Chapter 10
NAFO and ICCAT: The Implementation of Sustainability Principles and Practices in the Management of Straddling Stocks and Highly Migratory Species
Dawn A. Russell

Introduction

The most recent report of the Food and Agriculture Organization of the United Nations (FAO) on the state of the world’s fisheries indicates that “80 percent of the world fish stocks for which assessment information is available are reported as fully exploited or overexploited and, thus, requiring effective and precautionary management.”1 The states of the world have delegated the responsibility for implementing ‘effective and precautionary’ management in high seas fisheries to regional fisheries management organizations (RFMOs) through the 1982 United Nations Convention on the Law of the Sea (LOSC)2 and the 1995 UN Fish Stocks Agreement (UNFA).3 Canada is a member of a number of RFMOs. Among the most important are the Northwest Atlantic Fisheries Organization (NAFO),4 which has responsibility for the conservation and management of most straddling stocks of the Northwest Atlantic outside the exclusive economic zones (EEZs) of coastal states, and the International Commission for the Conservation of Atlantic Tunas (ICCAT),5 which serves as a vehicle for cooperation among countries with an interest in tunas and other highly migratory species of the Atlantic Ocean.

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These two organizations provide examples of the challenges involved in managing straddling stocks and highly migratory species in a sustainable manner under the current cooperative framework for high seas fisheries. This chapter examines the work of NAFO and ICCAT, their efforts to implement sustainability principles, the factors that constrain their efforts, and the changes required for future success.

The Northwest Atlantic Fisheries Organization

Introduction

NAFO was established by convention\(^6\) in 1979 as the successor organization to the International Commission for the Northwest Atlantic Fisheries\(^7\) following the extension of coastal state jurisdiction over living resources out to 200 nautical miles. NAFO has regulatory authority for fisheries management and conservation purposes over most stocks\(^8\) of the Northwest Atlantic that occur outside or straddle the two hundred nautical mile fisheries jurisdiction of the United States, Canada, Saint-Pierre and Miquelon, and Greenland. NAFO manages 19 stocks comprising 11 species: cod, Greenland halibut, American plaice, yellowtail flounder, redfish, white hake, skates, witch flounder, shrimp, capelin, and short-finned squid.\(^9\)

In order to ensure that conservation and management measures are based on scientific information that is as complete as possible, the NAFO Convention Area includes waters falling under the fisheries jurisdiction of the adjacent coastal states as well as the high seas beyond.\(^10\) However, the Regulatory Area of NAFO (NRA) only includes that part of the Convention Area which constitutes high seas beyond the fisheries jurisdiction of the coastal states.\(^11\) The Convention Area is divided into scientific and statistical subareas, divisions, and subdivisions, which are used to describe the area of migration of particular stocks of fish. The subareas, divisions, and subdivisions are defined in Annex III to the Convention and are shown on Figure 1.

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\(^6\) NAFO Convention, supra note 4.

\(^7\) Established in 1949 by the *International Convention for the Northwest Atlantic Fisheries*, signed at Halifax, Canada, 8 February 1949, entered into force 3 July 1952.

\(^8\) NAFO Convention, supra note 4, Article I, para. 4. NAFO is not responsible for salmon, tunas and marlins, cetacean stocks managed by the International Whaling Commission, and sedentary species of the continental shelf.


\(^10\) NAFO Convention, supra note 4, Article I, para. 1.

\(^11\) Ibid., Article I, para. 2.