries and Oceans provides this function for Canada. The Commission contracts for the application of chemical lampricide by USFWS employees to tributaries to reduce the number of sea lamprey in the lakes, assessment to direct the application of control efforts and to monitor their success, and a program of alternative control methods including sterile-male release and barrier construction. The U.S. Army Corps of Engineers is a partner in construction of sea lamprey barriers and traps. The Commission also carries out research to support its existing program and to develop new alternative methods. The Commission contracts portions of this research program to the U.S. Geological Survey, Biological Resources Division and to universities and other research institutions.

Re-registration: The chief lamprey control chemicals (TFM and Bayluscide/niclosamide) have undergone re-

registration, required by the U.S. Environmental Protection Agency (EPA) under the 1990 amendments to the Federal Insecticide, Fungicide, and Rodenticide Act. This process ensures that the chemical does not have harmful environmental effects, and is a mandatory requirement of U.S. law. EPA has approved the registrations of both lampricides in the recently completed registration eligibility decisions (REDs). Both compounds were found to pose no unreasonable risks or adverse effects to humans or the environment when applied in accordance with the approved label. EPA may require further tests to determine any estrogenic affect of the compound. It is uncertain when this decision will be made. In Canada, Health Canada is undertaking a parallel process of re-registration of pesticides called re-evaluation. The Commission is working to consolidate U.S. and Canadian registrations of its lampricides with the USFWS.

GLFC and Its Stakeholders: The Commission operates through a broad-based, grass roots committee structure, with a basin-wide series of local level committees that cooperate with state and federal officials in monitoring fish (and lamprey) populations in local waters. This information is passed to "lake committees," as prescribed in the *Joint Strategic Plan*, which present reports to the Commission during its annual meeting. The Board of Technical Experts (BOTE) draws from academic and industry experts in environmental issues, biology and pesticide use. Other experts serve on a fish health committee. The Commission's Committee of Advisors provides citizen and state agency input to the Commission's decision-making process.

Commission Issues

The Commission has mounted a major effort on the St. Mary's River, which produced more sea lampreys than all other Great Lakes areas combined. During FY 1999 the Commission completed the first full round of an integrated control strategy that is predicted to reduce sea lamprey populations in Lake Huron and northern Lake Michigan by at least 85 percent. Cost-effective sea lamprey control on the St. Mary's River was once thought to be impossible because of the size of the river and because of the widespread distribution of sea lamprey larvae. Nevertheless, state-of-the-art lamprey assessment and modeling technologies, combined with the development of new lampricide formulations, have provided the tools to accurately target concentrations of larval lampreys and to effect a significant level of control at the least possible cost. The control strategy integrates these targeted spot treatments with lampricides with an enhanced program of trapping and sterile-male release. Both of these latter alternative methods will be continued to reduce the recruitment of young larval sea lamprey to the river. An extensive assessment program is underway to monitor the effectiveness of the control strategy.

The GLFC is making progress towards reducing its dependency on lampricides, with a long-term milestone of a 50 percent reduction from 1990 levels targeted. Although the Commission already uses alternatives to lampricides to control lamprey, such as barrier dams and a program that introduces sterile males into the lamprey population, they hope to improve and greatly expand these programs in the next few years. In a first step, changes to the Water Resources Development Act will allow the U.S. Army Corps of Engineers to work with the Commission to fund and build new barrier to block and trap spawning sea lamprey.

Key to effective sea lamprey control is the development and application of new alternative methods. The GLFC faces the exciting possibility of using natural pheromones from the sea lampreys themselves as just such an alternative method. The GLFC's investment has led to discovery of two unique pheromones that are used by sea lampreys to migrate into the streams in which they spawn and to find their mates on the nesting grounds. These findings have been published in the most prestigious journals in the scientific world and represent a revolution in thinking about control of a vertebrate pest. Many questions have to be answered to get to the point where these pheromones can be used to disrupt reproduction of sea lampreys in the wild. Every effort is being made to accelerate field tests and critical studies on the synthesis of these pheromones to make the milestone of a new method by the end of the decade a reality.

The GLFC Secretariat estimates that the Commission has reduced TFM use by 30 percent since 1991, through a combination of refinements in the application process, improved stream selection, and investments in alternative

controls. Virtually no TFM is being used in the St. Mary's River project. The primary control there is granular Bayluscide, which does not affect the entire water column and can be applied to discrete areas with remarkable precision.

The Commission is also partnering with the U.S. Army Corps of Engineers to protect and improve fish habitat in the Great Lakes. The authority for this program—known as the Great Lakes Fishery and Ecosystem Restoration program, found in the *Water Resources Development Act of 2000*—allows the Commission and its *Joint Strategic Plan* partners to work together to identify, prioritize, and cost-share projects relating to fish habitat. This major new initiative is just getting off the ground and the Commission has been working closely with the Corps and the states and tribes to ensure its success.

After years of level funding, the United States increased its annual contribution in FY 2000 to continue the St. Mary's River project, and increased the funding in FY 2001 and 2002 to restore sea lamprey control and to accelerate the development and deployment of alternative control techniques. The Commission has submitted a budget request for 2006 that includes additional funds for sea lamprey control and alternative control research. Canada has recently proposed an increase in its contribution. A recent report by the Auditor General recommends that "Fisheries and Oceans should establish stable funding to support the Great Lakes Fishery Commission."

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GLOBAL

Convention on Biological Diversity (CBD)

Basic Instrument

The Convention was opened for signature at the United Nations Convention on Environment and Development in Rio de Janeiro, June 1992; signed by President Clinton on June 4, 1993, and transmitted it to the Senate for advice and consent, along with an interpretive statement to clarify how the United States understands certain provisions that have caused concern. The treaty entered into force on December 29, 1993.

Implementing Legislation

The CBD is awaiting Senate ratification. No implementing legislation to carry out the terms of the treaty was sent to the Congress, because current law was considered sufficient to meet the U.S. obligations.

Member Nations

As of January 2004, 187 nations and the European Community had ratified or acceded to the CBD. The United States has signed but not yet ratified the Convention. The Cartagena Protocol on Biosafety has been ratified or acceded to by 81 nations and the European Community. The Protocol entered into force on September 11, 2003. As a non-Party to the Convention, the United States cannot become Party to the Protocol.

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Executive Secretary: Mr. Hamdallah Zedan

Budget

The Conference of the Parties at its Sixth Meeting (COP-7) in February 2004, approved a core budget of US\$10,497,800 for the year 2005 and of US\$10,918,500 for the year 2006. The United States is not yet a Party and therefore currently is not obligated to contribute directly to the Convention Budget, it has however made voluntary contributions.

In addition to the CBD budget, the implementation of the Convention in developing countries is funded through a Financial Mechanism. The Global Environment Facility (GEF) is the institution designated by the Conference of the Parties to operate the Financial Mechanism on an interim basis. The United States pledged US\$500 million to the current replenishment of the GEF (year 2003-2006). For more details on the GEF see description below.

U.S. Representation

The Department of State is the lead U.S. agency to the CBD negotiations. The Department of Commerce (including NOAA), Department of the Interior, Department of Agriculture, Environmental Protection Agency, U.S. Agency for

International Development, and a number of other Agencies participate actively in the interagency process and on delegations to CBD negotiations.

NOAA Office of International Affairs is the lead for NOAA. NOAA Fisheries Service works in close consultation with NOAA International in the development of position papers and the review of information documents.

Description

A. Mission/Purpose:

The objectives of the Convention on Biological Diversity (CBD) are:

- (1) the conservation of biological diversity,
- (2) the sustainable use of its components, and
- (3) the fair and equitable sharing of the benefits arising out of the utilization of genetic resources.

B. Organizational Structure:

The Convention on Biological Diversity (CBD) is governed by a Conference of the Parties (COP) made up of all the Parties to the Convention. During the first three years (1994-1996) the COP met annually. COP-4 met in May 1998, in Bratislava, Slovakia, COP-5 met in June 2000 in Nairobi, Kenya, COP-6 met in April 2002 in Hague, Netherlands, and COP-7 met in Kuala Lumpur, Malaysia in February 2004. Brazil will host the next COP in May of 2006. At the COP, countries report on steps taken, and consider further measures for implementing the provisions of the Convention.

In addition to the COP, a Subsidiary Body on Scientific, Technical, and Technological Advice (SBSTTA) has been established to provide advice to the COP. The SBSTTA is also composed of representatives of governments that are Parties and has its own Bureau. SBSTTA generally meets annually, and can request assistance for its work inter-sessionally of *ad hoc* technical expert groups or liaison groups on specific issues.

The CBD is far reaching and the COP has the capacity to set up standing or *ad hoc* committees to deal with specific issues. The CBD can also serve as a framework for binding protocols. The first such protocol is the Cartagena Protocol on Biosafety.

A Secretariat, located in Montreal, Canada, provides administrative support to the Convention under the auspices of the United Nations Environment Program. The Secretariat also manages an electronic clearing-house mechanism to promote and facilitate technical and scientific cooperation (<http://www.biodiv.org/>).

The Conference of the Parties to the CBD adopted a supplementary agreement to the Convention known as the Cartagena Protocol on Biosafety on 29 January 2000, which later came into force on September 11, 2003. The Protocol seeks to contribute to the safe transfer, handling and use of living modified organisms (LMOs) - such as genetically engineered plants, animals, and microbes - that cross international borders. Although the United States is not a Party to the CBD and therefore, cannot become a Party to the Biosafety Protocol, the U.S. participated in the negotiation of the text and the subsequent preparations for entry into force under the Intergovernmental Committee on the Cartagena Protocol. The Protocol provides countries the opportunity to obtain information before new biotech organisms are imported. It acknowledges each country's right to regulate bio-engineered organisms, subject to existing international obligations. It also creates a framework to help improve capacity of developing countries to protect biodiversity.

The Protocol establishes an Internet-based "Biosafety Clearing-House" to help countries exchange scientific,

technical, environmental and legal information about living modified organisms. It creates an advance informed agreement (AIA) procedure that in effect requires exporters to seek consent from importers before the first shipment of LMOs meant to be introduced into the environment (such as fish for release). It requires bulk shipments of LMO commodities intended for direct use as food, feed or for processing, to be accompanied by documentation stating that such shipments “may contain” living modified organisms and are “not intended for intentional introduction into the environment.” The Protocol establishes a process for considering more detailed identification of LMO commodities in international trade.

C. Programs:

General Provisions of the Treaty: The Convention on Biological Diversity affirms that conservation of biodiversity is a common concern of humankind and reaffirms that nations have sovereign rights over their own biological resources. Implementation depends principally on action by Parties at the national level. In this respect, the Convention provides general guidance on best practices, but does not currently include any sanctions for countries that do not adhere to these practices. The Convention covers *both* terrestrial and marine biota, and Parties are explicitly required to implement the CBD consistent with the rights and obligations of States under the United Nations Convention on the Law of the Sea.

The major commitments made by Parties to the Convention encompass nearly all aspects of NOAA Fisheries work and responsibilities. These commitments include:

To develop national strategies, plans, etc., for conservation and sustainable use of biodiversity; and to integrate, as far as possible and appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans (Art. 6).

To identify and monitor the components of biodiversity and activities which have or might have significant adverse impacts (Art. 7).

To establish protected areas or areas where special measures are needed and to regulate or manage biological resources important to biodiversity; to promote protection of ecosystems and natural habitats; and to promote environmentally sound and sustainable development in areas adjacent to protected areas; to prevent introduction of species from outside a country that could threaten native ecosystems or species; to develop or maintain necessary legislation and other regulatory provisions for protection of threatened species and populations; and to establish means to regulate, manage or control risks associated with use and release of living modified organisms from biotechnology with likely adverse environmental effects (Art. 8).

To adopt measures for the *ex-situ* conservation of components of biological diversity (Art. 9).

To integrate consideration of the conservation and sustainable use of biodiversity resources into national decision-making; adopt measures relating to the use of biological resources to avoid or minimize adverse impacts on biological diversity; to preserve and maintain knowledge and practices of indigenous and local communities embodying traditional lifestyles that are compatible with conservation or sustainable use requirements; support remedial action in degraded areas; and encourage cooperation between the government and private sector to develop methods for sustainable use (Art. 10).

To adopt economically and socially sound measures that act as incentives for the conservation and sustainable use of components of biological diversity (Art. 11)

To establish programs for scientific and technical education and training in identification, conservation, sustainable

use of biodiversity and promote research that contributes to biodiversity (Art. 12).

To promote programs for public education and awareness (Art. 13).

To require environmental impact assessments that address impacts on biodiversity and to minimize such impacts. (Art. 14).

To create conditions to facilitate access to genetic resources on mutually agreed terms, recognizing sovereign rights

of States over their natural resources; and to share in a fair and equitable way the results of research, development, and the commercial utilization of genetic resources with contracting Parties providing such resources (Art. 15).

To encourage access to, and transfer of, technology relevant to the conservation and sustainable use of biological diversity or that makes use of genetic resources and does not cause significant damage to the environment (Art. 16).

To facilitate the exchange of information and scientific and technical cooperation in the field of the conservation and sustainable use of biological diversity (Art. 17&18).

To encourage biotechnology research, especially in developing countries; ensure the fair and equitable sharing of benefits from biotechnology; and address safety concerns related to the transfer, handling and use of living modified organisms (Art. 19).

In addition to these general provisions, developed country Parties are required to provide “new and additional financial resources” to assist developing country parties meet the incremental costs of implementing measures that fulfill the obligations of the CBD. These resources are provided through the GEF (Art. 20 & 21).

Marine and Coastal Biodiversity: The Second Conference of the Parties (COP) in November 1995 adopted the Ministerial Statement on the Implementation of the Convention on Biological Diversity, which referred to the new global consensus on the importance of marine and coastal biological diversity as the “*Jakarta Mandate on Marine and Coastal Biodiversity*”. The Ministerial Statement (re)affirmed the critical need for the Parties to address the conservation and sustainable use of marine and coastal biological diversity and urged Parties to initiate immediate action to implement COP decisions on the issue.

The program of work on marine and coastal biological diversity was approved by the COP in a decision in 1998, and further elaborated in decisions in 2000 and 2002. The work program identifies important operation objective and priority activities within the framework of five key program elements reflecting global priorities:

- (1) Promoting integrated marine and coastal area management as the framework for addressing human impacts on biological diversity.
- (2) Establishing and maintaining marine and coastal protected areas.
- (3) Using fisheries and other marine and coastal living resources sustainably. This was the most controversial recommendation, including issues of overcapacity, subsidies and bycatch.
- (4) Ensuring that mariculture practices are environmentally sustainable.
- (5) Preventing the introduction of, and controlling or eradicating, alien species that threaten ecosystems, habitats or species.

Marine-related Developments:

COP-4 The Fourth meeting of the COP developed the outline of a three year program of work on marine and coastal biological diversity to implement the *Jakarta Mandate*.

COP-5: The Fifth meeting of the COP reviewed progress in the implementation of the work program. It added a work element on coral reefs, specifically on coral bleaching, to be integrated into the program element on marine and coastal living resources. It further endorsed the findings of the Expert Consultation on Coral Bleaching, a meeting in the Philippines in October 1999 funded with support of the US, to review the impact of the 1997/98 global coral bleaching event. The SBSTTA recommendation and subsequent decisions of the COP were largely based on the results of this expert consultation. COP-5 also made suggestions for further action in each of the existing program

elements and approved the terms of reference and duration of work specified for the Ad Hoc Technical Expert Groups on Marine and Coastal Protected Areas and on Mariculture.

COP-6: The Sixth Conference of the Parties (COP-6) was held in The Hague, Netherlands, on April 7-19, 2002. Ministers charted a course for global action on biological diversity through the end of the decade. In addition to a strategic plan, the 2-week meeting of the CBD adopted detailed guidelines on access to genetic resources and benefit-sharing, and guiding principles on combating alien invasive species.

The Guidelines on genetic resources promise to improve the way foreign companies, collectors, researchers, and other users gain access to valuable genetic resources in return for sharing the benefits with the countries of origin and with local and indigenous communities. They advise governments on how to set fair and practical conditions for users seeking genetic resources (such as plants that can be used to produce new pharmaceuticals or fragrances). In return, these users must offer benefits such as profits, royalties, scientific collaboration, or training. The guidelines were developed in response to growing concerns in many developing countries that the commercial and scientific gains realized from their genetic resources were being reaped only by bio-prospectors based in foreign countries.

The meeting also adopted 15 Guiding Principles on how to develop effective strategies to minimize the spread and impact of invasive alien species. The first guiding principle invokes the precautionary approach, whereby the lack of full scientific certainty does not justify inaction in the face of a potentially serious or irreversible threat. Other principles advocate and describe the 3-step hierarchy of 1) prevention (least expensive and most effective), 2) eradication, and 3) containment. Specific measures are recommended, including border controls, quarantine measures, information exchange, and capacity building. In addition, recipient governments should have the opportunity to provide prior authorization before the first-time intentional introduction of a potentially invasive species.

COP - 6 noted the progress made in the implementation of the marine and coastal program of work and requested to continue facilitating the specific work plan on coral bleaching. It further invited the CBD Secretariat to continue developing further a work plan on physical degradation and destruction of coral reefs, setting priorities in active collaboration with the International Coral Reef Initiative and its partners.

COP - 7: The Seventh meeting of the COP occurred in Kuala Lumpur, Malaysia 9-20 February 2004. This meeting considered the recommendations of the Eighth and Ninth meetings of SBSTTA. The Eighth meeting of SBSTTA stressed that the marine and coastal program elements still correspond to global priorities, and recommended that the work program be extended for an additional six years. COP 7 considered an elaborated program of work, which removes activities clearly completed or that have been replaced by later COP decisions, and incorporates new activities recommended by the eighth and ninth meetings of SBSTTA. This elaborated program of work retains the program elements outlined above, but will add specific goals and activities for each element in order to make the structure more consistent with other existing work programs under the Convention. The specific activities are

identified from recommendations of the SBSTTA and from the Plan of Implementation of the World Summit on Sustainable Development.

Some of the more significant proposed changes to the work program are related to marine protected areas, based on the results of meeting of *Ad hoc* Technical Expert's Groups on Marine and Coastal Protected Areas. The two meetings of the *Ad hoc* Technical Expert's Group on Marine and Coastal Protected Areas (MCPAs) were held at Leigh, New Zealand in 2001 and 2002, with support of NOAA. The Technical Expert Group was established to assist the SBSTTA in its work in making recommendations to the COP. It organized its discussion in five key themes: global goals; ecological aspects; design and implementation of MCPAs and networks; social, cultural and economic benefits; and funding and public awareness.

In addition, the COP will consider adding outcome-oriented targets into the work program, to assess the progress of Parties towards the priority actions endorsed by the World Summit on Sustainable Development, including the 2010 target on biological diversity.

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Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

Basis Instrument

Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087, TIAS 8249)

Implementing Legislation

Endangered Species Act (16 USC 1531-43)

Member Nations

There are currently 162 Parties: Afghanistan, Albania, Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalem, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Central African Republic, Chad, Chile, China, People's Republic of, Colombia, Comoros, Congo, Congo, Democratic Republic of, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Korea, Kuwait, Republic of,

Lao People's Democratic Republic, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Lybian Arab Jamahiriya, former Yugoslav Republic of Macedonia, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tanzania, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe

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Budget

The average annual budget for the triennium 2003-2005 approved by the 12th meeting of the Conference of the Parties was US\$4,993,000. The U.S. contribution averages US\$1.1 million.

U.S. Representation

The Endangered Species Act designates the Fish and Wildlife Service of the Department of Interior, with the assistance of the Department of State, to implement the Convention. FWS is also responsible for inspections of shipments of wildlife through designated ports of entry. The bulk of CITES-listed species are under the management jurisdiction of FWS. However, many species are managed by NMFS, including all the great whales, all the dolphins, all the marine turtles, six seal species, coelacanths, all sturgeon species, basking sharks, great white sharks, whale sharks, seahorses, queen conch and all hard coral species listed either on Appendix I or II.

The National Marine Fisheries Service draws on the expertise of its regional offices and science centers in order to participate fully in the inter-agency collaboration necessary to implement CITES in both scientific and management concerns.

The Animal and Plant Health Inspection Service of the Department of Agriculture inspects imports of plant species listed on the treaty.

Description**A. Mission/Purpose:**

Provides for international co-operation for the protection of certain species of wild fauna and flora against over-exploitation through international trade.

B. Organizational Structure:

The CITES framework includes a Standing Committee meetings annually to conduct the administrative matters of the Convention and to recommend policy actions to the Parties. In addition, there are separate committees on Animals and Plants, which meet annually to review scientific matters, including management questions, and make recommendations to the Standing Committee.

All the committees meet approximately once a year on their own schedules. Meetings of the Conference of the Parties (COPs) are convened approximately every two years.

C. Programs:

Under CITES, species are listed in Appendices according to their conservation status. In addition, listed species must meet the test that trade is at least in part contributing to their decline. Appendix I species, for which there is no international trade permitted, are "threatened with extinction." Appendix II species are "not necessarily threatened with extinction," but may become so unless trade is strictly regulated. This regulation usually takes the form of a requirement for documentation from the country of export, monitoring of imports and, in some cases, export quotas. Imports from countries which are not CITES members still require what is called "CITES-equivalent documentation." Appendix III includes all species which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the co-operation of other Parties in the control of trade.

In order to determine whether such limitation is necessary, the Animals and Plants Committees of CITES undertake reviews of Appendix II species for which there are significant amounts of international trade, from which recommendations for conservation of the species are made in order that they might avoid being listed in Appendix I.

Of special interest to NOAA Fisheries are significant trade studies for queen conch and hard corals, discussion of the implementation of CITES Appendix II for commercially-exploited marine fish species, cooperative efforts with the

International Whaling Commission to control illegal trade in whales, and recent efforts by the Government of Cuba to re-open international trade in hawksbill turtle shells.

Recent Activities

At the most recent CITES meeting (COP13, 2-14 October 2004, Bangkok, Thailand), the following decisions concerning marine species were taken:

- Irrawaddy dolphin (*Orcaella brevirostris*) listed in Appendix I;
- great white shark (*Carcharodon carcharias*), humphead wrasse (*Cheilinus undulatus*), European date mussel (*Lithophaga lithophaga*) listed in Appendix II;
- great whales retained their status in Appendix I;
- revised criteria for evaluating species proposals that include specific guidelines for evaluation of marine fish species were adopted at the meeting;
- the Animals Committee of CITES was directed to continue their review of shark species affected by international trade and to consider and review progress with the implementation of FAO's International Plan of Action for Sharks;
- the CITES Standing Committee was directed to convene a workshop to consider implementation, legal and technical issues associated with listing marine fish species in the CITES Appendices.

Note: Decisions of substance need a 2/3 majority for passage.

Followup will be necessary to implement many of these accomplishments. In addition, efforts to improve implementation for species, such as queen conch and corals, which have been listed in Appendix II will be of top priority to NOAA-Fisheries.

Future Meetings

The next Conference of the Parties (COP13) will be convened in 2007 in the Netherlands.

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International Whaling Commission (IWC)

Basic Instrument

International Convention for the Regulation of Whaling, 1946, (TIAS 1849); Protocol amending 1956 (TIAS 4228).

Implementing Legislation

Whaling Convention Act of 1949 (64 Stat. 421, 16 U.S.C. 916-9161).

Member Nations

There are currently 61 member nations: Antigua and Barbuda, Argentina, Australia, Austria, Belgium, Belize, Benin, Brazil, Chile, Republic of China, Costa Rica, Cote d'Ivoire, Czech Republic, Denmark, Dominica, Finland, France, Gabon, Germany, Grenada, Republic of Guinea, Hungary, Iceland, India, Ireland, Italy, Japan, Kenya, Republic of Korea, Kiribati, Mali, Mauritania, Mexico, Monaco, Mongolia, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Oman, Palau, Panama, Peru, Portugal, Russian Federation, Saint Kitts & Nevis, Saint Lucia, Saint Vincent & the Grenadines, San Marino, Senegal, Slovak Republic, Solomon Islands, South Africa, Spain, Suriname, Sweden, Switzerland, Tuvalu, United Kingdom, and the United States.

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Budget

The Commission approved a budget of £1,511,573 (British Pounds) for 2003-2004. The United States contribution amounts to approximately US\$124,000 for 2003-2004.

U.S. Representation

A. Appointment Process:

The Commissioner is appointed by the President, on the concurrent recommendations of the Secretary of State and the Secretary of Commerce, and serves at his pleasure. The President may also appoint a Deputy U.S. Commissioner.

B. U.S. Commissioner:

Rolland A. Schmitten
Director, Office of Habitat Conservation
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
Department of Commerce
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Deputy U.S. Commissioner: Vacant

C. Advisory Structure:

U.S. representation in the IWC has no formal (legislated) advisory structure. The IWC Commissioner does consult, however, with the "IWC Interagency Committee," which includes representatives of the Department of State, the Marine Mammal Commission, other Federal agencies, conservation organizations, Native organizations, and other interested parties.

Description**A. Mission/Purpose:**

The 1946 Convention has as its objective the proper conservation of world whale stocks, thus making possible the orderly development of the whaling industry. The Convention established the IWC to provide for a continuing review of the condition of whale stocks and for such additions to or modifications of the agreed conservation measures as might appear desirable.

B. Organizational Structure:

The IWC consists of the Commission, Secretariat, and subject area committees. The Commission is composed of one member from each Contracting Government, may be accompanied by one or more experts and advisors. Each member government has one vote. Decisions of the Commission are by simple majority of those members voting, except that a three-fourths majority of those members is required for actions to amend the provisions of the Schedule (which contains the binding decisions of the Commission). The Commission can determine its own rules of procedure and may appoint its own Secretary and staff. The Committees may be set up by the Commission from its own members and experts or advisors to perform such functions as it may authorize. At the 2003 IWC annual meeting, the Commissioner from Denmark, Henrik Fischer, was elected to Chair the IWC for the next three years. In 2004, South Africa's Commissioner, Horst Kleinschmidt, was elected to serve as the Vice-Chair.

C. Programs:

The IWC normally meets once a year to review the condition of whale stocks and to modify conservation measures as appropriate. The Commission has used various means of regulating commercial whaling including the fixing of open and closed seasons, open and closed areas, protected species, size limits for each species, and limits on the catch of whales in any one season. The IWC recognizes two distinct types of whaling: commercial whaling and aboriginal subsistence whaling.

Past actions by the IWC include establishment of a whale sanctuary in the Indian Ocean area and in the Southern Ocean (in most of the waters south of 40° S. latitude), prohibition on the use of cold grenade (non-exploding) harpoons to kill whales for commercial purposes, a moratorium on all commercial whaling from the beginning of the 1985-86 pelagic and 1986 coastal seasons, and the adoption of a separate and distinct management scheme for

aboriginal subsistence whaling. Criteria for evaluating research involving the killing of whales under special permits were established because of concerns that some countries would use special permits for scientific research as a means of circumventing the zero catch limits for commercial whaling. The 1946 Convention allows countries to issue special permits authorizing the taking of whales for scientific research.

The 56th Annual IWC meeting was held in Sorrento, Italy from June 16-19, 2003. The U.S. achieved nearly all of its key objectives and was generally satisfied with the outcome of the meeting. The Scientific Committee (SC) concurred with the U.S. scientists on the issue of bowhead whale science and not needing to reduce or modify the aboriginal subsistence quota this year. U.S. scientists have agreed to collaborate with Japanese and Norwegian scientist over the next two years while an intensive research study will be conducted. With regard to the Greenland research program, the SC reiterated its continuing concern that the lack of recent abundance estimates and poor understanding of the status of fin and minke stocks. Deliberations on the Revised Management Scheme continued, with the final action being a consensus resolution calling for an intercessional plan of work. Japan again put forth proposals to grant commercial whaling quotas to allow small-type coastal vessels to take 150 minke whales and for large-type coastal vessels to take 150 Bryde's whales. These proposals were defeated. The SC endorsed the concept of a series of regional workshops with the general objectives of developing a short- and long-term approach to the successful management and mitigation of the cetacean bycatch problems in a region. Japan again put forth a proposal to have votes conducted by secret ballot. The U.S. opposed this on the grounds of transparency, and the measure failed to pass.

The first meeting of the Conservation Committee (CC) occurred. Most of the time was spent delivering position statements on how the CC was established. A small group was formed of countries with various perspectives on this issue, and the CC adopted their recommendation that the Chairman of the IWC form another small group to work intersessionally to further define the terms of reference of the CC. The goal of this small group will be to establish terms of reference that a larger majority of member countries can support in order to attract a broader participation in the work of the committee.

The 57th annual meeting will be held in Ulsan, Korea in June 2005.

Early in 2003, Iceland announced that it would begin a lethal research whaling program and planned to take minke, fin, and sei whales. The United States expressed disappointment with Iceland's decision, similar to our long-standing policy of opposition to Japan's lethal research program. Iceland implemented this lethal scientific whaling program and took 36 minke whales in 2003 and 25 minke whales in 2004.

The IWC continues to maintain the moratorium on commercial whaling. However, Norway lodged a timely objection to the 1982 moratorium decision, and therefore is not bound by that decision and continues to authorize commercial takes of minke whales from the northeast Atlantic. Japan continues to conduct lethal research whaling in Antarctica and the North Pacific, authorizing the take of up to 920 whales of four species.

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PART II. BILATERAL CONSULTATIVE ARRANGEMENTS

NORTH AMERICA

Informal Fisheries Consultations Between the Government of the United States of America and the Government of Canada

Basic Instrument

None

Authorities

Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1822(a), which authorizes the Secretary of State to negotiate international fisheries agreements, and 16 U.S.C. 1855(d), which authorizes the Secretary of Commerce to promulgate regulations necessary to carry out the Magnuson Act.

Member Nations

United States and Canada.

Meetings

Parties meet annually, alternating meetings between the United States and Canada. This meeting generally takes place in late July or early August.

Description

The Parties have agreed that informal consultations on bilateral, multilateral and global fisheries conservation and management issues are of benefit to both Parties. These consultations are designed to provide broad coordination on issues of concern as opposed to negotiation of final agreements. Discussions on bilateral issues generally focus on improving communication and coordination with regard to conservation and management of shared stocks (such as Pacific albacore, Pacific hake, and species of mutual concern in the Gulf of Maine). In many cases, separate negotiations are underway on these species, and this meeting allows officials on both sides to discuss avenues for future progress.

Additionally, the Northwest Atlantic Fisheries Organization (NAFO) takes up a portion of the agenda for the consultations. As NAFO Contracting Parties, the United States and Canada share many of the same concerns and goals for this Organization. Thus, time is spent during the consultations on strategies for improving conservation and management in NAFO. Discussions in this regard focus primarily on progress made during the intersessional period and goals for the NAFO annual meeting, which occurs annually in September. Other multilateral organizations of interest to the United States and Canada (such as the Western and Central Pacific Fisheries Commission (WCPFC), and the APEC Fisheries Working Group) are also discussed.

Global fisheries issues of interest to the United States and Canada include various international fisheries management agreements and initiatives (such as the FAO International Plans of Action for Seabirds, Sharks, Capacity and IUU Fishing and the UN Fish Stocks Agreement). The consultations are used to trade information on the status of implementation of these instruments, as well as to discuss ways to encourage their implementation by other countries. In addition, Parties discuss species of mutual concern at the global level, such as sea turtles.

Recent Activities

The most recent Informal Fisheries Consultations Between the United States and Canada were on July 22, 2004, in Silver Spring, Maryland. Discussions at this meeting centered on an overview of domestic and international fisheries management issues and priorities; a set of specific bilateral issues, including recent agreements on Pacific hake and albacore and access to yellowtail flounder in the Northwest Atlantic; and multilateral issues, including NAFO, FAO, CEC, and CITES activities.

Upcoming Meeting:

The next informal consultation will take place in Ottawa, Ontario, Canada, during July 31, 2005.

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**Agreement Between the Government of the United States of America
and the Government of Canada on Fisheries Enforcement**

Basic Instrument

Agreement between the Government of the United States of America and the Government of Canada on Fisheries Enforcement of September 26, 1990 (House Document 102-22, 102d Congress, 1st Session).

Authorities

Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1822(a), which authorizes the Secretary of State to negotiate international fisheries agreements, and 16 U.S.C. 1855(d), which authorizes the Secretary of Commerce to promulgate regulations necessary to carry out the Magnuson Act.

Member Nations

United States and Canada.

Meetings

Parties attempt to meet on an annual basis, alternating meetings between the United States and Canada. Additionally, meetings are held throughout the year on an “as needed” basis, to exchange information and discuss enforcement trends and issues.

Description

The Parties have agreed to take appropriate measures consistent with international law to ensure that their nationals, residents and vessels do not violate, within the waters and zones of the other Party, the national fisheries laws and regulations of the other Party. Such measures shall include prohibitions on violating the fisheries laws and regulations of the other Party respecting gear stowage, fishing without authorization, and interfering with, resisting, or obstructing in any manner, efforts to enforce such laws and regulations; and may include such other prohibitions as each Party deems appropriate.

Bilateral enforcement meetings are held to review past practices and discuss new standards, policies, and strategies for enforcement cooperation. Communications, prosecution practices, evidentiary requirements, regulation interpretation, notification procedures, and hot pursuit comprise the core of discussions.

Recent Activities

West Coast: There were no incidents in 2004 that required the exchange of evidence under the agreement. All parties agreed that this year’s cooperation between the United States and Canada has been excellent with regard to Boundary Bay crab, groundfish, west coast yellow fin tuna and other highly migratory species. I was also agreed that the Albacore Tuna Treaty continues to be an issue, along with vessel monitoring systems (VMS). Interest was expressed in incorporating VMS into the Albacore Treaty. The U.S. representatives expressed interest in learning more about Canada’s success in marketing VMS to their fishing industry.

The U.S. side described the excellent cooperation in a case involving Russian crab smuggling. Also, the participants working with the Albacore Treaty were pleased with the level of cooperation and mutual agreements that came out of that meeting.

Atlantic Coast: There were no incidents in 2004 that required the exchange of evidence under the agreement. A high degree of enforcement success has been achieved on the Canada/U.S. boundary from the combined efforts of the DFO, USCG, NMFS, and the respective Justice Departments. NMFS Office for Law Enforcement met monthly with their peers within DFO to exchange enforcement trends and information.

LCDR Hitchen, Assistant Chief of the First Coast Guard District Office of Law Enforcement, continues to report outstanding cooperation with the DFO.

Other Issues:

Representatives continue to discuss the benefits of the Monitoring, Control and Surveillance Network. Both parties agreed that this is a beneficial tool for international information and data exchange.

DFO and NMFS are committed to working closely together to coordinate and ensure the effective delivery of fishery law enforcement programs along the international boundaries. Representatives from both agencies expressed the need to continue sharing information that will improve the effectiveness of enforcement programs.

Future Meetings

None scheduled at this time

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CENTRAL AMERICA

United States-Mexico Fisheries Cooperation Program

Basic Instrument

There is no formal instrument establishing the United States-Mexico Fisheries Cooperation Program. The U.S. National Marine Fisheries Service (NOAA Fisheries Service) and the predecessor agency to the Mexican Secretaría de Medio Ambiente, Recursos Naturales, y Pesca (SEMARNAP) informally agreed in 1983 to meet annually to review the broad range of issues involved in the bilateral fisheries relationship. There are three memoranda of understanding (MOU) since agreed to by NOAA Fisheries Service and SEMARNAP to formalize different aspects of the fisheries relationship: (1) MEXUS-Gulf research program, (2) MEXUS-Pacífico research program, and (3) information exchange. The research MOUs have proven highly effective, but NOAA Fisheries Service has been unable to arrange continuing reciprocal exchanges under the information exchange MOU, and it is currently inactive.

Implementing Legislation

Two laws provide the legal authority for the Cooperation Program. The Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1822(a) authorizes the Secretary of State to negotiate international fishery agreements. Another law, 16 U.S.C. 1855(d), authorizes the Secretary of Commerce to promulgate regulations necessary to carry out the Magnuson Act.

Member Nations

The United States and Mexico.

Budget

There are no funds specifically budgeted for the program; costs are assumed in the operating budgets of the participating NOAA Fisheries offices. Annual costs of the program including staff time, travel, translation services, and miscellaneous expenses total about \$60,000 annually. This does not include the cost of various working group meetings, such as the annual MEXUS-Gulf and MEXUS-Pacífico meetings or special meetings.

Representation

The annual Fishery Cooperation Talks (FCTs) are coordinated by NOAA Fisheries and Mexico's Subsecretaría de Pesca (PESCA). Both agencies often invite other agencies to participate in the meetings. NOAA Fisheries has invited representatives from other NOAA line offices, the Food and Drug Administration, Department of Interior (U.S. Fish and Wildlife Service), U.S. Coast Guard, and the Department of State, as well as state government officials. PESCA has invited other government units such as the Instituto Nacional de Pesca, and the Procurador General para el Ambiente (PROFEPA), the Secretaría de Comercio, the Secretaría de Salud, and the Secretaría de Relaciones Exteriores.

Description

A. Mission/Purpose:

The participants have agreed to periodically review the United States-Mexican fisheries relationship. The FCT discussions serve to reinforce the longstanding cooperative relationship between the United States and Mexico on fishery issues. Formal and informal sessions provide opportunities to exchange information and discuss major issues.

B. Programs:

NOAA Fisheries and PESCA normally meet annually, alternating meetings between the United States and Mexico. Working group meetings are held as needed. The two science working groups, MEXUS-Gulf and MEXUS-Pacífico, meet annually. Other working group meetings are held as required on such matters as enforcement, management, aquaculture, and other issues.

Initially, the participants decided to omit the most contentious issues and focus on those issues where it was possible to reach some agreement on mutually beneficial projects. As a result, considerable progress was made during the 1980s in expanding cooperative research programs and better understanding each country's fishery laws and policies. The relationship matured during the 1990s; recent meetings have included discussions on management, enforcement, recreational fisheries, marine mammals and endangered species. The meetings help to inform participants of national programs affecting the other country. The participants in recent years have widened the scope of some research projects to include coordinated management and other issues.

C. Conservation and Management Measures:

Conservation and management issues are generally the major topics discussed at the meetings. The protection of marine mammals and endangered species (especially turtles and mammals) were for several years the focus of discussions. More recently, there have been information exchanges and a sharing of management experiences on various fishery resources. Shark and shrimp management and bycatch reduction in particular have been discussed in some detail. Mexico has taken the initiative in pursuing possible cooperation on Gulf of Mexico shrimp management.

D. 2004 Meeting

No FCT meetings occurred from 2001-2003. On March 10-11, 2004, the 21st FCT took place in the port of Mazatlan, Sinaloa. The Mexican delegation was led by National Aquaculture and Fisheries (CONAPESCA) Commissioner Ramon Corral. Officials of CONAPESCA, the National Fisheries Institute, and the Secretariats of Agriculture, Livestock, Rural Development, Fisheries, and Food (SAGARPA), Foreign Relations (SRE), and Environment and Natural Resources (SEMARNAT) participated on behalf of Mexico. The U.S. delegation was led by Dr. William Brennan, Deputy Assistant Secretary for International Affairs, of the National Oceanic and Atmospheric Administration (NOAA), and assisted by Dr. William Hogarth, Assistant Administrator for Fisheries (head of the National Marine Fisheries Service, or NMFS), and David A. Balton, Deputy Assistant Secretary for Oceans and Fisheries, U.S. Department of State. Officials of NMFS, the State Department, and the Coast Guard also participated on behalf of the United States. The delegations discussed sustainable fisheries management and the protection and conservation of species such as dolphins and sea turtles, as well as various fisheries-related trade issues, and the participation of the two countries in fisheries-related international organizations. They agreed to exchange information and to work together on those subjects, including through collaborative scientific research in the framework of the MEXUS-Gulf and MEXUS-Pacific bilateral agreements. Future meetings are planned in 2004 in Mexico City, for the MEXUS agreements, and in May 2005 in Corpus Christi, Texas, for the XXII Meeting of FCT.

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SOUTH AMERICA

United States-Chile Fisheries Cooperation Program

Basic Instrument

The basic instrument establishing the United States-Chile Cooperation Program is a Memorandum of Understanding (MOU) between the U.S. National Marine Fisheries Service (NOAA Fisheries Service) and the Chilean Servicio Nacional de Pesca (SERNAPESCA) signed in 1995 and extended in 2004.

Implementing Legislation

Two laws provide the legal authority for the Cooperation Program. The Magnuson Fishery Conservation Act, 16 U.S.C. 1822(a) authorizes the Secretary of State to negotiate international fishery agreements. Another law, 16 U.S.C. 1855(d), authorizes the Secretary of Commerce to promulgate regulations necessary to carry out the Magnuson Act.

Member Nations

The United States and Chile

Budget

There are no funds specifically budgeted for the program; costs are assumed in the operating budgets of the participating NOAA Fisheries Service offices. Annual expenditures for the program including staff time, travel, translation services, and miscellaneous expenses total about \$50,000 annually.

Representation

The meetings are coordinated by NOAA Fisheries Service and SERNAPESCA. Both agencies often invite other agencies to participate in the meetings. NOAA Fisheries Service has invited representatives from other NOAA line offices, the Food and Drug Administration, U.S. Coast Guard, and the State Department. SERNAPESCA routinely invites other units of the Ministerio de Economía (the Subsecretaría de Pesca and the Instituto de Fomento Pesquero) as well as industry representatives. SERNAPESCA has also invited representatives of the Chilean Navy and Ministerio de Relaciones Exteriores (Foreign Ministry) to attend some sessions.

Description

A. Mission/Purpose:

The participants have agreed to periodically review the United States-Chilean fisheries relationship. The resulting Fishery Cooperation Talks (FCT) provide a forum for U.S. and Chilean fishery officials to review fishery issues of mutual concern. Formal and informal sessions provide opportunities to exchange information and discuss major issues, resulting in a frank exchange of views and information.

B. Programs:

NOAA Fisheries and SERNAPESCA agreed to hold annual meetings during the first few years of the cooperative program. The two Parties now intend to meet every 18-24 months. Recent meetings have included discussions on management, enforcement, recreational fisheries, marine mammals and endangered species, research, environment, aquaculture, and information exchange. The meetings help to inform participants of national programs affecting the other country.

C. Conservation and Management Measures:

Conservation and management issues are generally the major topics discussed at the meetings. The protection of marine mammals was initially the primary focus of the meetings and continues to be an important element. NOAA Fisheries Service has additionally raised some concerns about Pacific sea turtles, especially leatherbacks. Other important conservation and management issues discussed include enforcement, management strategies and systems, and recreational fishing. Discussions on these issues as well as information exchanges and visits have enabled NOAA Fisheries and Chilean fishery agencies to exchange ideas and experiences in formulating domestic policies as well as to work further on species of mutual interest.

D. 2004 Meeting:

The most recent (Seventh) Fishery Cooperation Talks between fishery officials of the United States and Chile were held in Juneau, Alaska, July 27-29, 2004. The Chilean delegation included representatives of different units of the Fisheries Under-Secretariat (SUBPESCA), the National Fisheries Service (SERNAPESCA), the Fisheries Development Institute (IFOP), the Chilean Navy (General Directorate of Maritime Territory and the Merchant Marine), and the Chilean Embassy in Washington. The U.S. Delegation included participants from various NOAA Fisheries Service offices, the Department of State, and the U.S. Coast Guard. The discussions explored cooperative efforts in six major issue areas: (1) research, (2) enforcement, (3) administrative/management, (4) multilateral initiatives, (5) aquaculture, and (6) environment. At the conclusion of the session, the two Parties signed a 10-year extension of the MOU that provides the framework for their cooperation.

Future Meetings

Chile will host the next meeting in Punta Arenas at a time to be determined.

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ASIA

United States-Japan Consultative Committee on Fisheries

Basic Instrument

There is no formal instrument per se. The two countries agreed to the Consultative Committee via an exchange of diplomatic notes on January 27, 1992.

Implementing Legislation

None.

Member Nations

The United States and Japan.

Meetings

The Committee meets on an annual basis, or at other times as may be considered appropriate, in the United States or Japan. The venue for the Committee is decided prior to each meeting.

U.S. Representation

The Committee consists of one representative from each Government, as well as support staff and advisors. The current U.S. Representative is Ambassador Mary Beth West, Deputy Assistant Secretary of State for Oceans and Space, Department of State.

Description

The U.S.-Japan Consultative Committee on Fisheries was formed to promote bilateral cooperation in the field of fisheries and fisheries research. It replaced the more formal Governing International Fisheries Agreement (GIFA) between the United States and Japan that expired on December 31, 1991. The Consultative Committee holds regular high-level bilateral consultations on fishery issues of mutual concern.

Recent Activities

Representatives of the United States and Japan held the 9th Meeting of the Consultative Committee on Fisheries in Tokyo, Japan, on January 19-20, 2004. The U.S. delegation was led by Mr. David Balton, Deputy Assistant Secretary of State for Oceans and Fisheries, and the Japanese side was led by the Director-General of the Fisheries Agency of Japan, Mr. Fumio Tahara. Dr. Rebecca Lent, Deputy Assistant Administrator for Regulatory Programs, represented NOAA Fisheries at the meeting.

The two delegations exchanged views on the most important fisheries issues in the U.S.-Japan fisheries relationship. Prominent on the agenda were issues related to cooperation between the two countries at regional fisheries management organizations, and in particular the Inter-American Tropical Tuna Commission (IATTC), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific (WCPFC), and the Northwest

Atlantic Fisheries Organization (NAFO). The two countries discussed a number of FAO issues--the FAO Technical Consultation on Sea Turtles to be held in Bangkok, Thailand, in November 2004; fishing capacity and combating illegal, unreported and unregulated (IUU) fishing; fishing subsidies; and shark conservation and management. Other issues on the agenda included CITES, the Interim Scientific Committee (ISC) for Tuna and Tuna-like Species in the North Pacific Ocean, the Asia Pacific Economic Cooperation (APEC) Fisheries Working Group, and fishing on sea mounts. The delegations of both countries reaffirmed the value of maintaining and further strengthening the long-standing cooperation between the United States and Japan on these and other fisheries issues.

Next Meeting

The United States will host the 10th Consultative Committee meeting in 2006.

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United States-People's Republic of China Bilateral Fisheries Consultations

Basic Instrument

There is no formal instrument.

Implementing Legislation

None.

Member Nations

The United States and the People's Republic of China (China).

Meetings

The countries try to meet on an annual basis, or every other year, in the United States or China. The venue for the Committee is decided prior to each meeting.

U.S. Representation

The Committee consists of one representative from each Government, as well as support staff and advisors. The current U.S. Representative is Ambassador David Balton, Deputy Assistant Secretary of State for Oceans and Space, Department of State.

Description

Since 1995, the United States and China have maintained a bilateral fisheries relationship under terms of a Governing International Fisheries Agreement (GIFA). They have also collaborated on fisheries and other marine science programs through a bilateral science and technology agreement, and on high seas driftnet fisheries enforcement via a U.S.-PRC Shiprider Memorandum of Understanding. U.S. and Chinese Government fisheries officials met at the U.S. Department of State in Washington, D.C., on January 20-21, 1999, to review the full range of mutual fisheries issues. The fisheries talks proved highly productive and the two countries agreed to hold similar meetings on a regular basis, every year or every other year.

Recent Activities

Representatives of the U.S. and Chinese Governments last met in Beijing on May 8-10, 2002, to discuss fisheries issues of mutual concern. The U.S. delegation was led by Ambassador Mary Beth West, Deputy Assistant Secretary for Oceans and Fisheries, U.S. Department of State. Representatives from NOAA Fisheries and the U.S. Coast Guard were included on the delegation. The Chinese delegation was headed by Li Jianhua, Deputy Director General of the Bureau of Fisheries (BOF), Ministry of Agriculture, led the Chinese delegation.

In opening comments, both sides noted the importance of continuing already productive bilateral cooperation on fisheries.

Reducing Capacity, Improving Enforcement: Li emphasized China's desire to operate responsible, sustainable fisheries according to international standards. As a result, China has been working to reduce fishing capacity by

cutting the numbers of fishing vessels, and to retrain fishermen for other jobs. China has also implemented marine and freshwater fishing moratoria to protect fish stocks.

Li said China was very interested in improving its ability to enforce its fisheries laws and would like to send a delegation to the United States in September 2002 for that purpose. The U.S. delegation welcomed this proposal in principle and agreed to begin looking at the specific arrangements for the visit.

United Nations (UN) Fish Stocks and Food and Agriculture Organization (FAO) Compliance Agreements: Li said China had begun to implement the UN Fish Stocks Agreement but had not ratified it because of concerns over high seas boarding. When these concerns have been addressed to China's satisfaction, China will be ready to ratify. China will also be ready to ratify the UN FAO's High Seas Fishing Vessel Compliance Agreement. The obstacles to ratification are permitting and control systems in China. When those systems are in place, the Chinese Government will begin the ratification process.

FAO International Plans of Action (IPOAs): Regarding FAO IPOAs on fisheries, Li noted China's preference for working with regional fisheries organizations on such issues as capacity, shark finning, seabird by-catch, and illegal, unregulated, and unreported (IUU) fishing. He also called attention to China's lack of ability to implement these plans to developed country standards. The U.S. delegation noted China's comments but said the scale of these problems exceeded the capability of regional organizations. The U.S. delegation noted that APEC fora may provide a vehicle for technology sharing and policy development.

International Commission for the Conservation of Atlantic Tuna (ICCAT): Both sides supported the effective functioning of ICCAT and committed to mutual cooperation under the ICCAT framework. The U.S. delegation noted its concerns over some ICCAT issues, including stock management, compliance, and non-member fishing, and asked for Chinese support for U.S. initiatives to address those concerns. Li said China would work within the ICCAT framework but is seeking to expand its bigeye tuna quota through an innovative arrangement with the Japanese.

Multilateral High-Level Conference (MHLC): Concerning the MHLC on highly migratory fish stocks in the western-central Pacific, both sides were pleased with the positive results so far and with U.S.-China cooperation on negotiations of this agreement. China remains concerned with the nomenclature under which Taiwan participates in this and other international fisheries bodies, such as the Interim Scientific Committee (ISC) for tuna, and Li said such concerns could affect China's participation in those meetings. The U.S. delegation emphasized the importance of Taiwan's participation in those meetings, commended China's constructive approach in the Inter-American Tropical Tuna Commission negotiations, and noted the informal nature of the ISC.

Shiprider Program: The United States and the PRC have continued to work to ensure effective implementation of UN General Assembly Resolution 46/215 (moratorium on large-scale high seas driftnet fishing) in the North Pacific Ocean pursuant to the terms of the *Memorandum of Understanding Between the Government of the United States of America and the Government of the People's Republic of China on Effective Cooperation and Implementation of United Nations General Assembly Resolution 46/215 of December 20, 1991*, signed in Washington D.C. on December 3, 1993. The MOU (also referred to as the "Shiprider Agreement") established boarding procedures for law enforcement officials of either country to board and inspect U.S. or PRC flagged vessels suspected of driftnet fishing. The MOU also established a shiprider program, which allows PRC fisheries enforcement officials to embark on U.S. Coast Guard resources during each driftnet fishing season. Pursuant to this provision, the PRC has provided enforcement officials to the USCG each year since the MOU entered into force. As a bilateral enforcement agreement, the MOU facilitates/expedites investigations of suspicious vessels when they are encountered on the high seas. [The current MOU expires on December 31, 2009.]

Both sides noted the success of the moratorium on large-scale high seas driftnet fishing. Li noted that Chinese participants in the high-seas "shiprider" program (joint enforcement of the UN General Assembly moratorium on use of high seas driftnets) had benefitted greatly from the experience.

North Pacific Salmon: Both sides agreed that North Pacific salmon issues were an area of notable success and cooperation. Ambassador West encouraged China to join the North Pacific Anadromous Fish Commission (NPAFC), saying that China's participation would strengthen this organization. Li noted China's good relationship with the NPAFC and said that China would continue cooperating with it.

Pollock, Shark Finning, Turtles, WSSD, Toothfish: Both sides noted good long-term cooperation on the Central Bering Sea Pollock Convention, and committed to the goal of rebuilding those pollock stocks as soon as possible. The U.S. delegation noted the lack of progress toward that goal, and urged patience so as not to risk damaging the investment so far by premature resumption of commercial fishing.

On the Shark Finning Act, the Chinese said that they understand U.S. goals but believe the Act will be difficult to implement. They would prefer to use multilateral organizations to accomplish the same goals. The U.S. delegation said it was willing to consult.

The U.S. delegation welcomed Chinese participation in sea turtle protection meetings. The Chinese side noted its cooperation with the United States on this issue and expressed interest in learning more about relevant technologies.

The U.S. delegation called attention to the importance of oceans and fisheries at the upcoming World Summit on Sustainable Development (WSSD) and asked China to support U.S. initiatives there. Li said that the BOF was cooperating on fisheries issues with the State Environmental Protection Administration, which is the lead Chinese agency for WSSD.

Both sides recognized that certain types of subsidies exacerbate overcapacity and agreed to discuss these issues further. China noted the need to define which subsidies are positive and which are negative.

Ambassador West urged China to become a full member of the Commission for the Conservation of Antarctic Living Marine Resources (CCAMLR). She noted two recent problems with catch documentation, and asked for information about toothfish processing methods and conversion rates. Li responded that China was considering membership but has not made a final decision.

Next Meeting: The United States will host the next fisheries consultations, probably in 2005.

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**Memorandum of Understanding Between the
American Institute in Taiwan and the
Taipei Economic and Cultural Representative Office in the United States
Concerning Cooperation in Fisheries and Aquaculture**

Basic Instrument

The basic instrument establishing U.S.-Taiwan cooperation in fisheries and aquaculture is the Memorandum of Understanding (MOU) Between the American Institute in Taiwan (AIT) and the Taipei Economic and Cultural Representative Office (TECRO) in the United States Concerning Cooperation in Fisheries and Aquaculture. The MOU was signed by AIT and TECRO on July 30, 2002.

Implementing Legislation

None.

Members

The United States and Taiwan.

Meetings

The Parties (AIT and TECRO) agreed that their designated representatives will consult periodically, either in the United States or Taiwan.

U.S. Representation

The designated representatives for AIT are NOAA Fisheries (U.S. Department of Commerce), the U.S. Coast Guard, and the Bureau of Oceans and International Environmental and Scientific Affairs (U.S. Department of State).

Description

The United States began negotiating the MOU between AIT and TECRO in July 2000 to address problems associated with (1) Taiwan's inability, due to its political status as a non-state, to become party to a number of international fisheries treaties and regional organizations, and (2) Taiwan fishermen's involvement in large-scale high seas driftnet fishing activities in the North Pacific Ocean.

Pursuant to the MOU, Taiwan committed to abide by the rules for sustainable fisheries set forth by the 1995 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 and the 1993 FAO Agreement on Promoting Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas. Taiwan also agreed to cooperate with the United States in the implementation of the 1995 FAO Code of Conduct for Responsible Fisheries; and the International Plans of Action for the Management of Fishing Capacity, for the Conservation and Management of Sharks, for Reducing Incidental Catch of Seabirds in Longline Fisheries, and for Preventing, Detering and Eliminating Illegal, Unreported and Unregulated fishing as adopted by the FAO. Finally, Taiwan committed to continue to cooperate with the United States in the implementation of United Nations General Assembly Resolution 46/215, which calls for a global ban on the use of large-scale high seas driftnets. Taiwan will take action against individuals, corporations and vessels subject to those laws and regulations that may engage in large-scale high seas driftnet fishing operations in the North

Pacific Ocean. In exchange for the above commitments from Taiwan, the United States agreed to assist Taiwan authorities to participate equitably in global, regional, and subregional fisheries organizations.

The two Parties, through their designated representatives, also agreed to (1) exchange information on fisheries and aquaculture research and relevant scientific reports and publications; (2) conduct joint studies and training programs on fisheries and aquaculture; (3) promote exchange visits of fisheries and aquaculture personnel; and (4) strengthen existing cooperation between fisheries enforcement representatives.

Recent Activities

Representatives of the U.S. Department of State, NOAA Fisheries Service, U.S. Fish and Wildlife Service, and the American Institute in Taiwan (AIT)-Washington Office met with Taiwan fisheries authorities on April 5-6, 2005, at AIT's offices in Rosslyn, Virginia. Ambassador David Balton, Deputy Assistant Secretary of State for Oceans and Fisheries, led the U.S. delegation and Dr. Dah-Wen Shieh, Director-General of the Taiwan Fisheries Agency, led the Taiwan delegation. Dr. William Hogarth led the the NOAA Fisheries component of the U.S. delegation for the first day of the meeting and Dr. Rebecca Lent the second day. The purpose of the meeting was to discuss the status of fisheries cooperation between the United States and Taiwan pursuant to the MOU.

The consultations covered a variety of fishery issues of mutual concern, including cooperation in such regional fisheries bodies as the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Inter-American Tropical Tuna Commission (IATTC), and the Western and Central Pacific Fisheries Convention. The need for reduction in fishing capacity, the importance of compliance with fishery conservation and management measures, and the need for the reduction of the bycatch of seabirds, sea turtles, and sharks were common discussion threads. The two sides also discussed the issue of deep-sea fishing on vulnerable marine ecosystems and follow-up issues from the CITES 13th Meeting of the Conference of the Parties. The U.S. side sent a firm message to Taiwan that unless it takes concrete action to reduce its fishing capacity globally, to crack down on IUU fishing by its fleet, and to collect and report fisheries data to regional fisheries bodies on a timely basis, the United States will find it increasingly difficult to defend and promote Taiwan's presence at the table in international fisheries fora. Taiwan shared with the U.S. side a number of initiatives it is taking, or considering taking, to address these problem areas.

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EUROPE

Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on Mutual Fisheries Relations (Basic Instrument for the U.S.-Russia Intergovernmental Consultative Committee -- ICC)

Basic Instrument

Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on Mutual Fisheries Relations of May 31, 1988, as amended (TIAS 11442, the U.S.-Soviet Comprehensive Fisheries Agreement). Note: The obligations of the former Soviet Union under this agreement have devolved on the Russian Federation.

Implementing Legislation

Public Law 100-629 (An untitled Act that implemented the Comprehensive Fisheries Agreement. Enacted November 7, 1988).

Member Nations

The United States and the Russian Federation.

Meetings

The ICC meets alternately in the United States and Russia, on an annual basis, at the discretion of the heads of delegation.

U.S. Representation

Under the Rules of Procedure established for the ICC, the United States and Russia are to designate a Representative and an Alternate Representative. The current U.S. Representative is Mary Beth West, Deputy Assistant Secretary of State for Oceans and Fisheries Affairs. To date, the United States has not identified an Alternate Representative.

Pursuant to Section 5 of Public Law 100-629, a 12-member "North Pacific and Bering Sea Fisheries Advisory Body" was established to advise the U.S. Representative to the ICC. This body consists of the following individuals:

- (1) The Director of the Department of Fisheries and Wildlife of the State of Washington;
- (B) The Commissioner of the Department of Fish and Game of the State of Alaska;
- (C) Five members appointed by the Secretary of State from a list of ten nominees provided by the Governor of Alaska; and,
- (D) Five members appointed by the Secretary of State from a list of ten nominees provided by the Governor of Washington.

Description

The United States and the Russian Federation maintain the bilateral ICC fisheries forum pursuant to the U.S.-Soviet Comprehensive Fisheries Agreement, signed on May 31, 1988. The ICC is responsible for furthering the objectives of the Comprehensive Fisheries Agreement. These objectives include maintaining a mutually beneficial and

equitable fisheries relationship through (1) cooperative scientific research and exchanges; (2) reciprocal allocation of surplus fish resources in the respective national 200-mile zones, consistent with each nation's laws and regulations; (3) cooperation in the establishment of fishery joint ventures; (4) general consultations on fisheries matters of mutual concern; and, (5) cooperation to address illegal or unregulated fishing activities on the high seas of the North Pacific Ocean and Bering Sea. The agreement expired on December 31, 2003. The two countries are currently in the process of renewing it.

Current Status

In accordance with Article 14 of the 1988 Agreement on Mutual Fisheries Relations, representatives of Russia and the United States conducted the 15th Session of the ICC on Fisheries in St. Petersburg, Russia, on September 21-24, 2004. The Russian delegation was led by Mr. Sergei A. Podolyan, Deputy Chief of the Federal Agency for Fisheries, and the United States delegation was led by Mr. David A. Balton, Deputy Assistant Secretary for Oceans and Fisheries, U.S. Department of State.

The following fisheries issues were discussed at the meeting:

Scientific Cooperation in the Study of the Living Marine Resources

2003-2004 Research on the Condition of Bering Sea Pollock Stocks: Both sides summarized the results of research on pollock stocks in their respective zones. The Russian side also presented preliminary results of genetics research on pollock stocks in the Russian zone. At the request of the United States, Russia presented summary information on the status of herring and capelin stocks in the Russian zone.

The U.S. side presented preliminary results of the 2004 survey cruise of the R/V *MILLER FREEMAN*, which conducted one segment of its cruise in the Russian zone. This survey revealed that pollock stocks were continuous across the northern Bering Sea in both the Russian and U.S. zones.

BASIS Program Research: Both Parties expressed continued support for the Bering Sea and Aleutian Salmon International Survey (BASIS) program under the umbrella of the North Pacific Anadromous Fish Commission.

Seabirds and Marine Mammals: The United States provided Russia with information on the short-tailed albatross recovery team (START) and distributed an albatross identification card (in Russian) for use by Russian Government officials and fishermen. The U.S. side expressed concern about the status of marine mammal stocks, particularly fur seals, sea lions and sea otters, throughout the Bering Sea and North Pacific region and requested that this issue be added to future ICC agendas.

Exchange of Information on Fisheries Under the Agreement on preservation of Transboundary Fish Stocks in the Central Sea of Okhotsk Dated June 13, 1996.

Russia thanked the United States for its support for Russia's conservation measures in the Sea of Okhotsk. In addition, Russia reported that all domestic and foreign fishing in the Sea of Okhotsk has been terminated.

Consideration of New Russian Proposal About Rational Management and Optimal Using of Northern Bering Sea Bioresources

Russia outlined the key elements of a new proposal for joint management and fishing on shared pollock stocks in the northern Bering Sea. The U.S. side expressed its willingness to discuss all aspects of the Russian proposal. In view of Russia's position on the need for a package solution to the issues related to the exploitation of northern Bering Sea living resources, the two sides decided to establish a bilateral working group to carefully consider the Russian proposal. The first meeting of the working group was scheduled for early 2005.

Continuation of the Review of the Draft Memorandum of Understanding Between the Federal Agency for Fisheries (Russia) and the National Marine Fisheries Service (U.S.) Concerning Enhanced Cooperation in the Field of Fisheries, Including Discussion of the Program of the Joint Studies of Northwest Atlantic Mackerel

Russia gave its assessment of the changes to the text of the draft of Memorandum of Understanding and confirmed that the MOU is an integral part of the “package” proposal the two sides had been discussing. The Russian side had no objections in principle to the science MOU, but inasmuch as Russia considered the MOU as part of the package proposal, declined to sign it. The U.S. side responded that the scope of the science cooperation MOU was intended to extend to all regions, if appropriate, and that the list of items currently under discussion was viewed as the starting point. The U.S. delegation clarified the status of mackerel and herring fishery specifications established by the relevant U.S. regional fishery management councils. It noted that there were limited opportunities for mackerel and herring research, in cooperation with U.S. fisheries science investigators. The U.S. concluded by stating that the MOU would be useful to show others the level of good scientific cooperation that the two sides enjoy, but that it was not essential to sign it at this moment.

Discussion of Draft Agreement Concerning Fisheries Enforcement Cooperation

The United States presented a revised proposal for a fisheries enforcement cooperation agreement, which was developed in response to comments provided intersessionally by the Russian side. The United States emphasized its desire to continue, and enhance, the excellent enforcement cooperation between the Federal Security Service and the U.S. Coast Guard, including efforts to interdict vessels poaching crab in the Russian EEZ. Recalling the proposal of the Russian side with respect to Rational Management and Optimal Using of Northern Bering Sea Bioresources, the U.S. side suggested undertaking a trial shiprider program to lay the foundation for future joint enforcement efforts. Accordingly, both sides agreed to establish a sub-working group within the working group to negotiate the text of such an agreement.

The U.S. delegation expressed its interest in holding a session of the sub-working group in November-December 2004, in the hope that an arrangement could be reached on a trial ship-rider program by April 2005, i.e., by the beginning of the 2005 fishing season in the Bering Sea.

Exchange of Information on Violations

Russia stated that there were no incidents on the Russian side of the maritime boundary in 2004. The Russian Federal Security Service made over 6,000 vessel inspections, including over 280 inspections of foreign vessels. Twenty five criminal cases were prosecuted, over 850 fines were imposed in fisheries cases, and two fishing vessels were seized. Sixteen aircraft surveillance flights were launched, including patrols along the maritime boundary. Joint patrols in the zone of mutual interest by the Border Guards and U.S. Coast Guard served as effective deterrents to fisheries violations this year.

The U.S. side provided a brief report on U.S.–Northeast Region Border Directorate cooperation, touching upon recent meetings between Border Guard/Coast Guard regional commanding officers and operations. Joint operations included both training exercises and actual patrolling, such as monitoring trial fishing operations in the Central Bering Sea and tracking illegal crab transshipments taking place at sea. The United States pointed out that this type of patrol would be much more effective if a ship-rider agreement were in place and if a Russian fisheries law enforcement official could be deployed on a U.S. Coast Guard Cutter.

With respect to meetings between adjudicators from the two sides, the U.S. suggested that these meetings are important and that it may be useful to formalize them and continue these meetings.

Time and Place of the 16th Session of the ICC

The United States will host the 16th ICC meeting in fall 2005.

A copy of the complete minutes of the 15th Session of the U.S.-Russia ICC is available from the National Marine Fisheries Service upon request.

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United States-European Union High Level Fisheries Consultation

Basic Instrument

There is no formal instrument.

Implementing Legislation

None.

Members

The United States and the European Union (EU).

Meetings

The United States and the EU meet on an annual basis, alternating between the United States and the EU.

U.S. Representation

The Consultation consists of one representative from each Government, as well as support staff and advisors. The current U.S. Representative is Ambassador David Balton, Deputy Assistant Secretary of State for Oceans and Fisheries, Department of State.

Description

The United States and the EU first met in 1997 to promote cooperation in the field of fisheries and fisheries research. Since then, they have held annual consultations to review fishery issues of mutual concern.

Recent Activities

Representatives from the United States and the EU met on June 30-July 1, 2004, in Brussels, Belgium, for the 7th U.S.-EU High Level Fisheries Consultations. The U.S. delegation was led by David Balton, Deputy Assistant Secretary of State for Oceans and Fisheries. Dr. William Brennan, Deputy Assistant Secretary for International Affairs, was the senior NOAA representative on the U.S. delegation. The EU delegation was led by Mr. Jorgen Holmquist, Director-General of the Directorate-General for Fisheries (DGF). Dr. William Hogarth, NOAA Assistant Administrator for Fisheries, represented the United States at the first day's "Technical Session;" Edward "John" Spencer, head of the International and Regional Arrangements Unit of the Directorate-General for Fisheries led the EU delegation. The second day of the consultations was a high level "Political Session." David Balton and Jorgen Holmquist represented the United States and EU, respectively, at this session.

The two sides covered an ambitious agenda in a very short time. The agenda included issues of concern in the context of the International Commission for the Conservation of Atlantic Tunas (ICCAT); the Northwest Atlantic Fisheries Organization (NAFO); the Inter-American Tropical Tuna Commission (IATTC) and the Agreement on the International Dolphin Conservation Program (AIDCP); the Western and Central Pacific Fisheries Convention (WCPFC); the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR); the Western Central Atlantic Fishery Commission (WECAFC); the South-East Atlantic Fisheries Organization (SEAFO); World Trade Organization (WTO)/Trade issues; Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); the UN Food and Agriculture Organization's Committee on Fisheries (FAO-COFI); the United Nations Fish Stock Agreement; the Asia Pacific Economic Cooperation (APEC) Fisheries Working Group derelict

fishing gear conference; and turtle excluder devices (TEDs). Despite the impressive scope of issues, the two sides discussed each issue fully, and in a frank but friendly manner. They came away from the consultations with a better comprehension of each other's positions and the promise of more, and better, communication and collaboration regarding fisheries issues of shared concern.

Next Meeting

The United States will host the 8th session of the U.S.-EU High Level Fisheries Consultations in Washington, D.C., on June 27-28, 2005.

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PART III. SCIENTIFIC ORGANIZATIONS AND COUNCILS

PACIFIC OCEAN

North Pacific Marine Science Organization (PICES)

Basic Instrument

Convention for a North Pacific Marine Science Organization (PICES)

Implementing Legislation

No implementing legislation. Self-executing treaty; under the general authority of the Secretary of State.

Member Nations

Canada, Japan, People's Republic of China, Republic of Korea, Russian Federation, and the United States of America

Organization Headquarters

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Chair of Governing Council: Dr. Vera Alexander
School of Fisheries and Ocean Sciences
University of Alaska

Vice Chair: Dr. Tokio Wada
Department of Resources Enhancement Promotion
Fisheries Agency of Japan

U.S. Representation

A. Appointment Process

The United States is represented on the PICES Governing Council by two delegates appointed by the Secretary of State in consultation with interested agencies and institutions: one from a major Federal Government research agency and one from a research university or other academic institution. The United States is represented on the Scientific Committees and Working Groups created by the Governing Council by individuals appointed by the Secretary of State in consultation with interested agencies and institutions.

B. U.S. Delegates:

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Description

A. Mission/Purpose:

The area which the activities of PICES concern is defined by the Convention as the temperate and sub-Arctic region of the North Pacific Ocean and its adjacent seas, especially northward from 30° North Latitude. Activities of the organization may, for scientific reasons, extend farther southward in the North Pacific Ocean.

The primary role of PICES is to promote and coordinate marine research undertaken by the Parties in the Convention Area; advance scientific knowledge about the ocean environment, global weather and climate change, living resources and their ecosystems, and the impacts of human activities; and promote the collection and rapid exchange of scientific information on these issues. PICES provides an international forum to promote greater understanding of the biological and oceanographic processes of the North Pacific Ocean and its role in global environment.

B. Organizational Structure:

PICES is comprised of (1) a Governing Council, (2) a Science Board (3) such permanent or ad hoc scientific groups and committees as the Governing Council may from time to time establish, and (4) a Secretariat. The Governing Council has both scientific and administrative functions.

Governing Council: The scientific functions of the Governing Council are to identify research priorities and problems pertaining to the Convention Area and appropriate methods for their solution; to recommend coordinated research programs and related activities pertaining to the Convention Area which shall be undertaken through the national efforts of the participating Contracting Parties; to promote and facilitate the exchange of scientific data, information and personnel; to consider requests to develop scientific advice pertaining to the Convention Area; to organize scientific symposia and other scientific events; and to foster the discussion of problems of mutual scientific interest.

The administrative functions of the Governing Council are to adopt and amend the Rules of Procedure and Financial Regulations; to consider and recommend amendments to the Convention; to adopt the annual report of the organization; to examine and adopt the annual budget and financial accounts of the organization; to determine the location of the Secretariat; to appoint the Executive Secretary; to maintain contact with other international organizations; and to manage the activities of the organization.

Science Board: The Science Board oversees the activities of the four scientific committees, the technical committee, and the scientific program. Its membership includes an overall chairman, as well as the chairmen from each of the four scientific committees:

- 1) MEQ - Marine Environmental Quality
- 2) BIO - Biological Oceanography
- 3) FIS - Fisheries Science
- 4) POC - Physical Oceanography and Climate

Additionally, there are two technical committees on Data Exchange:

- I.TCODE – Technical Committee on Data Exchange
- II.MONITOR – Technical Committee on Monitoring

Working Groups: Currently active PICES Working Groups are:

- * WG-16: Climate Change, Shifts in Fish Production, and Fisheries Management
- * WG-17: Biogeochemical data integration and synthesis
- * WG-18: Mariculture in the 21st century - The intersection between ecology, socio-economics and production
- * WG-19 Ecosystem-based management science and its application to the North Pacific

Science Program

Currently PICES has one Scientific Program:

- * CCCC: Climate Change and Carrying Capacity Program

Sections

A “Section” represents a sub-committee under a Scientific Committee that has a longer lifespan than a Working Group. Its purpose is to provide input to the parent Scientific Committee on specific issues for which expertise may be lacking on the parent committee. Sections should be reviewed periodically to ensure they continue to meet their objectives. Currently PICES has one Section:

- * HAB: Harmful Algal Blooms Section

Study Group

The purpose of a Study Group is to analyze the scientific, policy, and/or financial implications of a proposal made by Science Board or Governing Council, and provide recommendations for Science Board or Council on the proposal. This type of group would typically be formed for a period of one-year and would provide a report of their findings and recommendations to Science Board or Council prior to the Annual Meeting after it was formed.

- * EBMSG: Study Group on Ecosystem-based management science and its application to the North Pacific

C. Recent Activities:

The North Pacific Marine Science Organization (PICES) held its 13th Statutory Meeting (Oct 14-24) and Annual Science Conference (Oct 18-21) in Honolulu, Hawaii. Approximately 403 participants from 17 countries attended the Science Conference. All six contracting parties were present at the Statutory Meetings. The U.S. delegation to PICES was led by Dr. Richard Marasco (government representative, NOAA/NMFS) and Dr. George Boehlert (academic representative, Oregon State University). Dr. Vera Alexander, former U.S. government representative to

PICES, served as Chair of the Governing Council. The U.S. also participated as a permanent member to the Finance & Administration Committee and as member of various scientific committees and working groups. Key issues of concern to the United States at PICES XIII included the continued scientific effectiveness of the organization and budgetary matters.

The opening ceremony of the Scientific Conference included an address by Dr. Michael Sissenwine, Chief Scientific Advisor of NOAA Fisheries. The keynote address by Dr. Jeffrey Polovina entitled "Send out the Turtle Fleet!" highlighted the use of various monitoring technologies to evaluate sea turtle utilization of the open Pacific Ocean beyond the continental shelf. The theme of the Scientific Conference was "Beyond the Continental Slope – complexity and variability in the open North Pacific Ocean." The growing trend of multidisciplinary studies as a function of the emphasis PICES places on ecosystem-based scientific inquiry was apparent in the variety of issues addressed within the 11 scientific sessions and 6 workshops; issues ranged from marine protected areas, invasive species, and marine mammal and seabirds to global climate change and observing systems. Over 227 oral presentations and 129 posters were presented. Sessions were attended by approximately 403 marine scientists from 17 countries and included representation from many other marine science organizations.

During PICES XI, the Governing Council agreed to conduct an intersessional joint meeting of the Science Board and the Governing Council on a two-year trial basis, in an effort to improve the effectiveness and continuity of PICES programs. Since the administrative costs associated with the first inter-sessional (interim) meeting held in Victoria in April 2003 were minimal and the benefits substantial, the Council agreed to conduct the third inter-sessional in the spring of 2005. The meeting will be held in Seattle at NOAA's Western Regional Center.

The North Pacific Ecosystem Status Report and the advice on regime shifts requested by the US have been published and distributed to member countries.

BUDGETARY MATTERS

The Finance and Administration Committee reviewed 2004 spending and proposed 2005-06 budgets. Both the Auditor's Report for CY 2003 and the CAD\$710,500 budget for CY 2005, a 2.5% inflation-pegged increase, were accepted by the Governing Council. After transfer of CAD\$95,500 from the working capital fund, dues for 2005, divided equally among the six Contracting Parties (Canada, China, Japan, Korea, Russia, and the U.S.), are valued at CAD\$102,500). Contracting Parties were reminded to pay their annual dues by January 1 to help PICES avoid the loss of interest income

APPOINTMENTS and ELECTIONS

14. Dr. Vera Alexander, U.S. delegate to PICES since 1992, was re-elected in 2004 as Chair of the Governing Council and will serve another two-year term with Vice-Chair, Dr. Tokio Wada (Japan). Dr. Alexander Bychkov (Russia) was appointed in 2002 for a second five-year term as Executive Secretary. The term of the Finance & Administration Committee Chair, U.S. Delegate Dr. Richard Marasco, ended and Dr. Laura Richards of Canada was appointed as chair. Pat Livingston (NOAA Fisheries/AFSC) replaces Dr. Marasco as member of the Finance & Administration Committee. There were several new Committee Chair appointments, some of which involve the appointment of U.S. Scientists. Department will work with the U.S. Commissioners to ensure the appropriate paperwork is submitted to the Secretariat.

FUTURE PICES SCIENTIFIC CONFERENCES

Russia will host the next annual science conference in Vladivostok, September 28-October 9, 2005. In consideration of the venue as well as trends and current gaps in North Pacific oceans science, the scientific committees determined the theme of the 2004 meeting to be "Mechanisms of Climate and Human Impacts on Ecosystems in the Marginal Seas and Shelf Regions."

The 15th annual science conference will be hosted by Japan in Yokohama, October 13-21, 2006. Prior to the 2005 annual meeting, Canada will confirm its availability to host the 16th annual meeting in 2007.

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ARCTIC OCEAN

Program for the Conservation of Arctic Flora and Fauna (CAFF)

Basic Instrument

The Program for the Conservation of Arctic Flora and Fauna was established to address the special needs of Arctic species and their habitats in the rapidly developing Arctic region. It forms one of four programs the Arctic Council created by the Declaration on the Establishment of the Arctic Council, signed September 19, 1996 in Ottawa, Canada. The Arctic Council succeeded the Arctic Environmental Protection Strategy (AEPS), adopted through a Ministerial Declaration at Rovaniemi, Finland in 1991.

Implementing Legislation

None.

Member Nations

Canada, Denmark/Greenland, Finland, Iceland, Norway, Russia, Sweden, and the United States.

Organization Headquarters

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Budget

The cost of the Secretariat is borne largely by Iceland, the host country, supported by voluntary contributions from Member countries. The U.S. contribution is provided by the U.S. Fish and Wildlife Service (FWS), Alaska Region.

Website

The CAFF website is www.caff.is.

U.S. Representation

A. Appointment Process

The U.S. Department of State has designated the FWS as the lead Federal agency for CAFF. The FWS Alaska Region provides the U.S. National Representative to CAFF and leads the U.S. delegation to the biannual meetings of CAFF. Kenton Wohl is the present U.S. National Representative.

B. U.S. Delegates and Scientific Advisers

U.S. delegates and scientific advisors are provided to CAFF by the Department of State, FWS, the National Oceanic and Atmospheric Administration/National Marine Fisheries Service, Alaska Department of Fish and Game, and non-governmental organizations.

C. Interagency Arctic Policy Group (APG)

U.S. participation in CAFF is also informed and advised by the Interagency Arctic Policy Group convened on a monthly basis by the Department of State.

Description

A. Mission/Purpose:

CAFF's main goals are to:

(1) conserve Arctic flora and fauna, their diversity and their habitats; (2) protect the Arctic ecosystem from threats; (3) improve conservation and management, laws, regulations and practices for the Arctic; and (4) integrate Arctic interests into global conservation.

Its guiding principles are:

(1) the involvement of indigenous and local people and the use of traditional ecological knowledge; (2) the use of a broad, ecosystem-based approach to conservation and management; (3) cooperation with other conservation initiatives and the other Arctic Council programs (AMAP, the Arctic Monitoring and Assessment Program; PAME, the Program for the Protection of the Arctic Marine Environment; and EPPR, the Program for Emergency Prevention, Preparedness, and Response) to minimize duplication and to increase effectiveness; and (4) effective communication with respect to CAFF programs.

The CAFF program of work is guided by the "Strategic Plan for the Conservation of Arctic Biological Diversity" and undertakes priority tasks identified by the Arctic Council.

B. Organizational Structure:

CAFF operates through a system of Designated Agencies and National Representatives responsible to CAFF and their respective countries. The National Representatives and Permanent Participants meet several times a year to guide the administration of CAFF work and to prepare CAFF reports to meeting of Senior Arctic Affairs Officials (SAOs) and Arctic Ministers under the AEPS. CAFF meets biannually to assess programs and to develop CAFF Work Plans. It is directed by a chair and vice-chair, which rotate among the Arctic countries, and is supported by an International Secretariat.

Most of CAFF's work is carried out through a system of lead countries as a means of sharing the workload. Whenever possible, CAFF works in cooperation with other international organizations and associations to achieve common conservation goals in the Arctic.

As needed, CAFF also establishes Specialist and Expert Groups to address program areas. CAFF presently has a Circumpolar Protected Area Network (CPAN) Working Group; a Circumpolar Seabird Working Group; a Flora Working Group; and a Biodiversity Monitoring Support Group.

C. Expert groups:

The majority of CAFF's activities are directed to conserving Arctic biodiversity—the abundance and diversity of Arctic flora, fauna, and habitats—and to integrating indigenous people and their knowledge into CAFF. In recognition of this, the Arctic Ministers in 1998 endorsed CAFF's *Strategic Plan for Conservation of Arctic Biological Diversity* as a framework for future program activities. The Strategic Plan is built around five objectives addressing biodiversity monitoring, conservation of genetic resources, species and habitats, establishment of protected areas, conservation outside protected areas, and integration of biodiversity conservation objectives into economic plans and policies.

CAFF has established four expert groups to carry out its Strategic Plan. The four expert groups are the: Circumpolar Biodiversity Monitoring Program Group (CBMP); Circumpolar Protected Areas Network Expert Group (CPAN); Circumpolar Seabird Expert Group (CBIRD); and CAFF Flora Expert Group (CFG).

Circumpolar Biodiversity Monitoring Program (CBMP)

Over these last two years, the Framework Document for the Circumpolar Biodiversity Monitoring Program (led by Iceland) has been further developed, and is now finalized. It was endorsed by Fourth Ministerial Meeting in of the Arctic Council in Reykjavik, November 2004.

The Circumpolar Biodiversity Monitoring Program (CBMP) has evolved in response to the mandate of the Conservation of Arctic Flora and Fauna (CAFF), and numerous international conventions and agreements, which have stressed the inseparable link between conservation of biological diversity and sustainable development. The CBMP is being developed by CAFF to serve as a coordinating body for currently existing biodiversity monitoring efforts in the Arctic, for data gathering and data analyses, and for coordinating the communication of results. The CBMP will serve to assist in the harmonization of currently existing monitoring efforts, and cooperate with other research organizations to identify gaps and deficiencies in the current knowledge base. New monitoring initiatives will be designed and implemented in conjunction with AMAP and other organizations, to make the most efficient use of financial, scientific and logistical resources, and to provide comprehensive data on the state of Arctic biodiversity on a circumpolar scale.

Circumpolar Protected Areas Network Expert Group (CPAN)

The CPAN process is a cooperative effort to protect important areas of the unique Arctic environment, including all levels of biodiversity through a system of protected areas. CPAN is intended to help member nations in a number of ways, including providing a baseline for identifying the most significant gaps in national protected area networks and by being an instrument for practical cooperation among participants. Additionally, CPAN promotes extant domestic and international policies and legislation with regard to protected areas throughout the Arctic. The final publication with maps Protected Areas Country Updates (with maps) was released in November 2004. A workshop titled: *Wild Places for Wild Life* on the ecological value of protecting large unfragmented areas was held in September 2003. The proceedings of this workshop were distributed at CAFF X. A follow-up project on designing northern protected areas is now underway. A workshop titled: *Compendium of Ecologically Important Marine Areas* was held in October 2003. The workshop proceedings were completed with recommendations for follow-up actions. IUCN literature prepared for the 2003 World Parks Congress analyzed regional and international agreements as they relate to CAFF's protected areas initiatives. In addition, a consulting firm contributed their own resources to investigate and report on the potential advantages of linking CPAN to the WSSD Plan of Implementation, the Global Millennium Development Goals and the CBD Programme of Work on Protected Areas; and to investigate and report on the potential use of CPAN to demonstrate implementation of global priorities at the regional level. CAFF Technical Report No. 11 titled: *The Conservation Value of Sacred Sites of Indigenous Peoples of the Arctic: A Case Study in Northern Russia –Report on the State of Sacred Sites and Sanctuaries* was published

in 2004. RAIPON led on this project with active involvement from IPS. A circumpolar workshop is now being planned in Russia, as a follow-up to this report and CAFF is working closely with RAIPON to facilitate this workshop. The ECORA project has been funded and is being implemented. CPAN will provide protected area input as required. Russia, Norway and UNEP/GRIDArendal lead on this project.

Circumpolar Seabird Expert Group (CBird)

CBird facilitates seabird conservation, management and research activities between circumpolar countries, and works to improve communication between seabird scientists and managers. Conservation issues include exotic predators, habitat alteration, oil and contaminants pollution, seabird bycatch, subsistence harvesting, unregulated harvesting, and climate change. Further, CBird promotes conservation of seabirds outside the Arctic, coordinates research efforts with other seabird groups, and coordinates the circumpolar seabird monitoring network, in addition to developing seabird initiatives for CAFF. The CBird Expert Group meets annually, and held its 10th meeting in the Faroe Islands in February 2004.

The preliminary reviews from country lists of priority birds has now been completed, and the *Birds of Arctic Conservation Concern* country update reports will be completed in 2005. Regarding seabird gillnet bycatch initiatives led by the US and Canada, each country has reported on seabird gillnet bycatch. CBird members and others will continue to work toward improving the reporting methods of seabird bycatch. The update of CAFF Technical Report no. 5, *Seabird Harvest Regimes in Circumpolar Nations*, has been delayed until 2006, as it was decided to apply focus to data that is now being collected on specific species such as kittiwakes and puffins, and produce annual reports on this data. Implementations of action items in the *Circumpolar Eider Conservation Strategy and Action Plan* and the *International Murre Conservation Strategy and Action Plan* are ongoing. A draft of the *Circumpolar Murre Monitoring Plan*, as well as a draft of the *Circumpolar Seabird Monitoring Network* framework has been completed.

CAFF Flora Expert Group (CFG)

With botanical expertise drawn from CAFF member countries, the CAFF Flora Expert Group promotes, encourages, and coordinates internationally the conservation of biodiversity of arctic flora and vegetation, habitats, and research activities in these fields; and works to enhance the exchange of information relating to arctic flora and vegetation and factors affecting them. CAFF Map No. 1 - the Circumpolar Arctic Vegetation Map, CAFF Map No. 1, was an international effort to map the vegetation and associated characteristics of the circumpolar Arctic region. This map was completed and printed in September. A project on the CAFF 2004-2006 Work Plan is to expand this map to include the boreal regions of the Arctic. It is widely agreed that such a map will be an extremely important contribution to the understanding of shifting patterns in Arctic flora and vegetation due to climate change. The draft checklist of Arctic lichens is still in progress. A bryophyte checklist is also in progress. A draft checklist of Panarctic Flora, being led by Norway, has been completed and is undergoing revisions. The report on the monitoring of local flora (presence and abundance) in Russia is ongoing. The *Second International Workshop on Circumpolar Vegetation Classification and Mapping* was held in Tromsø, Norway, June 2004. A project to gather and incorporate traditional knowledge pertaining to the use and conservation of Arctic plants is an action item in the CAFF 2004-2006 Work Plan on *Traditional Use and Conservation of Plants* From the Aleutian, Pribilof, and Commander Islands, to be completed by 2006.

D. CAFF's Work Plan for 2004-2006:

CAFF's Work Plan for the period 2004-2006 emphasizes cooperation and collaboration with other Arctic Council Working Groups, and organizations outside of the Arctic Council, and makes efforts to actively contribute to the global conservation agenda. This Work Plan responds to the findings and recommendations of the ACIA report, the Oil and Gas Assessment, the Arctic Council's Arctic Marine Strategic Plan and ECORA. There are several projects under consideration for the International Polar Year 2007-2008 initiative, which will be further, discussed and then

added to the Work Plan at that time. CAFF will also enhance efforts to communicate the results of its projects to ensure that communities, regional organizations, national audiences and international organizations are aware of CAFF's work, and the contribution of these efforts to the well being of Arctic residents, the conservation of Arctic flora and fauna, and sustainable development in the Arctic.

I. Conserving Arctic Species

Fauna

- 1.1 Complete a review on "Birds of Arctic Conservation Concern" in 2005.
- 1.2 Complete a review of impacts of bycatch and harvests on seabirds by 2006.
- 1.3 Complete a review of progress on the CAFF Circumpolar Eider Conservation Strategy by 2006.
- 1.4 Complete a Circumpolar Ivory Gull Conservation Strategy by 2006.

Flora

- 1.5 Complete checklists of Arctic lichens and bryophytes.
- 1.6 Complete a project on "Traditional Use and Conservation of Plants from the Aleutian, Pribilof, and Commander Islands by 2006.
- 1.7 Publish results of the "Second International Workshop on Circumpolar Vegetation Classification and Mapping" by 2006.

II. Conserving Arctic Ecosystems and Habitats

- 2.1 Prepare an Implementation Plan for the Circumpolar Protected Areas Network (CPAN) Strategy and Action Plan.
- 2.2 Contribute to the identification of large marine ecosystems of the Arctic in cooperation with PAME per the Arctic Marine Strategic Plan.
- 2.3 Develop a framework and criteria to identify marine sensitive areas in the Arctic in cooperation with PAME and other Working Groups per the Arctic Council Arctic Marine Strategic Plan.
- 2.4 Convene a circumpolar workshop, in cooperation with Permanent Participants, based on RAIPON's Sacred Sites Project to address the importance of sacred sites in biodiversity conservation, *inter alia* identification and protection of sacred sites, and management of ethnographic and cultural landscapes in the Arctic in 2005
- 2.5 Conduct a workshop on the values of protected areas, and indigenous subsistence lands in Russia by 2006. *Lead:*

III. Assessing and Monitoring Arctic Biodiversity

- 3.1 Complete the framework for a circumpolar seabird monitoring network in 2005.
- 3.2 Complete a review of the status and trends of Arctic seabirds in 2006.

3.3 Complete an evaluation of monitoring of local flora in Russia, and determining its application in a circumpolar context by 2006

3.4 Implement the CAFF/AMAP Strategy for Cooperation as endorsed by the SAOs.

3.5 Complete an inventory of active Arctic biodiversity monitoring programs and projects in each CAFF country and complete a gap analysis by 2005.

3.6 Implement the Circumpolar Biodiversity Monitoring Program (CBMP) as endorsed by the SAOs.

IV. Global Issues

4.1. Implement priority CAFF-relevant recommendations of the ACIA report in cooperation with the other Working Groups and IASC.

4.2. Continue to implement the ECORA project in the three model areas in Russia.

4.3. Implement priority CAFF-relevant action items of the Arctic Council's Arctic Marine Strategic Plan (AMSP).

4.4. Contribute to the Arctic Council's Oil and Gas Assessment in cooperation with AMAP.

V. Engaging Society

5.1 Produce a CPAN Poster.

Future Meetings

The next meeting of the CAFF C-Bird Working Group is March 2-5, 2005, in St. Andrews, Scotland.

CAFF meets in plenary every two years. CAFF held its tenth Plenary meeting in Anchorage, Alaska, September 14-17, 2004. It was preceded by a one-day meeting of the CAFF Circumpolar Protected Area Network (CPAN) Standing Committee. Finland is presently serving as the CAFF Chair and will host the Eleventh Plenary in Finland in 2006.

The National Representatives to CAFF meet on an approximately every 6-month basis to address administrative and organizational matters. The meeting is referred to as a CAFF Management Board Meeting. The next CAFF Management Board meeting is in April 2005.

The Senior Arctic Officials meet approximately every six months. The next meeting of SAOs is April 3-4, 2005, in Yakutsk, Russia.

The Fourth Arctic Council Ministerial Meeting was held November 2004 in Reykjavik, Iceland. The Fifth Ministerial Meeting will be held in Russia in 2006.

The Second International Conference on Arctic research Planning (ICARP II) will be held November 10-13, 2005, in Copenhagen, Denmark.

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GLOBAL

Global Environment Facility (GEF)

Basic Instrument

Instrument for the Establishment of the Restructured Global Environment Facility. The Instrument was approved by participating countries in March 1994.

Implementing Legislation

No new implementing legislation needed. U.S. participation in the GEF is dependent on contributions from the Treasury Department to the GEF Trust Fund, through annual appropriations.

Member Nations

Currently, 176 countries, including both recipient countries and donors such as the United States, were participants in the GEF. See the GEF website (thegef.org) for a complete list.

Secretariat Headquarters

The GEF Secretariat
1818 H Street, NW
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Telephone: (202) 473-0508
Fax: (202) 522-3240 or 522-3245
Website: <http://www.thegef.org>

GEF Chief Executive Officer and Chairman: Leonard Good

Budget

GEF funds are contributed by donor countries. Since 1991, the GEF has provided \$4.5 billion in grants and generated \$14.5 billion in co-financing from other partners for projects in developing countries and countries with economies in transition. In 2002, 32 donor countries pledged \$3 billion to fund operations between 2002 and 2006.

U.S. Representation

The Department of the Treasury has the lead for the U.S. Government.

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Description

A. Mission/Purpose

The GEF is the primary multilateral financial mechanism to protect the global environment through projects and programs in four focal areas: conserving biological diversity, mitigating climate change, reducing pollution of international waters, and phasing out the production and use of stratospheric ozone depleting substances (in countries not covered by the Montreal Protocol Fund). The GEF provides grants and concessional funding to recipient countries (developing countries and countries with economies in transition) to cover the incremental costs to achieve global environment benefits in the focal areas. The GEF operates the financial mechanisms for the U.N. Framework Convention on Climate Change and the Convention on Biological Diversity. GEF projects must be country driven, incorporate consultation with local communities and, where appropriate, involve non-governmental organizations in project implementation.

B. Organizational Structure

The GEF is governed by a 32 member GEF Council representing constituencies of over 176 donor and recipient country governments. The GEF Council meets at least twice a year to review and approve the work programs, policies, and administration in the GEF. The United States has one of the seats on the Council. A universal GEF Assembly meets approximately every three years. The first meeting of the Assembly occurred in 1998.

GEF projects and programs are managed through three implementing agencies: the World Bank, the United Nations Development Program (UNDP), and the United Nations Environment Programme (UNEP). The World Bank and UNDP manage the lion's share of the projects. The GEF Secretariat, which is functionally independent from the three implementing agencies, reports to and services the Council and Assembly of the GEF. A Scientific and Technical Advisory Panel, convened by UNEP, provides advice on technical issues at the request of the Council and manages a roster of experts that provides technical reviews of individual projects.

C. Programs:

The GEF was created as a multilateral mechanism to fund the incremental costs of achieving global environmental benefits in developing countries and countries with economies in transition. In particular, it was designed to fund agreements expected to be achieved at the 1992 U.N. Conference on Environment and Development in Rio de Janeiro, Brazil. It began as a 3-year pilot-phase Facility in 1991. During the Pilot Phase, the United States did not contribute directly to the GEF core fund, but instead pledged and funded \$150 million in "parallel-financed" GEF projects funded and managed by the U.S. Agency for International Development.

The Facility was restructured and replenished with over US\$2 billion in 1994 (GEF-1), to cover the agreed incremental costs of activities that benefit the global environment in four focal areas: climate change, biological diversity; international waters; and stratospheric ozone. Both the Framework Convention on Climate Change and the Convention on Biological Diversity have designated the GEF as their funding mechanism on an interim basis. The second replenishment (GEF-2) was completed in early 1998.

Countries may be eligible for GEF funds in one of two ways: (1) if they are eligible for financial assistance through the financial mechanism of either the Framework Convention on Climate Change or the Convention on Biological Diversity; or (2) if they are eligible to borrow from the World Bank or receive technical assistance grants from UNDP through a Country Program. A country must be a party to the Climate Change Convention or the Convention of Biological Diversity to receive funds from the GEF in those focal areas. GEF projects must be country driven, incorporate consultation with local communities and, where appropriate, involve non-governmental organizations in project implementation.

To date, the GEF has approved proposals more than 700 projects in 125 countries, totaling over \$2.5 billion in GEF financing. Between 1991 and 1999, GEF allocated \$991 million in grants and mobilized an additional \$1.5 billion in co-financing (from recipient countries, bilateral agencies, other development institutions, the private sector, and non-governmental organizations) for biological diversity projects. During the same period GEF allocated \$884 million to 227 climate change projects and enabling activities, which was matched by more than \$4.7 billion in co-financing and nearly \$360 million to international water initiatives.

Marine issues: Marine projects of interest to NMFS may be funded under either the biodiversity focal area or the international waters focal area. Coastal, marine, and freshwater ecosystems represent one of four operational programs in the biodiversity focal area. The objective of the program is the conservation and sustainable use of biological resources in these ecosystems. The GEF has recently funded several World Bank projects in developing countries. The GEF is showing increasing flexibility and breaking new ground both in types of projects and as a coordination mechanism between U.N., bilateral, and multilateral development bank assistance mechanisms. NOAA has only begun to utilize the many opportunities for collaboration and leverage that the GEF provides.

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International Council for the Exploration of the Sea (ICES)

Basic Instrument

The Council was established by an exchange of letters on July 22, 1902, in Copenhagen, Denmark, with eight country representatives in attendance (Denmark, Germany, Norway, Russia, Finland, the Netherlands, Sweden, and the United Kingdom of Great Britain & Ireland). The United States has been associated since 1912, and joined formally as a contracting party in 1972. From 1902 until 1964, the Council operated in a "gentlemen's agreement" fashion. On September 12, 1964, the Council membership concluded the Convention for the International Council for the Exploration of the Sea, 1964 (TIAS 7628), giving it true and full international status. The Convention fixed the seat of the Council at Copenhagen and, by the end of 1967, all Contracting Parties had ratified the Convention, which came into force on July 22, 1968.

Member Nations

Belgium, Canada, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Latvia, Netherlands, Norway, Poland, Portugal, Russia, Spain, Sweden, United Kingdom, and the United States of America.

Council Headquarters

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General Secretary: Mr. David Griffith
E-mail: david@ices.dk
Web address: <http://www.ices.dk/>

Budget

The ICES annual budget is approximately \$3.5 million. The U.S. contribution to be paid by the Department of State for 2004 is DKK 1,104,000 or approximately USD 172,339.

U.S. Representation

A. Process:

NMFS, through NOAA and DOC, and the National Science Foundation provide the Department of State with recommendations for the U.S. representatives (delegates and advisors) to the annual meeting.

B. U.S. Representation (Delegates):

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C. Committees and Working Groups:

U.S. representation in ICES has no formal (legislated) advisory structure. During 2003-2004, United States scientists served as members on each of the 8 scientific committees (Oceanography, Marine Habitat, Living Resources, Resource Management, Fisheries Technology, Mariculture, Baltic, Diadromous Fish), membership on each of the 3 advisory committees (Fisheries Management, Marine Environment, Ecosystems) and the Consultative Committee and a number of members on more than 60 working/study/planning groups.

Description**A. Mission/Purpose:**

The International Council for the Exploration of the Sea (ICES), with 19 member nations, is the oldest intergovernmental organization in the world concerned with marine and fisheries sciences. (ICES was founded in 1902: the United States has been associated since 1912, and joined formally as a contracting party in 1972). ICES is a leading forum for the promotion, coordination, and dissemination of research on the physical, chemical, and biological systems in the North Atlantic and adjacent seas such as the Baltic Sea and North Sea, and advice on human impacts on its environment, in particular fisheries effects in the Northeast Atlantic. ICES has long recognized the mutual interdependence of the living marine resources and their physical and chemical environment. In support of these activities, ICES facilitates data and information exchange through publications and meetings, in addition to functioning as a marine data center for oceanographic, environmental, and fisheries data. ICES works with experts from its 19 member Countries and collaborates with more than 40 international organizations, some of which hold scientific Observer status.

Uniquely, ICES is also the provider of objective, independent and apolitical scientific advice on fisheries and environmental management, not only to the governments of its member countries but also to six intergovernmental regulatory commissions. The latter includes the North Atlantic Salmon Conservation Organization (NASCO) of which the U.S. is a leading member, particularly through NASCO's North American Commission.

ICES is a complex organization involving about 1600 scientists. It fulfills functions through an Annual Science Conference, about a dozen committees, close to 100 working and study groups, several symposia annually, and a wide range of quality science publications which are recognized as such by the world's scientific community. Two delegates represent each member country on the Council. Prior to his election as President of ICES, Dr. Michael Sissenwine (NOAA Fisheries Director of Scientific Programs and Chief Science Advisor) served with Dr. Ann Bucklin (Professor of Zoology and Director University of New Hampshire Sea Grant Program) as one of the two U.S. Delegates. At the 2003 Annual Science Conference, Dr. Sissenwine was inaugurated as President of ICES for the years 2003-2006. Subsequent to the inauguration of Dr. Sissenwine as President, Dr. Steven Murawski was designated as the other U.S. Delegate to ICES.

The fundamental purposes of ICES outlined in the ICES Convention are: to promote and encourage research and investigation for the study of the sea particularly related to the living resources thereof; to draw up programs required for this purpose and to organize, in agreement with the Contracting Parties, such research and investigations as may appear necessary; and to publish or otherwise disseminate the results of research and investigations carried out under its auspices or to encourage the publication thereof.

The ICES mission is to advance the scientific capacity to give advice on human activities affecting, and affected by, marine ecosystems. The mission calls for: effective arrangements to provide scientific advice; informing interested parties and the public objectively and effectively about marine ecosystem issues; coordinating and enhancing physical, chemical, biological, and interdisciplinary research; partnerships with other organizations that share a common interest; developing and maintaining accessible marine data bases.

Further information on ICES and the many contemporary science and policy issues with which it is dealing can be found on the Web at www.ices.dk.

B. Organizational Structure:

The Council (the ultimate governing body) consists of the President who presides at all meetings of the Council and the Bureau, and two Delegates from each participating country. The Bureau (the executive body of the Council) meets intersessionally and consists of the President, a First Vice President and five Vice Presidents elected from the delegates, each for a 3-year term. On completion of his term of office a member of the Bureau is not eligible for re-election to the same office for the succeeding term.

ICES does most of its work through three Advisory Committees (Fishery Management, Marine Environment, Ecosystems) and eight Science Committees (Oceanography, Marine Habitat, Living Resources, Resource Management, Fisheries Technology, Mariculture, Baltic, Diadromous Fish). The chairmen of these Committees constitute the Consultative Committee, whose chairman is elected by the committee, but not necessarily from its members. Responsibility for oversight of the production of scientific advice rests with the Management Committee for the Advisory Process which assigns advisory tasks to the three advisory committees.

The chief executive officer of the Council is the General Secretary, who is responsible to the Bureau for the management of the Council's staff and office. He is appointed by the Council on the advice of the Bureau.

Recent Activities

The 2004 Annual Science Conference (ASC) and Statutory Meeting:

The 2004 Annual Science Conference (ASC) and Statutory Meeting of ICES were held in Vigo, Spain on September 19-29, 2004.

Highlights of the 2003 ASC:

The International Council for the Exploration of the Sea (ICES) held its 92nd Statutory Meeting (September 19-29) and Annual Science Conference (September 22-25) in Vigo. Approximately 650 participants attended the Science Conference. The U.S. delegation to ICES was led by Dr. Michael Sissenwine of NOAA/NMFS, Dr. Ann Bucklin of the University of New Hampshire and Dr. Steven Murawski of the Northeast Fisheries Science Center.

The President of ICES, Dr. Mike Sissenwine, opened the meeting followed by an open lecture by Dr Peter Brewer (USA) titled "Open Lecture on Beyond Climate: The Emerging Science of a Low pH-High CO₂ Ocean". In addition there were three invited lectures: "Acoustics in the New Century: Behaviour, Ecology, and Ecosystem Science", by Julia Parrish (USA). "From Lophelia reefs to carbonate mounds: understanding cold-water coral reefs",

by J. Murray Roberts (UK), and “Sustainable Aquaculture Development in Europe”, by Alistair Lane (European Aquaculture Society - EAS).

The Annual Science Conference (ASC) featured 15 sessions

- Prey-Predator Interactions in Dynamic Environments: Methods, Approaches and Key Issues for the Study of Recruitment Processes
- The Life History, Dynamics and Exploitation of Living Marine Resources: Advances in knowledge and methodology
- Baltic Sea Ecosystem Structure and Dynamics – Consequences of Physical and Anthropogenic Forcing
- Regime Shifts in the North Atlantic Ocean: Coherent or Chaotic?
- Oceanographic Processes Related to the Continental Slopes of the North Atlantic
- Larval Fish Growth, Feeding and Recruitment in Relation to Patterns and Activity in Plankton Communities

- Physical-biological Interactions: Experiments, Models and observations
- Recent Advances in the Oceanography and Biology of the Iberian Waters and Adjacent Shelf Seas: Results from Integrated Multidisciplinary Projects
- New Developments in Fisheries Acoustics: Applications in Bottom Trawl Surveys and Multi-frequency Species Identification
- Use of Estuarine and Freshwaters Habitats and the Way that Freshwater and Diadromous Fish Use Them
- Acoustic Seabed Classification – Applications in Fisheries Science and Ecosystem Studies
- Mariculture in the Coastal Zone: Sustainability, Perspectives and Limitations
Conserving Biodiversity and Sustaining Fisheries through MPAs
- How Useful are Biological Effects Measurements in Marine Ecosystem Management?
- Cold Water Corals and Structural Habitats in Deep Water: Biology, Threats and Protection.
- Cephalopod Stocks: Review, Analysis, Assessment, and Sustainable Management
- Mortality and Linkages between Fish Eggs/Larvae and their Predators in Marine Ecosystems –A Multidisciplinary Approach
- Stock Identification Methods
- Modelling Marine Ecosystems and their Exploitation

The Statutory Meetings began prior to the Annual Science Conference and resumed for the four days following. The ICES Council, consisting of two delegates from each member State (Belgium, Canada, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Latvia, Netherlands, Norway, Poland, Portugal, Russia, Spain, Sweden, United Kingdom, United States of America), discussed a variety of organizational matters that persisted from previous meetings.

Science Committees: Each of the Science Committees has two members from the US. The members are generally expected to attend Annual Science Conference Meetings, where the Committees meet.

Advisory Committees: There is one member per country, and these need to be approved by ICES. Members of advisory committees are nominated by countries, but once approved by ICES, they serve in their own professional capacity. .

Working Groups and Study Groups: These have flexible membership. Members are expected to attend some, but not all, intersessional meetings (usually one per year or every other year). Some of these groups work by correspondence.

Other major recent ICES activities include:

A Workshop on Advanced Fish Stock Assessment Techniques [WKAFAT] (Co-Chairs: D. Skagen, Norway, E. Hjørleifsson, Iceland, and L. Kell, UK) was held at ICES Headquarters from 3–10 March 2004 to:

- (1) teach a course covering stock assessment methodology, including evaluation of data consistency, estimation of the state of a stock, projection of stock status, uncertainty evaluation and risk assessment;
- (2) present the open computing environment for fishery science and management currently under development within the Working Group on Methods of Fish Stock Assessments.

13th Annual ICES Dialogue Meeting:

The 13th annual ICES Dialogue Meeting - Advancing Scientific Advice for an Ecosystem Approach to Management: Collaboration Amongst Managers, Scientists and Other Stakeholders - was held at Dublin Castle, Ireland on 26–27 April 2004.

Leadership

A U.S. scientist Dr. Michael Sissenwine is the current President. Other U.S. scientists chair committees and several working/study groups.

President Sissenwine's Priorities for the Future

Dr. Sissenwine plans to place priority on the following during his 3-year tenure as President:

- Expanding the size and diversity of the ICES scientific community.
- Modernizing ICES's advisory processes to fulfill today's societal needs.
- Providing the Secretariat with the tools and work environment it needs to effectively serve the ICES community.

Future Meetings

In 2005 the ASC will be held in Aberdeen, Scotland (20-24 September) and the 93rd Statutory Meeting will be held on 18-27 September.

ICES plans to hold many group meetings at different locations in Europe and North America before the 2005 Annual Science Conference (scientific working, planning, and study groups and workshops), and a number of groups will work by correspondence. A full calendar of events can be found at <http://www.ices.dk/reports/general/2005/ICES%20Meeting%20calendar.pdf>

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International Polar Year

The International Council for Science (ICSU) formally agreed to establish an International Polar Year (IPY) in 2007-2008 and formed an International Planning Group to direct the development of an IPY program. The World Meteorological Organization (WMO) agreed to co-sponsor the Polar Year with the ICSU and contributed to the Planning Group activities in 2003-2004. In September 2004 the Planning Group completed its brief and handed over leadership of the Polar Year planning to the ICSU-WMO Joint Committee.

The IPY 2007-2008 will be an intense, internationally coordinated campaign of research that will initiate a new era in polar science. It will include research in both polar regions and recognize the strong links these regions have with the rest of the globe. It will involve a wide range of research disciplines, including the social sciences, but the emphasis will be interdisciplinary in its approach and truly international in participation. It aims to educate and involve the public, and to help train the next generation of engineers, scientists, and leaders.

In the United States, the National Academies' Polar Research Board established the U.S. National Committee (USNC) for the IPY to outline a framework for, and continue to coordinate, U.S. participation in the IPY. The Committee, chaired by Mary Albert, authored a report entitled *A Vision for the International Polar Year 2007-2008* that identified five scientific challenges: (1) assess large-scale environmental and social change in the polar regions; (2) conduct scientific exploration of the polar regions; (3) create multidisciplinary observing networks in the polar regions; (4) increase understanding of human-environment dynamics; and (5) create new connections between science and the public.

The USNC recommended that the: (1) U.S. science community and agencies use the IPY to initiate a sustained effort aimed at assessing large-scale environmental change and variability in the polar regions; (2) U.S. science community and agencies pioneer new polar studies of coupled human-natural systems that are critical to U.S. societal, economic, and strategic interests; (3) U.S. IPY effort explore new scientific frontiers from the molecular to the planetary scale; (4) the IPY be used as an opportunity to design and implement multidisciplinary polar observing networks that will provide a long-term perspective; (5) United States invest in critical infrastructure (both physical and human) and technology to guarantee that the IPY leaves enduring benefits for the nation and for the residents of northern regions; (6) U.S. IPY effort excite and engage the public, with the goals of increasing understanding of the importance of polar regions in the global system and, at the same time, advancing general science literacy in the nation; and (7) U.S. science community and agencies should participate as leaders in the IPY.

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Joint FAO/WHO International Codex Alimentarius Food Standards Program

Basic Instrument

The Codex Food Standards Program was established in 1962 when FAO and WHO recognized the need for international standards to protect the health of consumers and facilitate trade among member nations. The Codex Alimentarius Commission (CAC) is charged with developing food standards for adoption and use by member countries. These international food standards are contained in 14 volumes that have been adopted by the CAC. The purpose of these standards is to protect the health of consumers and facilitate fair practices in food trade. These texts are in the form of Specific Food Standards, Codes of Practice and Recommendations. The CAC includes provisions for food hygiene, food additives, pesticide residues, contaminants, labeling and presentation and methods of analysis and sampling.

Member Nations

Albania, Algeria, Angola, Antigua, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Barbados, Barbuda, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Democratic Republic of Congo, Republic of Costa Rica, Cote D'IVOIRE, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Islamic Republic of Iran, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Laos, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Mauritania, Mauritius, Mexico, Micronesia Federated States, Moldova, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Sultanate of, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovak Republic, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syria, Tanzania, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, United States of America, Uruguay, Vanuatu, Venezuela, Vietnam, Yemen, Zambia, and Zimbabwe.

Non-member Country

Bahamas

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Budget

The total budget for the Codex Program is \$5.7KK. Seventy-five percent is contributed from FAO and 25% is contributed from WHO.

Organizational Structure

The Program is operated by an International Commission through an Executive Committee and has various subsidiary bodies. Subsidiary bodies or Committees are both vertical and horizontal--or cross-cutting in nature. For example, specific food commodity committees such as the Codex Committee on Fish and Fishery Products (CCFFP) would be an example of a vertical committee. The Codex Committee on Food Hygiene (CCFH), which must address the hygienic considerations in all of the outputs of the Codex Alimentarius Program is an example of a horizontal or cross-cutting Committee. Additionally, there are regional Committees that are also cross-cutting in nature which address special needs of specific geographical regions. In addition to member nations, Codex relies on scientific support from three prestigious committees sponsored by other specific United Nations programs. These are the Joint Expert Committee on Food Additives, the Joint Meeting on Pesticide Residues, and the International Consultative Group on Food Irradiation. A fourth expert committee is currently being formed to pass expert judgement on microbiological risk assessments which are offered to the Codex Committee on Food Hygiene. Each member country maintains a country contact point.

U.S. Representation

There are currently 22 different commodity and subject matter committees within Codex. The U.S. delegate is nominated by the U.S. Codex Office and affirmed by the Interagency Codex Policy Steering Committee, chaired by the USDA Undersecretary for Food Safety. The Steering Committee consists of: the U.S. Manager for Codex; and administrative appointed senior level policy personnel being the Deputy Commissioner for Policy, Food and Drug Administration; the Assistant Administrator, Office of Prevention, Pesticides, and Toxic Substances, U.S. Environmental Protection Agency; the Assistant Secretary, Marketing and Regulatory Programs, Department of Agriculture; the Undersecretary of Farm and Foreign Agricultural Services, Department of Agriculture; the Special Assistant to the Secretary, Department of Agriculture; the Assistant Administrator for Fisheries, National Marine Fisheries Service; Special Trade Ambassador for Agriculture, Office of the U.S. Trade Representative; the Director of the Office of Agricultural and Textile Trade, Department of State; the Undersecretary, Food, Nutrition and Consumer Services, Department of Agriculture; the Undersecretary of Research, Education, and Economics, Department of Agriculture; and the Vice Chairman, Codex Alimentarius Commission. There is also an interagency technical committee for U.S.A. Codex consisting of career senior level SES executives. The Director of NMFS/Office of Sustainable Fisheries serves on this interagency technical committee. U.S.A. delegates to the Committee meetings are led by the U.S.A. Delegate and are comprised of other governmental and NGO advisors which include academia, industry, state government officials, trade associations, consumer organizations, etc.

Programs

The output products of the Codex Alimentarius Food Standards Program generally relate to four specific areas, for example, (1) the development of General Principles to be followed in the international trade of food commodities, (2) specific Codex Commodity Standards for individual food commodities, or processing requirements, (3) the establishment of Codex Guidelines for specific actions or procedures, and (4) recommended Codes of Hygienic Practice which are similar to our GMP concepts that are to be followed when producing and/or manufacturing specific food commodities. A country's adherence to these Codex outputs provides the country a "safe harbor" in the settlement of GATT disputes by WTO. The Codex Program provides a forum for the world's leading experts to discuss, debate, and reach a scientific consensus on the food safety issues that affect international trade. Further, governmental participation allows access to the world's most current and complete body of scientific food safety information. Without a doubt, Codex has upgraded global food manufacturing practices which have dramatically

resulted in improved global consumer protection. Such improvements lessen expensive regulatory efforts for importing countries during a time of shrinking resources. The United States has benefitted substantially from its participation in Codex. Action of the Codex Alimentarius Program can greatly influence world regulatory food control activities since Codex work products represent a consensus of opinion on regulatory issues by the more than 140 member countries that in turn represent more than 97 percent of world's population.

Recent Activities

Since Codex was established in 1962, its commodity committees have published more than 200 commodity standards, including those for various types of processed fruits and vegetables; meat and fish products; cereals, pulses, and legumes; fats and oils; milk and milk products; soups and broths; and foods for special dietary uses. In addition to Codex standards, there are more than 35 Guidelines and Codes of Practice for food production and processing which have been prepared by the general subject committees. Historically, the U.S.A. has a low rate of acceptance of Codex Standards. To date the United States has accepted 981 pesticide standards and it has taken a position on about 70 commodity standards accepting most with specified deviations. The low rate of acceptances of Codex standards is generally not a result of specific health concerns, but rather due to the current regulatory workload's forcing regulatory agencies to give Codex a reduced priority. This low priority is changing as a result of the increasing recognition in U.S. agencies on the role Codex can play in mitigating WTO disputes.

Codex has recently standardized the Hazard Analysis Critical Control Point (HACCP) Food Inspection Program. Likewise it has enumerated the General Principles and Guidelines for the Conduct of Microbiological Risk Assessments as well as for the Application of Microbiological Criteria for Foods. It has developed numerous Standards and Codes of Practice for various fishery products and other foodstuffs.

The current "hot" topics being debated by the Codex include defining Acceptable Levels of Protection (ALOP) and Food Safety Objectives (FSO); procedures for judgement of equivalency of control measures for food safety and possible Technical Barriers to Trade (TBT); regulatory approaches among and between different country food inspection and certification systems; the use of "precautionary approaches" in Risk Management decision making; providing for General Principles and Guidelines for use in conducting Microbiological Risk Management; and the labeling of biotech-derived foods. All of these issues have, or will have, relevance to similar fishery management debates, (although in a different context and domain) expected to be carried out by ICCAT and other regional fishery bodies.

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PART IV. OTHER INTERNATIONAL ARRANGEMENTS OF INTEREST

Asia Pacific Economic Cooperation (APEC)

APEC was established in 1989 to promote open trade and economic cooperation among economies around the Pacific Rim, and, under APEC, the Fisheries Working Group (FWG) was formed in 1991. The FWG meets annually, and deliberates on a broad range of living marine resource issues and specific project proposals. The 21 APEC Economies are invited to these FWG meetings. In recent years, the FWG has concentrated in the areas of management; trade and marketing; seafood inspection training; aquaculture; and various environmental issues.

The 16th meeting of the FWG took place May 17-20, 2005, in Phuket, Thailand. This was a joint meeting of the APEC FWG and the APEC Marine Resources Conservation (MRC) Working Group. Much of this meeting focused on development of the provisional agenda and draft Ministerial Declaration for the 2nd APEC Oceans Ministerial Meeting, to take place in Bali, Indonesia in September 2005. The next meeting of the APEC FWG will be in Taipei, Taiwan, during Spring 2006.

For more information on the activities of the FWG and MRC, see the APEC web site: <http://www.apecsec.org.sg/>

Asia-Pacific Fishery Commission (APFIC)

APFIC was organized in 1948 as the Indo-Pacific Fisheries Council (later, Commission), an FAO regional fishery body. It was redesignated as the Asia-Pacific Fishery Commission in 1993. The functions of the Commission are to promote full and proper utilization of the living aquatic resources of the Asia-Pacific area through the development and management of fishing and aquaculture operations and the development of related processing and marketing activities in conformity with the objectives of its members. It has no regulatory powers.

APFIC operates through an Executive Committee and two subsidiary committees. The Executive Committee consists of a Chairperson, Vice-Chairperson, preceding Chairperson, and two members elected by the Commission. Subsidiary committees consist of the Aquaculture and Inland Fisheries Committee and the Committee on Marine Fisheries. There is no standing scientific committee, but the Commission can establish temporary, special, or standing committees and working parties to study and make recommendations on specific technical problems.

The Commission meets at least once every two years unless otherwise called by a majority of the Members. Each member has one vote and decisions are made by simple majority.

The Commission held its 28th Session on August 3-6, 2004, in Chiangmai, Thailand. An official report of the session can be found at http://www.apfic.org/apfic_downloads/pubs_APFIC/%2328%20Session%20APFICa.pdf. The 29th Session of APFIC is scheduled to be held beginning on August 29, 2006, at a venue to be determined.

The APFIC Members are Australia, Bangladesh, Cambodia, China, France, India, Indonesia, Japan, Korea, Malaysia, Myanmar, Nepal, New Zealand, Pakistan, Philippines, Sri Lanka, Thailand, United Kingdom, the United States, and Viet Nam.

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Association of Official Analytical Chemists (AOAC) International

AOAC was founded in 1884 as the Association of Official Agricultural Chemists, under the auspices of the U.S. Department of Agriculture (USDA), to adopt uniform methods of analysis for fertilizers. In the 21st Century AOAC INTERNATIONAL is committed to be a proactive, worldwide provider and facilitator in the development, use, and harmonization of validated analytical methods and laboratory quality assurance programs and services. Also, to serve as the primary resource for timely knowledge exchange, networking, and high-quality laboratory information for its members. To meet these goals, AOAC is focusing very closely on streamlining its methods review process and providing new methods in areas of increasing international interest, such as genetically modified organisms (GMOs) and nutraceuticals. The explosion of international accreditation as a requirement for participation in the global marketplace has given AOAC INTERNATIONAL an opportunity to seize a leadership role in developing criteria for laboratory accreditation.

Commission for Environmental Cooperation (CEC)

The signing of the North American Free Trade Act (NAFTA) in 1993 created the world's largest trading bloc. At the same time, the NAFTA partners (Canada, Mexico, and the United States) sought to build environmental safeguards into the trade liberalization pact and signed the North American Agreement on the Environmental Cooperation, creating the North American Commission for Environmental Cooperation (CEC). In June of 2004, the CEC restructured its programs around three pillars 1.) Information sharing for decision makers, 2.) Capacity Building and 3.) Trade and Environment. Projects focus on the protection of the North American environment, and therefore trilateral environmental problems, issues and cooperation are given priority in funding. The CEC biodiversity work program is increasingly addressing the marine environment.

The 11th Regular Session of the Council of the CEC and the Biodiversity Conservation Working Group met June 22-23, 2004, in Puebla, Mexico.

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Commission for Sustainable Development (CSD)

The CSD was established as a functional commission of the UN Economic and Social Council by Council decision 1993/207. Its functions are set out in General Assembly resolution 47/191 of December 22, 1992. The Commission is composed of 53 members elected for terms of office of 3 years.

One of the main purposes of the Commission is to review progress at the international, regional, and national levels in the implementation of recommendations and commitments contained in the final documents of the 1992 United Nations Conference on Environment and Development (UNCED), namely Agenda 21; the Rio Declaration on Environment and Development; and the Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests (also known as the Forest Principles).

The CSD holds meetings annually in New York and reviews documents and resolutions that address, *inter alia*, various global fishery issues in light of the charges in the 1992 Rio declarations. It provides a convenient barometer for gauging opinions in the United Nations on global fishery and living marine resource issues. While the 8th Session of the CSD, held in April 2000, did not focus on fisheries or marine issues, the open-ended informal consultative process on Ocean Affairs, formed under the CSD, held an international panel discussion on Illegal, Unregulated and Unreported Fisheries on May 30-June 2, 2000.

Web address: <http://www.un.org/esa/sustdev/csd.htm>

Convention on the Conservation and Management of Fishery Resources in the Southeast Atlantic Ocean (SEAFO)

A Convention to establish a new regional fisheries conservation and management organization for the Southeast Atlantic Ocean, the Southeast Atlantic Fisheries Organization (SEAFO), has been negotiated. When it comes into force, SEAFO will manage fishery resources on the high seas of the Southeast Atlantic Ocean, but not those under national jurisdiction, nor highly migratory species. The text of the convention was adopted in November 2000 and signed on April 20, 2001, in Windhoek, Namibia.

Web address: http://www.fao.org/fi/body/rfb/SEAFO/seafo_home.htm

Coral Disease and Health Consortium (CDHC)

The National Oceanic Atmospheric Administration (NOAA), the Environmental Protection Agency (EPA), and the Department of Interior (DOI) developed the framework for the CDHC for the United States Coral Reef Task Force through an interagency effort in March 2000. The Coral Reef Task Force was established by Executive Order in June 1998 (Executive Order 13089 on the Protection of Coral Reefs) to help preserve and protect the biodiversity, health, heritage, and social and economic value of U.S. coral reef ecosystems. The purpose of the CDHC is to organize and coordinate the scientific resources of the United States and its territories to document the condition of coral reef ecosystems, determine causes of declines in coral reef health, and provide technical information and assistance to managers and scientists regarding coral reef health. These objectives will be achieved by integrating three functional disciplines, specifically Clinical Pathology, Health Assessment, and Risk Assessment and Management. Development of the CDHC framework already has fostered national and international partnerships in coral disease research, education, and outreach activities. For example, NOAA has developed waterproof coral disease identification cards for improved disease monitoring. NOAA has also partnered with the World Conservation Monitoring Center to create the first global coral disease database. In addition, a new video production will highlight examples of coral bleaching and disease, research on the effects of stress on corals, and standardization of histological methodologies. The CDHC aims to significantly enhance current assessments of coral ecosystem health, improve the effectiveness of management decisions by providing early warning of disease and disease outbreaks, identify putative causative factors and possible prevention and mitigation strategies, and offer

managers viable risk management options. The NMFS Office of Protected Resources is focused on coral disease epizootiology (distribution, abundance and impacts of diseases and bleaching), effects of diseases and bleaching on Candidate Species for the ESA, and management of coral diseases.

Website address: www.coralreef.gov

Fishery Committee for the Eastern Central Atlantic (CECAF)

CECAF is the FAO regional fishery body for the Eastern Central Atlantic. The main objectives of the Committee are:

- (a) to facilitate the coordination of research and to encourage education and training
- (b) to assist its members in an advisory management capacity in establishing rational policies to promote the rational management of resources.

The functions of the Committee, which has no regulatory powers, are principally to translate and adopt scientifically based conservation recommendations into management measures for adoption, including harmonized rules such as minimum mesh sizes. Recommendations are not binding on Commission members. It operates through a Main Committee and a Scientific Subcommittee. The Scientific Subcommittee exists to provide scientific advice to the Committee.

The CECAF Members are Benin, Cameroon, Cape Verde, Congo (Democratic Republic of), Congo (Republic of), Côte d'Ivoire, Cuba, Equatorial Guinea, European Community, France, Gabon, Gambia, Ghana, Greece, Guinea, Guinea-Bissau, Italy, Japan, Korea, Liberia, Mauritania, Morocco, Netherlands, Nigeria, Norway, Poland, Romania, Sao Tome and Principe, Senegal, Sierra Leone, Spain, Togo, and the United States.

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Food and Agriculture Organization of the United Nations (FAO) Committee on Fisheries (COFI)

FAO

The Food and Agriculture Organization (FAO) was founded in October 1945 with a mandate to raise levels of nutrition and standards of living, to improve agricultural productivity, and to better the condition of rural populations.

Today, FAO is the largest autonomous agency within the United Nations system with 175 Member Nations plus the EC (Member Organization) and more than 1,500 professional staff.

The Organization offers direct development assistance, collects, analyses, and disseminates information, provides policy and planning advice to governments and acts as an international forum for debate on food and agriculture issues. FAO is active in land and water development, plant and animal production, forestry, fisheries, economic and social policy, investment, nutrition, food standards and commodities and trade. It also plays a major role in dealing with food and agricultural emergencies. A specific priority of the Organization is encouraging sustainable agriculture and rural development, a long-term strategy for the conservation and management of natural resources. It aims to meet the needs of both present and future generations through programs that do not degrade the environment and are technically appropriate, economically viable, and socially acceptable.

FAO is governed by the Conference of Member Nations, which meets every two years to review the work carried out by the organization and approve a Program of Work and Budget for the next biennium. The Conference elects a Council of 49 Member Nations to act as an interim governing body. Members serve 3-year, rotating terms. The Conference also elects a Director-General to head the agency. The current Director-General, Jacques Diouf, began a second 6-year term in January 2000.

The Organization's work falls into two categories. The Regular Program covers internal operations, including the maintenance of staff who provide support for field work, advise governments on policy and planning and service a wide range of development needs. It is financed by Member Nations, who contribute according to levels set by the Conference. The Field Program implements FAO's development strategies and provides assistance to governments and rural communities. Projects are usually undertaken in cooperation with national governments and other agencies. More than 60 percent of Field Program finances come from national trust funds and early a quarter is provided by the United Nations Development Program. FAO contributes through its Technical Cooperation Program (TCP).

A proposed \$44,491,000 has been budgeted in 2004-2005 for FAO's Program of Work for the Fisheries Department. This compares to \$40,111,000 allocated for the 2002-2003 Program of Work. This anticipates an 11 percent increase and reflects the preferential treatment given to the fisheries program by FAO. However, this budgeting was formulated under a growth scenario and it is likely that the budget approved by the FAO Council/Conference will be significantly lower, requiring adjustments.

Committee on Fisheries (COFI)

COFI, a subsidiary body of the FAO Council, was established by the FAO Conference at its Thirteenth Session in 1965. The Committee presently constitutes the only global inter-governmental forum where major international fisheries and aquaculture problems and issues are examined and recommendations addressed to governments, regional fishery bodies, NGOs, fishworkers, FAO and international community, periodically on a world-wide basis. COFI has also been used as a forum in which global agreements and non-binding instruments were negotiated.

COFI membership is open to any FAO Member and non-Member eligible to be an observer of the Organization. Representatives of the UN, UN bodies and specialized agencies, regional fishery bodies, international and international non-governmental organizations participate in the debate, but without the right to vote.

The two main functions of COFI are to review the programs of work of FAO in the field of fisheries and aquaculture and their implementation, and to conduct periodic general reviews of fishery and aquaculture problems of an international character and appraise such problems and their possible solutions with a view to concerted action by nations, by FAO, inter-governmental bodies and the civil society. The Committee also reviews specific matters relating to fisheries and aquaculture referred to it by the Council or the Director-General of FAO, or placed by the Committee on its agenda at the request of Members, or the United Nations General Assembly. In its work, the Committee supplements rather than supplants other organizations working in the field of fisheries and aquaculture.

COFI is empowered to establish subcommittees on specific issues. These subsidiary bodies meet in the intersessional period of the parent Committee. COFI has a Sub-Committee on Fish Trade and a newly established Sub-Committee on Aquaculture, and is advised by the FAO Advisory Committee on Fishery Research. The next meeting of the Sub-Committee on Trade is scheduled for February 2004, in Bremen, Germany. The agenda for the meeting will include restrictions on trade in and the use of fishmeal for animal feed; and harmonization of catch certification schemes; cooperation with the Convention on Trade in Endangered Species. The second meeting of the Sub-Committee on Aquaculture is scheduled for 2004 in Norway.

The Twenty-fifth meeting of COFI was held in Rome in February 2003. The Committee took the following actions:

CITES

Agreed on a drafting whether or not to include the restriction that a “CITES listing of commercially exploited aquatic resources should be limited to exceptional cases only.” Work on the MOU will continue in an open-ended informal group requested to convey a text to the COFI Subcommittee on Fish Trade by February 2004. COFI approved Terms of Reference for an ad hoc Advisory panel for the Assessment of Proposals to Amend CITES Appendices I and II. For each listing proposal the Panel would (1) assess the proposal from a scientific perspective in accordance with the CITES biological listing criteria, taking account of the recommendations on the criteria made to CITES by FAO; and (2) comment, as appropriate, on technical aspects of the proposal in relation to biology, ecology, trade and management issues, as well as, to the extent possible, the likely effectiveness for conservation;

IPOAs IUU Fishing and Capacity

Endorsed a proposal that FAO convene a Technical Consultation at FAO headquarters in Rome in early 2004 to review progress and promote the full implementation of the International Plan of Action (IPOA) to Prevent, Deter and Eliminate Illegal, Unregulated and Unreported (IUU) Fishing and the IPOA for the Management of Fishing Capacity;

Subsidies

Agreed that FAO should convene a Technical Consultation on the impacts of subsidies on the sustainability of fisheries. The consultation will be held immediately after the meeting on IUU fishing and fleet overcapacity;

Port States

Endorsed a proposal to convene a Technical Consultation to address substantive issues relating to the role of the port State in combating IUU fishing and principles and guidelines for the establishment of regional memoranda of understanding on port State measures addressing IUU fishing;

Sea turtles

Agreed that a Technical Consultation on sea turtle interactions and conservation be held in Bangkok in 2004. The meeting will: (1) review information on the current status of sea turtle conservation including incidental and direct catches, their impact on populations and other factors affecting the mortality of sea turtles; (2) review the development of new fishing gears and techniques to reduce sea turtle mortality by incidental catches and other techniques to improve sea turtle conservation; (3) produce, if appropriate, guidelines to reduce sea turtle mortality in fishing operations; and (4) consider assistance to Members from developing States for the conservation of sea turtles;

Vessel Monitoring Systems

Noted Norway's offer to host an FAO Expert Consultation on the standardization of VMS data formats and procedures;

Monitoring, Control and Surveillance

Agreed that FAO should continue to be closely involved with the International Network for Coordination and Cooperation in Fisheries-related Monitoring, Control and Surveillance, including provision of strengthened technical support for, coordination, communication and facilitation of awareness raising among Members;

Status and Trends

Approved the draft Strategy for Improving Information on the Status and Trends of Capture Fisheries and recommended that the FAO Secretariat report back regularly to COFI on its implementation;

Ecosystem Approach to Fisheries

Supported the role of FAO in facilitating the process of adoption of the ecosystem approach to fisheries as agreed during the World Summit on Sustainable Fisheries;

Deep Sea Fisheries

Recommended that deep sea fisheries be included on the agenda of the next session of COFI;

Small-scale fisheries

Requested that FAO allocate more resources to promote sustainable small scale fisheries;

Priorities for funding

Identified the following priority areas for funding in the 2004-2005 Program of Work: promotion of aquaculture and inland fisheries in food security; strengthening of regional fishery bodies in particular to appropriately assist developing countries in improving their fisheries management; implementation of the Code of Conduct for Responsible Fisheries and related instruments such as International Plans of Action as well as elaboration of technical guidelines; collaboration with CITES; support for sustainable small-scale fisheries and their better inclusion with the formulation of poverty reduction strategies; work on the implementation of the ecosystem approach to fisheries management; implementation of the Strategy for Improving Status and Trends Reporting; and maintaining the Fisheries Library; and

Other action

Additionally, many Members supported convening an experts' consultation to support an FAO effort to develop guidelines on eco-labeling. During the meeting Canada announced its intention to convene an international conference in 2004 or 2005 to encourage ratification of or accession to the UN Fish Stocks Agreement, review its implementation and prepare for the Review Conference mandated by the Agreement. Japan announced that was creating a trust Fund for Aquaculture Development.

The next meeting of COFI will be in the Spring of 2005.

COFI Subcommittee on Fish Trade

The COFI Subcommittee on Fish Trade was established in 1985. The Subcommittee provides a forum for consultations on technical and economic aspects on international trade in fish and fishery products including pertinent aspects of production and consumption.

The Ninth Session of the Subcommittee was held in Bremen, Germany, February 10-14, 2004. The Subcommittee: (1) urged enhanced work on safety issues and requested that FAO closely monitor developments and emerging science related to these issues and to report back to members so that measures aimed at protecting consumers are grounded in the best available information and do not unfairly restrict trade; (2) called for establishment of feasible, cost-effective, and internationally agreed upon traceability standards and methodologies; (3) finalized the text of a proposed memorandum of Understanding between FAO and the Secretariat of the UN Convention on Trade in Endangered Species of Wild Flora and Fauna (CITES); (4) requested that FAO organize a Technical Consultation to finalize guidelines on the use of eco-labels to protect fishery resources. The Subcommittee also discussed issues such as strengthening fish trade's contribution to food security; increasing access by developing countries and small-scale fishing operations to international markets; and improving catch reporting by fishing operations.

The next meeting of the Subcommittee will be in the winter of 2006.

COFI Subcommittee on Aquaculture

The COFI Subcommittee on Aquaculture was established in 2001. The Subcommittee provides a forum for consultation and discussion on aquaculture and advises COFI on technical and policy matters related to aquaculture and on the work to be performed by FAO in aquaculture.

The Second Session of the Subcommittee was held in Trondheim, Norway, August 7-11, 2003. The Subcommittee considered: (1) recent efforts by FAO regional fishery bodies in responsible aquaculture and culture-based fisheries; (2) progress in implementing the provisions of the Code of Conduct for Responsible Fisheries relevant to aquaculture and culture-based fisheries; (3) improving status and trends reporting on aquaculture; (4) strategies to improve safety and quality of aquaculture products; and (5) responsible practices in culture-based fisheries.

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GLOBEC (Global Ocean Ecosystem Dynamics) was initiated by SCOR and the IOC of UNESCO in 1991 in response to the recommendations of a joint workshop which identified a need to understand how global change will affect the abundance, diversity and productivity of marine populations comprising a major component of oceanic ecosystems. GLOBEC is primarily focused on zooplankton, the assemblage of herbivorous grazers on the phytoplankton, and the primary carnivores that prey on them. Both groups are the most important prey for larval and juvenile fish.

The aim of GLOBEC is to advance understanding of the structure and functioning of the global ocean ecosystem, its major subsystems, and its response to physical forcing so that a capability can be developed to forecast the responses of the marine ecosystem to global change. GLOBEC has four primary objectives: (1) to better understand how multiscale physical environmental processes force large-scale changes in marine ecosystems; (2) to determine the relationships between structure and dynamics in a variety of oceanic systems which typify significant components of the global ocean ecosystem, with emphasis on trophodynamic pathways, their variability and the role of nutrition quality in the food web; (3) to determine the impacts of global change on stock dynamics using coupled physical, biological and chemical models linked to appropriate observation systems and to develop the capability to predict future impacts; and (4) to determine how changing marine ecosystems will affect the global earth system by identifying and quantifying feedback mechanisms.

GLOBEC consists of four cross cutting research foci, four regional programs, and national program activities.

Web address: <http://www.pml.ac.uk/globec/>

Global Ocean Observing System (GOOS)

GOOS is an internationally coordinated system for systematic operational data collection (measurements), data analysis, exchange of data and data products, and technology development and transfer. The objective of GOOS is to ensure the establishment of a permanent system of global and systematic observations adequate for forecasting climate variability and change; for assessing the health or the state of the marine environment and its resources, including the coastal zone; and for supporting an improved decision-making and management process, which takes into account potential natural and man-made changes in the environment and their effects on human health and marine resources. GOOS is coordinated by the Intergovernmental Oceanographic Commission (IOC) headquartered in Paris, France. Four GOOS design panels (Coastal, Living Marine Resources, Health of the Oceans, and Climate) are in the process of identifying the observations and resources required to meet GOOS objectives.

Web address: <http://ioc.unesco.org/goos/goos.htm>

Gulf of Maine Council (GOMC)

The GOMC was established in the late 1980's and consists of the states and provinces bordering the Gulf of Maine. The Council's primary goals are to restore shellfish habitat, promote restoration of fishery resources, address ecosystem and public health effects of toxics in the marine food chain, protect and restore regionally significant coastal habitats, and

reduce marine debris and prevent whale entanglements. Federal partners from both the United States and Canada are traditional, long-standing non-voting members on the GOMC. The NOAA Fisheries representative is the Northeast Regional Administrator.

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Indian Ocean Tuna Commission (IOTC)

The Agreement for the Establishment of the IOTC was approved at the 27th Session of the FAO Conference and adopted by the Council at its 105th Session in November 1993. The Agreement entered into force with receipt of the 10th instrument of acceptance on March 27, 1996. The aim of the IOTC is to promote cooperation among its members with a view to ensuring, through appropriate management, the conservation and optimum utilization of fish stocks covered by the Agreement and to encourage sustainable development of fisheries based on such stocks.

The main functions of the IOTC are, among other things: (a) to review the conditions and trends of the stocks and to gather, analyze, and disseminate scientific information, catch and effort statistics, and other relevant data; (b) to encourage, recommend, and coordinate research and development activities in respect of the stocks and fisheries covered by the Agreement; and (c) to keep under review the economic and social aspects of the fisheries based on the stocks covered by the Agreement. In order to achieve these ends, the Commission may, by a two-thirds majority, adopt, on the basis of scientific evidence, conservation and management measures to ensure the conservation and optimum utilization of the stocks covered by the Agreement.

The Commission is the main decision-making body and is composed of all Members. There is also a Scientific Committee which advises the Commission (and any sub-commissions which may be established) on research and data collection, status of stocks, and management issues. Four Working Parties--Data Collection and Statistics, Tropical Tunas, Neritic Tunas and Billfishes, and Temperate Tunas--report to the Scientific Committee

The members are Australia, China, Comoros, Eritrea, European Community, France, India, Islamic Republic of Iran, Japan, Republic of Korea, Sultanate of Oman, Madagascar, Malaysia, Mauritius, Pakistan, Philippines, Seychelles, Sri Lanka, Sudan, Thailand, United Kingdom and Vanuatu.

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Intergovernmental Panel on Climate Change (IPCC)

The IPCC was established by the World Meteorological Organization (WMO) and the United Nations Environment Programme (UNEP) in 1988 to provide an authoritative statement of scientific opinion on climate change. Several hundred scientific experts serve on three Working Groups and a Task Force. Their work has been broadly peer-reviewed and subjected to full governmental reviews. Working Group I deals with the science of climate change. Working Group II deals with impacts and response strategies. Working Group III deals with broad socioeconomic issues, such as the costs and benefits of global mitigation efforts in energy, forestry and agriculture. The Task Force on National Greenhouse Gas Inventories oversees the National Greenhouse Gas Inventories Programme. The IPCC does not carry out new research, nor does it monitor climate-related data. It bases its assessment mainly on published and peer-reviewed scientific technical literature.

All of the significant fisheries materials are included in the 1995 Working Group II reports. The National Marine Fisheries Service (NMFS) Office of Science and Technology had significant roles in Working Group II, including the designation as Co-Convening Lead Author for the Polar Regions report, which was completed and published as a special areas report of the IPCC. The current IPCC effort is being developed as a regional assessment. NMFS was a reviewer of the regional sections to ensure that fishery interests were adequately addressed for each region.

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International Oceanographic Commission (IOC)

The Intergovernmental Oceanographic Commission (IOC) of UNESCO was founded in 1960. The work of the IOC has focused on promoting marine scientific investigations and related ocean services, with a view to learning more about the nature and resources of the oceans. The IOC focuses on four major themes: (1) develop, promote and facilitate international oceanographic research programs to improve understanding of critical global and regional ocean processes and their relationship to the sustainable development and stewardship of ocean resources; (2) ensure effective planning, establishment and coordination of an operational global ocean observing system to provide the information needed for oceanic and atmospheric forecasting, for oceans and coastal zone management by coastal nations, and for global environmental change research; (3) provide international leadership for education and training program and technical assistance essential for systematic observations of the global ocean and its coastal zone and related research; and (4) ensure that ocean data and information obtained through research, observation and monitoring are efficiently handled and made widely available.

The United States is supporting the Ocean Science in Relation to Living Resources (OSLR) program of the IOC, which includes support for the Global Ecosystem Dynamics (GLOBEC) and Small Pelagic Fishes and Climate Change (SPACC) programs, Large Marine Ecosystems (LMEs), Harmful Algal Blooms (HAB), the Global Coral Reef Monitoring Network (GCRMN), and the Living Marine Resources Module of the Global Ocean Observing System (LMR GOOS). The (GLOBEC) Science Plan has been finalized and an implementation plan is being developed.

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IOC Sub-Commission for the Caribbean and Adjacent Regions (IOCARIBE)

IOCARIBE is a Sub-Commission of the Intergovernmental Oceanographic Commission (IOC) of UNESCO. It is the first of its kind and was established on the basis of very promising experiences gained from previous cooperative programs in the Caribbean and Adjacent Regions. The aim of IOCARIBE is the same as that of the IOC--to promote marine scientific investigations and technology and related ocean services with a view to learning more about the nature and resources of the oceans through the concerted action of IOCARIBE Members States.

IOCARIBE Members are Antigua and Barbuda, Bahamas, Barbados, Belize, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, France (French Guiana, Grenada, Guadeloupe, Martinique, St Barthelemy, and St. Martin), Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, the Netherlands (Aruba), Netherlands Antilles (Bonaire, Curacao, Saba, Sint Eustatius, and Sint Maarten), Nicaragua, Panama, Russia, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Surinam, Trinidad and Tobago, United Kingdom (Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Montserrat, Turks & Caicos), United States (Puerto Rico and U.S. Virgin Islands), and Venezuela.

Web address: http://ioc.unesco.org/iocaribe/What_is%20IOCARIBE.htm

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International Queen Conch Conference

Since 1996, countries in the Wider Caribbean have been meeting to discuss issues of queen conch (*Strombus gigas*) science and management. This informal international effort is being coordinated by the Caribbean Fishery Management Council, which forms a practical bridge between the United States and countries in Latin America and the Caribbean. At its most recent meeting, discussion was largely driven by the large amount of illegal, unreported, undocumented fishing in the region. Strategies adopted by the group to address this problem and provide coordinated management for the resource included:

- convening of a stock assessment workshop in 2002, one of the goals of which will be establishing an adequate protocol for data collection and analysis;
- strengthening the ways in which the Convention on International Trade in Endangered Species (CITES) can ensure that trade in this listed species is sustainable;
- presentation of information on the management of queen conch to Ministers at the CARICOM Council for Trade and Economic Development;
- considering the proposal of the government of the Dominican Republic for the establishment of an Inter-American Convention for the Management and Conservation of *Strombus gigas*; and
- seeking assistance to establish better enforcement systems and tools, such as Vessel Monitoring Systems (VMS).

Website address: <http://www.strombusgigas.com>

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Large Marine Ecosystems (LMEs)

NOAA, in partnership and with support from the Global Environment Facility (GEF), UN agencies (United Nations Food and Agricultural Organization, United Nations Environmental Program, United Nations Development Program, United Nations Industrial Development Organization, United Nations Educational and Scientific Organization and the Intergovernmental Oceanographic Commission), the World Bank, and the IUCN-The World Conservation Union, is assisting numerous countries bordering several LMEs to develop programs for the sustainable, ecosystem-based management of their marine areas. These comprehensive programs will provide the information necessary for these countries to make decisions regarding the status and management of their marine resources. In some cases (e.g. the Guinea Current LME and Benguela Current LME), the countries bordering the LME have made inter-ministerial commitments to assess and manage their marine areas from an LME perspective.

In addition to the United States, LME participating countries include China, Korea, Bangladesh, India, Indonesia, Malaysia, Myanmar, Maldives, Sri Lanka, Thailand, Cambodia, Philippines, Vietnam, Korea, Madagascar, Mozambique, South Africa, Angola, Namibia, Cape Verde, Gambia, Guinea, Guinea Bissau, Mauritania, Morocco, Senegal, Angola, Benin, Cameroon, Congo, Dem. Repub. of the Congo, Equatorial Guinea, Gabon, Ghana, Cote d'Ivoire, Liberia, Nigeria, Sao Tome and Principe, Sierra Leone, Togo, Bahamas, Barbados, Belize, Brazil, Colombia, Costa Rica, Cuba, Jamaica, Mexico, Panama, St. Lucia, Trinidad and Tobago, Venezuela, Chile, Peru, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland, Russia, Sweden, Latvia, Lithuania, Poland, Russia, and Sweden.

Web address: <http://www.edc.uri.edu/lme/>

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Memorandum of Understanding on the Conservation and Management of Marine Turtles and Their Habitats Of the Indian Ocean and South-East Asia (concluded under the auspices of the Convention on Migratory Species)

The Memorandum of Understanding (MOU) on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South-East Asia was completed on June 23, 2001, in Manila, Philippines. The MOU is the second of its kind to be concluded under the auspices of the Convention on Migratory Species. It puts in place a framework through which States of the region--as well as other concerned States--can work together to conserve and replenish depleted marine turtle populations for which they share responsibility. It acknowledges a wide range of threats to marine turtles, including habitat destruction, direct harvesting and trade, fisheries bycatch, pollution and other man-induced sources of mortality. The MOU recognizes the need to address these problems in the context of the socio-economic development of the States concerned, and to take account of other relevant instruments and organizations.

The MOU has a potential membership of at least 40 countries, covering the entire Indian Ocean and Southeast Asia. Activities may also be coordinated through subregional mechanisms in South-East Asia, as well as in the northern, western, and southwestern Indian Ocean. The signatory States (Australia, Comoros, Iran, Myanmar, Philippines,

Sri Lanka, Tanzania, United States, and Vietnam, so far) are expected to hold their first formal meeting in the second quarter of 2002. The Conservation and Management Plan, containing 24 programs and 105 specific activities, aims to reverse the decline of marine turtle populations throughout the region. The measures to be taken focus on reducing threats, conserving critical habitat, exchanging scientific data, increasing public awareness and participation, promoting regional cooperation, and seeking resources for implementation.

A small secretariat and an advisory committee will be established to help implement the MOU's provisions. Voluntary contributions will be secured to guarantee that this essential coordination function is provided at the initial critical stage of the Memorandum's existence.

Web address: <http://www.cms.int/>

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**Multilateral High-level Conference on the Conservation and Management
of Highly Migratory Fish Stocks in the Western and Central Pacific
(Western and Central Pacific Fisheries Convention–WCPFC)**

On September 4, 2000, the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean was adopted, following seven negotiating sessions spanning 5 years. The Convention was adopted by 19 states voting in favor¹; Japan and Korea voting against; and China, France, and Tonga abstaining. The differences that concerned those states that abstained or voted against have been substantially resolved.

The Convention will establish a Commission to conserve and manage tuna and tuna-like species in the vast area of the western and central Pacific west of 150° meridian of west longitude, a resource estimated to have an annual value of \$1.5-2 billion. The Pacific island states control access to the fishing grounds where the majority of the catches occur. These states provide access to their exclusive economic zones through agreements with distant water fishing states. For many of the Pacific Island nations, these fish stocks are the only significant renewable natural resource and a key to their economic development aspirations. The United States has been cooperating with them since 1985 under the South Pacific Tuna Treaty; the new Convention will serve to apply the same rules our fishermen have been following to all

¹ Australia, Canada, Cook Islands, Federated States of Micronesia, Fiji, Indonesia, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Philippines, Samoa, Solomon Islands, Tuvalu, United States, and Vanuatu.

distant water and coastal states in the region. These include carrying observers, a vessel monitoring system, restrictions on transshipment, and catch and fishing effort reporting. The new Convention is fully consistent with the 1995 United Nations Fish Stocks Agreement and other recent global fisheries agreements.

On December 19, 2003, thirteen states had ratified the Convention, triggering the entry into force of the Convention on June 19, 2004. As of this writing, fourteen states have ratified the Convention: Australia, Cook Islands, Federated States of Micronesia, Fiji Islands, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Papua New Guinea, Samoa, Solomon Islands, Tonga, and Tuvalu. Since the adoption of the Convention, a Preparatory Conference has met 6 times to design the internal rules and procedures for adoption by the eventual Commission. A brief final session will meet immediately prior to the inaugural meeting of the Commission during the week of December 6, 2004, in Pohnpei, Federated States of Micronesia (FSM) or at a place designated by FSM. Working groups have been convened on development of administrative and procedural matters, the provision of scientific advice both before and after entry into force of the Convention, and monitoring-control-surveillance. Matters relevant to the Convention, the Commission, and the activities of the Preparatory Conference can be found at <http://www.ocean-affairs.com>.

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National Standards Foundation (NSF) International

The NSF, the largest non-profit health organization in the world, develops a variety of food safety and other types of standards for equipment. NMFS National Seafood Inspection Laboratory personnel currently serve on the organization's Council of Public Health Consultants.

Web address: <http://www.nsf.org>

NOAA Fisheries / Norwegian Institute of Marine Research Scientific Cooperation

Cooperative Agreements

NOAA Fisheries and the Norwegian Institute of Marine Research conduct cooperative science pursuant to two agreements concluded in 2001.

Cooperation in Fisheries Science and the Biology and Management of Living Marine Resources, Alaska Fisheries Science Center (AFSC) and Institute of Marine Research (IMR), April 2001.

- 1.1. Joint sponsorship of workshops or symposia on the biology and management of living marine resources in the two regions.
- 1.2. Exchange of expertise and information.
- 1.3. Extended visits of scientists.
- 1.4. Cooperative research on common scientific issues and methodological problems.
- 1.5. Coordination and planning.

Cooperation in Large Marine Ecosystem (LME) Research, Assessment, and Management, Northeast Fisheries Science Center (NEFSC) and IMR, December 2001.

- 2.1. Joint sponsorship of workshops or symposia on the assessment and management of living marine resources of the LME's of the North Atlantic.
- 2.2. Exchange of expertise and information.
- 2.3. Extended visits of scientists.
- 2.4. Cooperative research on common scientific issues and methodological problems.
- 2.5. Coordination and planning.

Recent and Ongoing Cooperative Activities

The recent and ongoing activities under these agreements include:

In October 2004 the NOAA-supported Gulf of Maine Mapping Initiative selected Terje Thorsnes of the Norwegian Ecological Survey to be on the GOMMI Scientific Advisory Committee to assist in seabed mapping activities in the NE.

A meeting of the parties was held in Vigo, Spain in September 2004 to discuss recent and ongoing activities and to discuss possible areas for future cooperation.

Efforts underway or planned include:

- ICES study group on collecting scientifically useful acoustics data from commercial vessels; NMFS and IMR are the major participants.
- ICES study of scientific technologies for monitoring fishing operations and catches; NMFS and IMR are the major participants.
- AFSC planning 3-month visit of IMR scientist to work on vessel calibration for acoustics; planned for 2006.

- NEFSC planning 2-month visit of IMR scientist to work on acoustics, mapping, or LME-related studies; planned for spring 2005.
- Book (in preparation): M. Fogarty, B. Megrey, T. Jakobsen, E. Moksness. *Fish Reproductive Biology and its Implications for Assessment and Management*.
- Book (in preparation): B. Megrey and E. Moksness. *Computers in Fishery Research*.
- Ecosystems Studies of Sub Arctic Seas (ESSAS): Comparisons of high-latitude ecosystems, such as the Bering Sea, Barents Sea, Norwegian Sea; still in the design phase; NEFSC, AFSC, IMR.
- MAR-ECO: Census of Marine Life project to characterize the Mid-Atlantic Ridge Ecosystem; NEFSC to provide *FSV Bigelow* for MAR-ECO cruise in 2007; NEFSC, IMR, NMFS Office of Science and Technology, NOAA Ocean Exploration Program.
- Deep Corals: IMR participated in NOAA/Marine Institute of Ireland workshop for planning trans-Atlantic exploration of deep corals, January 2003. NOAA Ocean Exploration is currently soliciting proposals for U.S. cruise on the *RV Ron Brown*.

Overcoming the Barrier to Increased Collaboration

The major barrier to increased collaboration is the lack of funding. A modest amount of funding, on the order of \$100K, would support travel for scientific exchanges and a post-doctoral fellow.

Next meeting

The next meeting scheduled for September 2005 in Aberdeen,UK.

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NOAA-Republic of Korea Ministry of Maritime Affairs and Fisheries (MOMAF) Arrangement For Integrated Coastal and Ocean Resources Management

The Arrangement between the National Oceanic and Atmospheric Administration of the United States of America and the Ministry of Maritime Affairs and Fisheries of the Republic of Korea for Scientific and Technical Cooperation in Integrated Coastal and Ocean Resources Management was signed on November 1, 2000. The initial focus of the cooperative relationship was largely based on Korea's passage of its Coastal Zone Management Act (similar to the U.S. Coastal Zone Management Act). The non-binding Arrangement was established to promote a sustained program of mutual collaboration for mutual benefit in such areas as integrated coastal and ocean resource management and policy,

marine protected area management, improvement of oil spill and pollutant spill response and mitigation, marine and coastal habitat protection, marine scientific research, marine cartography and hydrography, harmful algal bloom forecasting and mitigation, aquaculture, and ocean observations and data.

First Joint Working Group (JWG) The First JWG meeting in Seoul in March 2001 defined specific areas of interest, such as integrated coastal management (ICM), marine protected area management (MPA), aquaculture and fisheries, oil spill response, and other areas. Three panels were established under the Arrangement in the areas of fisheries, aquaculture, and data exchange. These panels provide the appropriate technical guidance and administrative support to pursue cooperation in these respective areas.

Fisheries Panel Under this forum, the two sides exchange technical information and provide educational and training opportunities in (a) total allowable catch (TAC) based fisheries management issues, (b) ecosystem-based fisheries management, (c) climate changes on fisheries dynamics, (d) catch monitoring systems, (e) fisheries resource survey technologies, (f) overfishing, bycatch and overcapacity issues, (g) cooperative research, and (h) cross training of scientists. The chair for the U.S. side of the Panel is Dr. Richard Marasco, Alaska Fisheries Science Center, NMFS.

The bilateral forum is set up to strengthen technical exchanges and to build scientific and technical expertise on fisheries issues. While there are specific fisheries management issues between the United States and Korea, these issues generally arise at international meetings and conventions in which both countries are members. Discussions on fisheries management issues in the Arrangement forum are focused primarily on management techniques.

The first bilateral Fisheries Panel meeting was held in Busan, Korea, on May 20-22, 2002, and the second in Seattle, Washington, in June 23-25, 2003. The current status and critical issues on fisheries resources and the implementation of joint projects were discussed at both meetings. Research issues included TAC fisheries management, ecosystem-based fisheries management, climate change and fisheries resources, hydroacoustics and ichthyoplankton resource surveys, and cooperative research opportunities..

Aquaculture Panel The First Joint Coordination Meeting for Aquaculture Cooperation was held in Busan, Korea, on April 15-16, 2002. The meeting was co-chaired by Dr. James McVey of the NOAA National Sea Grant College Program and Dr. Yoon Kim of the National Fisheries Research and Development Institute of MOMAF. Twenty experts from the United States and Korea met to introduce current research and outline interest in future collaborative work.

Recent Activities

The 2nd Integrated Coastal and Ocean Resources Joint Working Group Meeting between NOAA and MOMAF was held in Silver Spring, Maryland, from August 27-29, 2003. Dr. Richard Spinrad, Assistant Administrator for NOAA Oceans and Coasts, and Vice Minister L. K. Choi were honorary chairpersons of the Second Meeting. Mr. Charles N. Ehler,

Director of International Programs, National Ocean Service, and Mr. Choon-Sun Kim, Director General, Marine Policy Bureau, Ministry of Maritime Affairs and Fisheries, served as working co-chairpersons for the main body of the meeting.

Representatives of NOAA and MOMAF discussed collaborative activities for the 2004 period and agreed to pursue the following fisheries-related activities:

Fisheries The long-term interest for collaboration in the field of fisheries resource management includes (1) the establishment of regular symposia on key issues of mutual concern, (2) the establishment of joint survey and assessment systems, (3) climate variation and the stock assessment in the North Pacific and (4) the ecosystem-based fisheries resource management. Future activities include:

- The 3rd Bilateral Fisheries Meeting will be held in Korea in May 2004 to discuss fisheries research issues and future cooperation. In conjunction with this meeting, a symposium will also be held to focus on Stock Assessment Improvement Plans.
- In the first half of 2004, scientists of both countries will exchange visits on modeling for ecosystem-based fisheries management. One Korean scientist will visit NOAA/NMFS/AFSC for one month and one U.S. scientist will visit NFRDI for two weeks in the first half of 2004.
- In the first half of 2004, one Korean scientist will stay in the NMFS Southwest Fisheries Science Center for one month to participate in joint research on the assessment of spawners by using a continuous underway fish egg sampler.

Aquaculture Both delegations confirmed the common understanding that aquaculture is of strong interest to both countries and one of the most active cooperative areas under the Joint Arrangement. Korea has a long history of large scale aquaculture production and can provide the U.S. with the knowledge, experience, and techniques for fish, algae, crustacean and mollusk hatchery and breeding programs, while the U.S. can provide Korea with access to advanced research labs in the U.S. and environmentally-friendly ways for farming fish in offshore waters, and the concept of placing algae and filter feeders in coastal waters for creating ecological balance. Both delegations agreed on the following actions related to aquaculture:

- The 2nd U.S.-Korea Joint Coordination Panel Meeting for Aquaculture Cooperation will be hosted by NOAA in spring 2004. A cod researcher from Korea's National Fisheries Research and Development Institute (NFRDI) will join this panel meeting followed by a visit to the University of New Hampshire. The meeting venue and date will be discussed further through correspondence.
- "The Korea-U.S. Seminar on Offshore Aquaculture Development and Its Future Trends" will be held on Jeju Island in March or April 2004. The NFRDI will invite 4-5 U.S. experts to participate in this seminar, followed by a Korea-U.S. round table discussion on the exploration of potential joint research projects between the two countries on advancing offshore aquaculture technology.
- One or two officials of NFRDI will visit the NOAA Central Library to update the U.S.- Korea Aquaculture webpage.

- In collaboration with the Oceanic Institute in Hawaii, NOAA expects several Korean experts to participate in the Balanced Ecosystem Modeling Workshop to be held in Hawaii in the spring of 2004.
- Both delegations agreed in general to the following scientist/educational exchanges. They will be discussed in further detail and confirmed by relevant U.S. counterparts at the 2nd U.S.-Korea Joint Coordination Panel Meeting for Aquaculture Cooperation:
 - For the seminar scheduled in Korea for November 2003, NFRDI will invite one U.S. shellfish physiologist or toxicologist specialized in shellfish biomarker in the polluted waters.
 - NFRDI will invite two U.S. cod specialists to participate in a seminar related to cod aquaculture and research in Korea in March 2004.
 - One Korean oyster specialist will visit the NOAA Northwest Fisheries Science Center in March 2004 for a preliminary consultation on the survey of oyster resources of both countries.
 - One Korean shrimp specialist will visit the United States on shrimp disease and shrimp culture technology in March 2004 for up to three months.
 - Six students and teachers will visit the Bridgeport Regional Vocational Aquaculture School, Bridgeport, Connecticut, in October 2004 for about 10 days as part of fisheries high school educational exchange between the two countries.

Future Meetings

The two sides agreed to tentatively hold the 3rd Meeting of the Joint Working Group in the Republic of Korea in 2004.

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North Pacific Interim Scientific Committee for Tuna and Tuna-like Species (ISC)

The ISC was formed by the United States and Japan in January 1995 as a first step toward creating a fishery management and conservation organization for North Pacific pelagic fish stocks. The purposes of ISC are to (1) enhance scientific research and cooperation for conservation and rational utilization of the species of tuna and tuna-like fisheries which inhabit the North Pacific Ocean during all or part of their life cycle; and (2) establish the scientific groundwork, so at some future time a multilateral regime for the conservation and rational utilization of the region's pelagic fish stocks may be created. Membership in the ISC is open to all coastal States of the region, as

well as States whose vessels fish for tuna or tuna-like species in the region. Canada, China, Taiwan (Chinese Taipei), Japan, Korea, Mexico, the United States, and several regional organizations have participated in past meetings.

On a practical level, the ISC regularly assesses and analyzes fishery and other information, prepares reports, formulates research proposals, and to the extent possible, coordinates international and national research programs on the relevant species. Four Working Groups have been established by the ISC: (1) the Swordfish Working Group, (2) Bluefin Tuna Working Group, (3) Bigeye Tuna Working Group, and (4) the Data Collection Systems Working Group.

The 4th meeting of the ISC was held in Honolulu, Hawaii, on February 2-4, 2004. More than 60 participants were present from Japan, Korea, Russia, Taiwan, and the United States as well as representatives from FAO, IATTC, and SPC. The plenary meeting was preceded by a series of working group meetings on January 26-31 in which ISC member scientists and cooperating scientists convened to discuss recent biological and oceanographic research, population status of selected tuna and billfish stocks in the region, the collection and sharing of fisheries data, and work plans to guide future research cooperation. Working groups were convened for Pacific bluefin tuna, swordfish, marlins, and fishery statistics.

Key Achievements of the 4th Meeting of the ISC: The ISC agreed to include the North Pacific Albacore Working Group in the ISC. This is a strong working group and its inclusion will strengthen the ISC. The ISC developed and adopted rules and procedures, based on those of the North Pacific Albacore Working Group, which will strengthen and clarify the operating policies of the ISC. Participants discussed the relationships between the ISC and fishery management bodies in the Pacific. They concluded that the ISC has a unique capacity to provide scientific advice on bluefin, albacore, swordfish, and marlins that span the entire North Pacific and that the ISC is interested in providing such advice to the Western and Central Pacific Fishery Management Convention (WCPFC), the WCPFC Northern Committee, and the Inter-American Tropical Tuna Commission. The ISC also agreed to establish a Bycatch Working Group to begin collecting data from member countries on the incidental catch of nontarget species in fisheries on tunas and tuna-like species. The Bycatch Working Group will investigate ways to reduce such bycatches and mortalities and begin to assess the populations of bycatch species. The initial focus will be on sea turtles, sea birds, and sharks. Finally, the ISC recognized, based on its own stock assessments, that current fishing mortality for northern albacore and bluefin tuna exceeds most standard reference points for sustainable levels of fishing mortality.

The 5th meeting of the ISC will be hosted by Japan in 2005.

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Office International des Epizooties (OIE)

The OIE is the WHO's Programme for animal health and is the second of three international health organizations that promulgate standards, which when conformed with, can provide a legal safe harbor in cases of WTO trade

disputes. The OIE was established in 1924, and by March of 2001 consisted of 157 member countries. The mission of the OIE is to inform governments of the occurrence and course of animal diseases globally, and the methods which can be implemented to control such diseases. The organization also coordinates international studies for surveillance and control of animal diseases and harmonizes regulations for trade in animals and animal products among member countries.

The Fish Diseases Commission is one of four OIE Specialist Commissions. The role of Specialist Commissions is to study specific problems relating to the epidemiology and control of certain diseases or groups of diseases. The Fish Diseases Commission was created in 1960. One of the reasons for establishing the Fish Diseases Commission was the increasing awareness of the importance of international trade in fish and other aquatic animals, which in recent years has grown considerably.

Web address: <http://www.oie.int/>

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Organization for Economic Cooperation and Development (OECD)

OECD is a Paris-based international organization that provides a forum for consultations on a wide range of economic issues among developed countries. The OECD Committee for Fisheries meets twice annually (in the spring and fall) and occasionally holds ad hoc technical meetings.

The Committee has agreed on certain basic guidelines in developing its program of work:

- the Committee's role should mainly be to constitute a policy forum for an open and frank exchange of views and experiences on various fisheries matters;
- the Committee should carry out in-depth studies and objective analysis which should lead to potential solutions to problems common to Member countries;
- the Committee should address fishery economic and policy questions at the international level, while avoiding duplicating work done in other international organizations; and
- the Committee should in its work take an interdisciplinary approach, thus exploiting the OECD's comparative advantage.

The Committee's program of work for 2003-2005 continues its ongoing data collection activities summarized in the Review of Fisheries while focusing on three other areas: 1) followup to the fisheries market liberalization studies, including further analysis of relevant government financial transfers and their effects on trade and resources; 2) a study on the environmental, economic, and social effects of illegal, unreported and unregulated fishing and flags of convenience; and 3) further examination of economic aspects of the transition to sustainable fisheries, specifically the use of market-like instruments or incentives to achieve reform. This latter topic was proposed by the United States in the context of governance issues involved in the transition to better fisheries management, and relevant costs and benefits of fish resource allocation.

Web address: <http://www.oecd.org/>

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Protocol for Specially Protected Areas and Wildlife (SPA) in the Wider Caribbean Region to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention)

SPA was adopted in Kingston, Jamaica, by the member governments of the United Nations Environment Programme (UNEP) Caribbean Environment Programme on January 18, 1990. It entered into force on June 18, 2000, after ratification by its ninth Contracting Party. It is one of three Protocols to the Cartagena Convention--the other two deal with cooperation to combat oil spills, adopted in 1983, and land-based marine pollution, adopted in 1999. The SPA Protocol preceded other international environmental agreements in utilizing an ecosystem approach to conservation. It acts as a vehicle to assist with regional implementation of the broader and more demanding global Convention on Biological Diversity (CBD).

The Cartagena Convention is the only legally binding environmental treaty for the wider Caribbean area. The Convention and its Protocols constitute a legal commitment by the participating governments to protect, develop and manage their common waters individually or jointly. UNEP provides the secretariat in Kingston for the Convention and its Protocols.

The stated objectives of the SPA program are:

- To significantly increase the number of and improve the management of national protected areas and species in the region, including the development of biosphere reserves, where appropriate;
- To develop a strong regional capability for the coordination of information exchange, training and technical assistance in support of national biodiversity conservation efforts;
- To develop specific regional, as well as national management plans developed for endangered, threatened or vulnerable species such as sea turtles, the West Indian manatee, black coral and migratory birds;
- To coordinate the development and implementation of the Regional Program for Specially Protected Areas and Wildlife in the Wider Caribbean, in keeping with the mandate of the SPA Protocol;
- To coordinate activities with the Secretariat of the Convention on Biological Diversity, as well as other biodiversity-related treaties, such as the CITES, Ramsar, Bonn, and Western Hemisphere Conventions.

The Parties to the SPA Protocol are Colombia, Cuba, Dominican Republic, Netherlands, Panama, St. Lucia,

St. Vincent and the Grenadines, Trinidad and Tobago, and Venezuela. On September 5, 2002, the United States Senate, with the reservations, an understanding, and a declaration, gave its advice and consent to the ratification of the Protocol .

Website address: <http://www.cep.unep.org/programmes/spaw/spaw.html>

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Standing Committee on Tuna and Billfish (SCTB) of the Secretariat of the Pacific Community (SPC)

The SCTB was established in 1988, as an advisory body to the Tuna and Billfish Assessment Programme, (the predecessor to the SPC's Oceanic Fisheries Program-OFP) to assist in the conduct of pelagic fisheries research through the provision of expertise, information and technical advice. In 1998, the SCTB's charter underwent a significant change--to provide a forum for scientists and others with an interest in the tuna stocks of the western and central Pacific region to meet to discuss scientific issues related to data, research and stock assessment. The SCTB adopted five objectives: "(1) coordinate fisheries data collection, compilation and dissemination according to agreed principles and procedures; (2) review research on the biology, ecology, environment and fisheries for tunas and associated species in the western and central Pacific Ocean; (3) identify research needs and provide a means of coordination, including the fostering of collaborative research, to most efficiently and effectively meet those needs; (4) review information pertaining to the status of stocks of tunas and associated species in the western and central Pacific Ocean, and to produce statements on stock status where appropriate; and (5) provide opinion on various scientific issues related to data, research and stock assessment of western and central Pacific Ocean tuna fisheries."

The SCTB meets annually, usually in June or July. Participation is open to scientists and others with an interest in the tuna fisheries of the western and central Pacific Ocean. The 16th Meeting of the SCTB was held on July 9-16, 2003, in Mooloolaba, Queensland, Australia. The report of that meeting can be found at the web address below. The 17th Meeting will be held on August 11-18, 2004, in Majuro, Republic of the Marshall Islands.

Web address: <http://www.spc.org.nc/OceanFish/Html/SCTB/index.htm>

United Nations (UN) Atlas of the Oceans Agreement

The UN Oceans Atlas is Internet-based, containing information relevant to sustainable development of the oceans and to the advancement of ocean science. It is designed for use by policy makers needing to become familiar with

ocean issues and by scientists and resource managers needing access to underlying data bases and approaches to sustainability. The Atlas includes: (1) background on the oceans--from how they were formed, to their physiology, biology, and climatology; (2) uses of the oceans--from food to shipping, mining, energy, etc.; and (3) ocean issues, such as sustainability, food security, global change, and pollution. The project was initially funded by the UN Foundation. Six UN agencies having mandates for oceans and coasts (e.g., UNEP, WMO, IOC) have committed fiscal resources to the project. FAO conducts the project on behalf of the UN because of their expertise in building atlases in support of global decision making and research. Dr. John Everett (formerly of NMFS) is coordinating NOAA involvement. Under a separate agreement, NOAA line offices have supported

Dr. Everett's role as the Atlas Project Manager for the UN. He is coordinating the development and maintenance of materials by a dozen UN agencies and several collaborating nations and contractors, through to production of the Atlas product. OAR/OGP, OAR/SG, NESDIS, SDIA and NMFS have shared the direct costs of Dr. Everett's involvement as Project Manager.

Website address: www.oceansatlas.org

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United Nations General Assembly (UNGA)

The United Nations General Assembly (UNGA) was not known as a forum for the discussion of fisheries issues through most of its history, but this changed in the 1990s when it took up the problem of large-scale, pelagic driftnet fishing on the high seas. UNGA Resolution 44/225, adopted in 1990, called for a moratorium on the use of this fishing gear on the high seas by June 30, 1992. This Resolution was supplanted by UNGA Resolution 46/215, which delayed the effective date of the moratorium until December 31, 1992. Since that time, UNGA has adopted resolutions at least biennially inviting information on implementation for inclusion in a report of the Secretary General prepared for a future meeting of UNGA. NOAA Fisheries has worked with the Department of State to prepare a U.S. submission at every such opportunity. In addition, UNGA regularly considers and adopts resolutions on unauthorized fishing in zones of national jurisdiction and on the high seas; fisheries bycatch and discards; promoting the entry into force of the Food and Agriculture Organization Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas; and promoting the entry into force of 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. The United States provides information for reports of the Secretary General on these topics as well.

Web address: <http://www.un.org/Depts/los/>

U.S.-Canada International Joint Commission (IJC)

The IJC is an independent binational organization established by the U.S.-Canada Boundary Waters Treaty of 1909. Canada and the United States created the IJC because they recognized that each country is affected by the other's actions in lake and river systems along their border. The IJC's purpose is to help prevent and resolve disputes relating to the use and quality of boundary waters and to advise Canada and the United States on related questions.

The IJC has six members--three are appointed by the President of the United States, with the advice and approval of the Senate, and three are appointed by the Governor in Council of Canada, on the advice of the Prime Minister. The Commissioners must follow the Treaty as they try to prevent or resolve disputes.

United States Section

Dennis L. Schornack, Chair
Irene B. Brooks, Commissioner
Allen I. Olson, Commissioner

The Commission has set up more than 20 boards, made up of experts from the United States and Canada, to help it carry out its responsibilities.

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U.S.-China Marine and Fisheries Science and Technology Protocol

The United States and China signed the U.S.-China Science and Technology Agreement in Washington, D.C., on January 31, 1979. Twenty five years later, this umbrella agreement contains over 30 individual protocols for science and technology cooperation between the two countries.

The Protocol on Cooperation in Marine and Fishery Science and Technology was signed on May 8, 1979. At the latest meeting in Silver Spring, Maryland, on March 5-6, 2002, the Protocol was extended through May 8, 2004. NOAA is the lead U.S. Agency for this protocol; the State Oceanic Administration (SO) is the lead agency for China.

Marine and Fisheries S&T Protocol: The Objectives for the Marine and Fisheries S&T Protocol are:

1. To promote diplomatic relations with China;
2. To exchange spatial and historical data and information unique to the two countries;
3. To make marine and fishery research more cost effective;
4. To achieve more global coverage for marine and scientific studies, including PRC-controlled waters;
5. To enhance marine and fishery S&T activities; and

6. To assist China in becoming a contributing oceanographic research power.

The Protocol contains five major areas of cooperation where bilateral panels have been set up to meet periodically:

- (1) Data and Information Exchange,
- (2) Marine Environmental Services,
- (3) Understanding the Role of the Oceans in Climate Change,
- (4) Living Marine Resources, and
- (5) Marine and Coastal Management.

Living Marine Resources (LMR): Fisheries issues are addressed under the LMR Panel. The fifth meeting of the LMR Panel took place in Sanya, Hainan Island, China, on April 18-22, 2002. Jim McVey (of OAR-Sea Grant) was the U.S. lead representative. Most of the U.S. participants were from U.S. universities, but other NOAA agency participants were from OAR and NMFS. Most of the issues covered under the LMR Panel are aquaculture-oriented projects on shrimp, scallops, and finfish.

At previous meetings, both sides reaffirmed several principles of the LMR program:

- (1) Advancing the understanding of living marine resources through science helps both countries protect the use of these resources in a sustainable manner;
- (2) Aquaculture and sustainable fisheries can provide many benefits. Failure to develop technologies in these areas can harm economic and environmental interests in both countries;
- (3) The United States and China have substantial, and in many ways, complimentary expertise in marine, fishery, and aquaculture sciences;
- (4) Our common interests can be promoted effectively and efficiently through a broad, comprehensive program of cooperation, joint research, open communication, and an active exchange of scientists. However, all activities should obey the relevant laws and regulations of both countries;
- (5) Projects that lead to continued collaboration and contact between principal investigators and colleagues following specific exchanges should be encouraged;
- (6) Disseminating useful data and information, and publishing research results in peer-reviewed professional journals are important outcomes of cooperation;
- (7) For all exchanges of species and germ plasm it is understood that both sides will maintain specimens in quarantine conditions where no escape is possible.

LMR Issues: Most of the U.S. cooperative projects with China are aquaculture projects, whereby China seeks scientific and technical assistance to improve aquaculture techniques and production in China. Most of the assistance provided by the U.S. side is through university projects funded under the National Sea Grant Program. U.S. universities are particularly strong in the field of molecular genetics, endocrinology, virology, nutrition, and disease diagnosis and control. China is strong in grow-out technology and practical applications of aquaculture techniques. Both countries benefit from the sharing of technology in these fields of research.

Accomplishments at the 5th LMR Meeting in Hainan: Many specific cooperative projects between U.S. universities and Chinese research institutions were planned for implementation during 2002-2003. These projects are listed in the Panel report.

For NMFS, the Alaska Fisheries Science Center was able to develop a project for China to provide historical pollock fisheries data from the central Bering Sea that would become part of a multi-nation historical data base of pollock fisheries in the central Bering Sea. The Northwest Fisheries Science Center explained NMFS's Aquaculture Policy and NMFS organizational structure for carrying out aquaculture experiments. The Chesapeake Bay Program is considering the potential of the Chinese Jinjiang oyster, *Crassostrea ariakensis*, as a culture species to be introduced into Chesapeake Bay where native oysters have been decimated by disease.

During the course of the 5th LMR meeting, both sides agreed that the LMR Panel needed to develop a vision and efficient and effective implementation plan for the future. It was recommended that each side identify 4-6 top scientists and administrators to develop a vision and a 5-year action plan for the future activities of the LMR Panel. This document was to be completed by June 2003. The plan should cover where aquaculture and fisheries sectors will likely be moving over the next decade and what aquaculture and fisheries project priorities both countries will mutually concentrate on.

Other Marine and Fishery S&T Projects: Other projects conducted under the Marine and Fishery S&T umbrella include:

Data and Information Exchange: A joint coordination panel, administered by the National Environmental Satellite, Data, and Information Service (NESDIS), meets regularly to coordinate the regular and timely exchange of marine environmental data. In the past, this panel has facilitated data exchanges related to global ocean circulation, air-sea interactions, tides, and other geological and geophysical phenomena. The panel also helped make possible the transfer of 1.8 million handwritten environmental observations from the 19th century Maury Collection to digital format by Chinese National Oceanographic Data Center. The sixth panel meeting, was held in Tianjin, China, in September 14-18, 1998. A workshop on coastal ocean data management was held during the Panel meeting. Also at that meeting, the United States and China agreed to create a coral reef database that would include the location of reefs in each country and to exchange information on the location of Harmful Algal Blooms (HAB).

Marine Environmental Services: This area of cooperation includes projects in coastal management, diving physiology, ship vessel maintenance and operations, ocean minerals, marine natural disaster reduction, large marine ecosystems, and other areas. On November 2-5, 1998, NOAA co-hosted a workshop in Beijing on forecasting marine natural disasters under the Protocol.

Understanding the Role of the Oceans in Climate Change: To improve understanding of the role of the oceans in climate change, NOAA and the Chinese State Oceanic Administration hosted the *U.S.-China Workshop: Impacts of Ocean Variability on Climate*, in Beijing, on September 23-24, 1999. The Workshop was co-chaired by Dr. D. James Baker, Administrator of NOAA, and Zhang Dengyi, Administrator of SO, and featured presentations by oceanographic and climate experts from the United States and China. Topics discussed included: oceans as drivers of climate variability; ocean monitoring and application of satellite remote sensing data; prediction modeling and real time forecasting; the interaction of monsoons and El Nino; and the impact of ocean variability on climate and climate extremes in the U.S. and China. Just prior to the Workshop, on September 21-22, NOAA co-hosted the *Symposium on Climate, Environmental Change and Regional Impacts* with the Chinese Academy of Meteorological Sciences.

Marine and Coastal Management: In response to recommendations of the U.S.-China Environment and Development Forum, the U.S.-China Marine and Coastal Management Joint Coordination Panel was established in May 1998. The first meeting of this panel took place September 15-16, 1998, in Beijing, China. The second meeting took place July 24-26, 1999, in San Diego, California. This program has supports activities in integrated coastal management, including management of marine protected areas, use of information technology to facilitate decision-making, and comparative case studies.

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U.S.-France Cooperative Program

Under the U.S.-France Cooperative Program in Oceanography, the Director of the Northeast Fisheries Science Center serves as the U.S. Program Leader for the Living Resources Panel. French and U.S. scientists have collaborated on various projects including: (1) Technological Interactions in Multi-Species Fisheries; (2) Age Composition of Fisheries Catch; (3) Genetic Manipulation: Shellfish and Marine Invertebrates; (4) COADS (Comprehensive Ocean-Atmosphere Data Set) Data Bank for Fisheries; (5) CEOS (Climate and Eastern Ocean Systems); (6) Spatio-temporal Scales in the Dynamics of Exploited Populations; and (7) Automated Image Processing Techniques for Classification and Assessment of Living Resources.

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U.S.-Republic of Ireland Cooperation

The Joint Statement to Pursue Collaboration in the Programmes of Marine Research and Technology Development, Sustainable Development, Coastal Zone Management, and Marine Coastal Protected Areas Between the Marine Institute of Ireland and the U.S. Department of Commerce National Oceanic and Atmospheric Administration was

signed by Commerce Secretary Ron Brown and the Irish Minister for Marine and Natural Resources Sean Barrett in December 1995. A \$5 million/5-year collaboration between NOAA and the Marine Institute of Ireland was initiated in October 1999.

The Joint Statement has committed NOAA to collaborate with Irish marine scientists and managers in the development of theoretical and applied marine scientific research and technology. The collaborative NOAA-MI program continues to foster the exchange of ideas, supports "best practice" in scientific methodology, and improves understanding of the marine ecosystem.

Representatives of both organizations met in Dublin (December 1998) and Washington (1999) to identify a range of co-operative activities which would be of mutual benefit and provide a vehicle for collaboration, including technology transfer, staff exchange, and training.

Overall Objective

The Flagship Project of the Joint Statement was defined as "The Application of Ocean Data Management, Remote Sensing and Modeling of Ocean Conditions to Improve Our Understanding of the Factors that Influence Fisheries Recruitment, Harmful Algal Events and Salmon Migration." Four applications groups consisting of Irish and U.S. experts were defined under the flagship project and have been meeting since 2000:

- Fisheries Application Group
- Harmful Algal Events Application Group
- Salmon Management Application Group.
- Ocean Data Management Group

A series of annual meetings in June 2000 (Athlone, Ireland), January 2001 (Betteystown, Ireland) and May 2002 (Woods Hole, USA) have been held to define specific work programs, aims and objectives for each of the application groups:

The Fisheries Application Group has been working toward determining spawning grounds through egg and larval surveys using MOCHNESS sampling gear in conjunction with remote sensing and drifter buoy technology.

The Harmful Algal Events Application Group is undertaking work on behalf of the shellfish industry, including investigations of early warning systems, automated information distribution systems, biotoxin chemistry, phytoplankton biology and remote sensing.

The Salmon Management Application Group is collaboratively undertaking the following lines of interest: to provide a scientific basis for salmon abundance forecasting, focusing on survival and migratory patterns at sea; the exchange of information on the governance and integration of the aquaculture industry with other inshore interests; and estimation of angling catches. These are just an example of the Group's projects.

The Ocean Data Management Group entered into the activity of collecting retrospective physical, biological, and chemical oceanographic data in support of the research aims of the other applications groups. An inventory of this data is available. Additionally, the group is supporting the development of physical oceanographic modeling to predict currents around the Irish coast, the Northwest Atlantic shelf, and shelf edge to provide input to the applications groups.

Recently, the two countries have developed new collaborative efforts to study deepsea corals. NOAA works very closely with the Chair of the Irish Coral Task Force and representatives of Canada, Australia, and several European nations (Belgium, France, Germany, Great Britain, Ireland, Italy, Norway, and Sweden) on topics such as mapping the density and distribution of deep-sea corals, as well as understanding their ecological importance. Comprised of scientists from 11 nations, including the United States, the International Steering Committee is charged with developing and implementing a biannual international deep-sea corals science conference. The 2005 conference, hosted by NOAA, will be held in the United States. NOAA, Canada, and the European community are expected to hold a planning workshop in Spring 2004 to begin discussions on undertaking a multi-nation trans-Atlantic expedition in Summer 2005.

Website address: <http://www.marine.ie/partnerships/international/>

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U.S.-Morocco Cooperation

The United States established fisheries ties with the Government of Morocco in 1975, when a U.S. Regional Fisheries Attache position was established in Casablanca. These ties were formalized by a series of agreements signed in Washington, D.C., in May 1983. The agreements call for cooperative exchanges between Moroccan and U.S. fishery scientists as a part of an agreement linking the NMFS Southeast Fisheries Science Center and the Institute Scientifique des Peche Maritimes in Casablanca. The most recent exchanges took place in early December 1996, when a delegation from NMFS visited Morocco to encourage marine scientific exchanges and help establish a science-based fisheries management program similar to that of the United States. Both the United States and Morocco are interested in a plan that will: (1) rebuild and maintain sustainable fisheries, (2) promote the recovery of protected or endangered species, and (3) protect and maintain the health of coastal marine habitats.

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U.S.-South Africa Cooperative Program

The Conservation, Environment, and Water Committee of the U.S.-South Africa Binational Commission was established, in part, to assist South Africa maintain its high quality of oceanographic and fisheries science through increased cooperation with international marine scientists and organizations, and to seek increased participation of under-represented communities in marine sciences.

U.S.-Vietnam Fisheries Cooperation Program

The bilateral fisheries relationship with Vietnam began in earnest during 1998 and was initiated with the exchange of several fishery scientists from both sides. In October 1998, NOAA Fisheries Assistant Administrator Rolland Schmitten led a U.S. fisheries delegation composed of both government and private sector representatives to Vietnam. The visit resulted in agreement to continue cooperative exchanges designed to provide benefits to both sides. During 1999 and 2000, a wide variety of scientific exchanges took place, the most notable being the participation of a NOAA Fisheries scientist on a Vietnamese fisheries research cruise during October 2000.

During 2000 and 2001, there was a lull in exchange activity, although Vietnam did express a passing interest in formalization a relationship based on exchange of scientific personnel. At the 2001 APEC Oceans Ministerial in

Korea, Vietnam once again expressed interest in continuing the bilateral exchanges of scientific personnel and to further our dialogue on trade issues of mutual interest.. Although no mention was made of the development of a formal relationship, Vietnam requested that the United States send a delegation to Hanoi for these discussions. In March 2003, Dr. Rebecca Lent, NMFS Deputy Assistant Administrator for Regulatory Programs, led a delegation of NMFS and Department of State representatives to Hanoi. The agenda for this meeting covered possible future work with Vietnam in areas relating to fisheries science, conservation and management policy, enforcement, and trade. This meeting resulted in a commitment by the United States and Vietnam to examine areas where future cooperation might take place. Although no formal agreement or monetary commitment was made, the stage was set for enhanced cooperation between the two governments.

During November 2003, a delegation from the Vietnamese Ministries of Fisheries, Science and Technology, and Finance spent approximately one week in the United States meeting with representatives of U.S. federal agencies and research institutions and on issues of fisheries management, aquaculture and science and technology. The itinerary for this trip included two days in the Washington, D.C. area, where they met with NOAA officials at the Department of Commerce and with NOAA Fisheries and other agency representatives in Silver Spring, MD. They also visited the University of Maryland's Center of Marine Biotechnology (COMB) and the National Aquarium in Baltimore. The U.S. visit was concluded with two days in the Seattle/Puget sound area for visits to the NOAA Fisheries Northwest Fisheries Science Center Manchester Field Station aquaculture facility, the Washington State Salmon Hatchery, and the Alaska Fisheries Science Center (located in Seattle).

Although communications continue at the staff level, no U.S.-Vietnam bilateral meeting has been scheduled for 2004.

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Western Central Atlantic Fishery Commission (WECAFC)

Basic Instrument

Article VI-1 of the United Nations Food and Agriculture Organization (FAO) Constitution. Resolution 4/61 of the FAO Council at its Sixty-first Session in November 1973. Statutes amended by FAO Council in December 1978.

Implementing Legislation

None.

Member Nations

Antigua and Barbuda, Bahamas, Barbados, Belize, Brazil, Colombia, Costa Rica, Cuba, Dominica, France, European Community, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Jamaica, Japan, Korea (Rep. of), Mexico, Netherlands, Nicaragua, Panama, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Spain, Suriname, Trinidad and Tobago, United Kingdom, United States, and Venezuela.

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U.S. Representation

The Assistant Regional Administrator for Sustainable Fisheries, National Marine Fisheries Service Southeast Region, generally heads the U.S. delegation to WECAF.

Description

A. Mission/Purpose:

WECAF's purpose is to facilitate the coordination of research; to encourage education and training; to assist Member Governments in establishing rational policies; and to promote the rational management of resources of interest to two or more countries. The Commission has an advisory management function but no regulatory powers.

B. Organizational Structure:

The Commission, composed of all Members, is the central policy forum. The Commission has four Subsidiary Committees: (1) Working Party on Assessment of Marine Fishery Resources; (2) Working Party on Fishery Economics and Planning; (3) Committee for the Development and Management of Fisheries in the Lesser Antilles; and (4) the Ad hoc working groups.

Staff Contacts

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World Health Organization (WHO) of the United Nations

The WHO of the United Nations is the premier international organization whose mission is to ensure the attainment by all people the highest level of health. For WHO purposes, health is defined as “a state of complete physical, mental, and societal well-being and not merely the absence of disease or infirmity.” WHO was founded in 1948 and has four main functions to: (1) provide international guidance in the field of health; (2) establish global standards for health; (3) assist national governments in improving their health plans; and (4) engage in developing and transferring health technologies, standards, and information. WHO conducts numerous food safety activities, and along with FAO, is a joint sponsor of Codex.

Web address: <http://www.who.int/home-page/>

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World Trade Organization (WTO)

The WTO (formerly the General Agreement on Tariffs and Trade) was established in 1947, and is the international organization that negotiates and enforces trade rules and periodically convenes multilateral trade negotiations. The last completed multilateral trade negotiations, the Uruguay Round, began in 1986 and concluded in 1994. NOAA Fisheries has two broad fishery-related interests in WTO: (1) defending our conservation laws in WTO dispute settlement; and (2) negotiating fisheries tariffs, non-tariff barriers, and subsidies in the trade rounds.

The Fourth WTO Ministerial Conference was held in Doha, Qatar, from November 9-14, 2001. The Ministers agreed to launch negotiations on the relationship between existing WTO rules and trade obligations set out in multilateral environmental agreements. The negotiations will address how WTO rules are to apply to WTO members that are parties to environmental agreements. Ministers also agreed to clarify and improve WTO rules that apply to fisheries subsidies. The issue of fisheries subsidies has been studied in the WTO Trade and Environment Committee for several years. Some studies demonstrate these subsidies can be environmentally damaging if they lead to too many fishermen chasing too few fish. The U.S. position has been that WTO Members should eliminate subsidies that lead to overcapacity, overfishing and that distort trade. Negotiations on subsidies to the fisheries sector are taking place in the Negotiating Group on Rules and have proven to be very contentious.

Ministers instructed the Trade and Environment Committee to pay particular attention to eliminating or reducing trade restrictions and distortions to benefit trade, the environment and development as part of its on-going work. Finally, Ministers charged the Trade and Environment Committee to look at the impact of eco-labeling on trade and examine whether existing WTO rules stand in the way of eco-labeling policies. Parallel discussions are to take place in the Technical Barriers to Trade (TBT) Committee.

Ministers met again in September 2003 in Cancun Mexico to assess the progress on the Doha Development Agenda (DDA). The meetings broke down based on a judgement call by the chair of the meeting of what was possible in the light of previous consultations with a membership bitterly divided over all the key areas under negotiation. Although

discussions continue in capitals and in Geneva the prospects for meeting the self-imposed deadline of completion of the DDA by January 1, 2005 seem remote.

Web address: <http://www.wto.org/>

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PART V. APPENDIX

Governing International Fishery Agreements (GIFAs) Between the United States and Foreign Entities

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), Title II, Section 201, foreign fishing within the U.S. 200-mile Exclusive Economic Zone may only be conducted under a GIFA.

Although many GIFAs have been concluded since the enactment of the Magnuson-Stevens Act, the following list includes only active agreements that are currently in force or in the process of being extended.

Status as of June 1, 2004.

Country	Expiration Date	Status
Russia	December 31, 2009	Extended