

INFORMATION PAPER

On the process of Forming a Cooperative Mechanism Between NEAFC and OSPAR

From the First Contact to a Formal Collective Arrangement



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Information Paper

**on the Process of Forming a Cooperative
Mechanism**

Between NEAFC and OSPAR

**From the First Contact to a Formal Collective
Arrangement**

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Table of Contents

1. Introduction.....	1
2. The two organisations.....	2
2.1 NEAFC.....	2
2.2 OSPAR.....	5
2.3 Two complementary organisations.....	7
3 Initial contact between the two organisations	9
4 Initiative to both widen and deepen the cooperation and coordination	12
5 Finalising the collective arrangement.....	14
6 The collective arrangement.....	16
7 Implementing the collective arrangement	19
8 Lessons learned.....	23
8.1 Substantive benefits.....	23
8.2 Procedure for establishing the collective arrangement.....	27

1. Introduction

In 2014, the North East Atlantic Fisheries Commission (NEAFC) and the OSPAR Commission for the Protection of the Marine Environment in the North East Atlantic (OSPAR) adopted a collective arrangement for working together on particular areas outside national jurisdiction within their convention areas.

This information paper is intended to provide an overview of the process of forming a cooperative mechanism, from the first contact to the implementation of a formal collective arrangement.

This information paper was jointly prepared by the NEAFC and OSPAR Secretariats, at the request of the United Nations Environment Programme. It was finalised in December 2015.

The paper was written by Stefán Ásmundsson, Secretary of NEAFC, and Emily Corcoran, Deputy Secretary of OSPAR. All opinions and statements are those of the authors and do not necessarily represent the position of NEAFC or OSPAR or their Contracting Parties.

2. The two organisations

To put the cooperation between the two organisations into context, one should first have a short overview of the two organisations.

2.1 NEAFC

NEAFC is a regional fisheries management organisation, established pursuant to the United Nations Convention on the Law of the Sea and other relevant international law. NEAFC has international legal competence to manage fisheries in the North East Atlantic. NEAFC's management role is mainly on the high seas, but measures can apply to areas within national jurisdiction in cases where the relevant coastal State suggests such an arrangement.

The Contracting Parties to NEAFC are Denmark (in respect of the Faroe Islands and Greenland), the European Union, Iceland, Norway and the Russian Federation. The geographic extent of the NEAFC Convention Area is shown in figure 2.

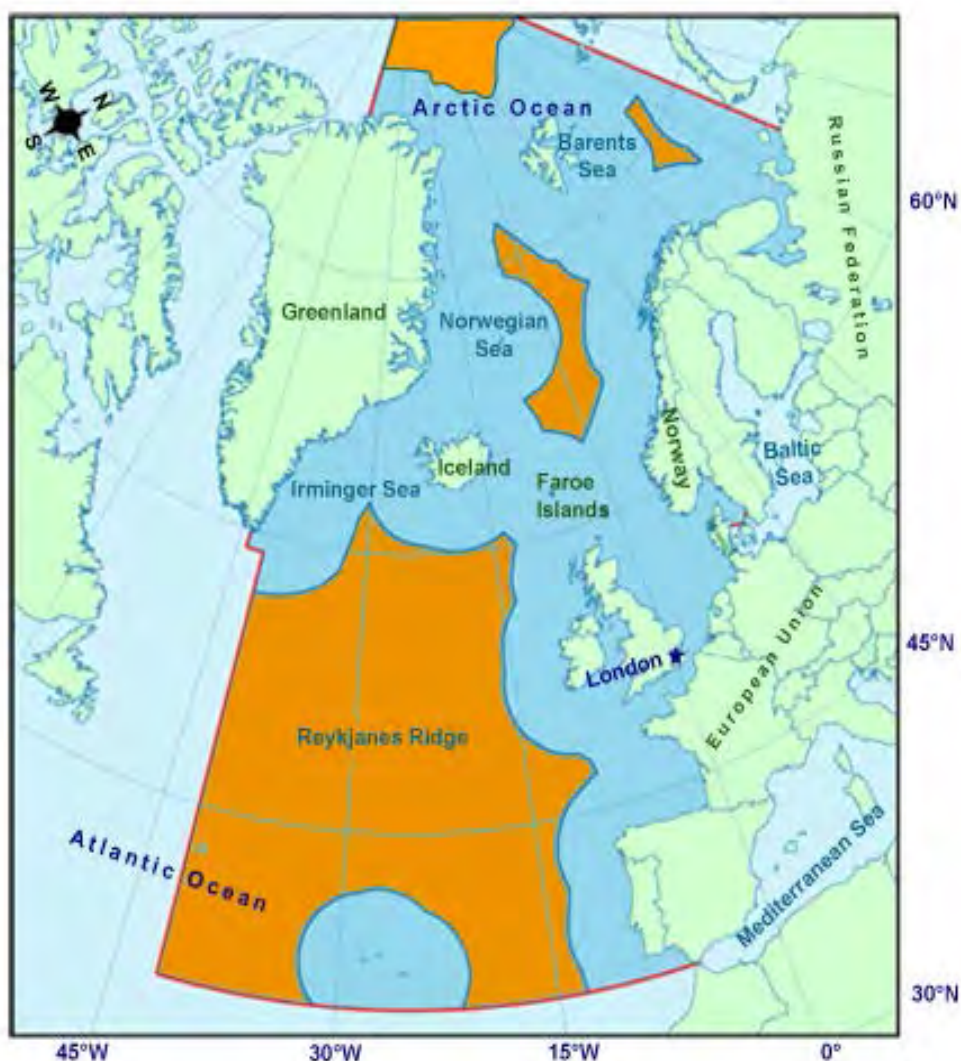


Figure 1. Map showing the NEAFC Convention Area, highlighting the four high seas areas.

NEAFC's conservation and management measures for fisheries are generally legally binding for all the NEAFC Contracting Parties. As a result of the rules of the relevant international law, the conservation and management measures are furthermore of great legal consequence for all states, including non-members of NEAFC¹.

NEAFC has adopted measures for the management of several fisheries and a variety of types of measures. These include measures related to *inter alia* data gathering, control and enforcement, and minimising negative effects of fisheries on the other parts of the marine ecosystem and on biodiversity.

¹ For more information on the legal status of the conservation and management measures adopted by competent regional fisheries management organisations, see <http://www.neafc.org/other/10385>.

NEAFC's conservation and management measures are based on scientific advice from the International Council for the Exploration of the Sea (ICES), a highly respected international scientific body.²

Historically, NEAFC focused on the target species of the fisheries being managed, and bycatches of other economically important species. From the 1990s, there has been a development of an increasing focus on the effects of fisheries on the other parts of the marine ecosystem and on the protection of biodiversity. In 2006, the NEAFC Convention was formally amended to remove any doubts about NEAFC's legal competence to adopt measures for this purpose.³

From 2004, NEAFC has used area closures as a key tool to protect vulnerable marine ecosystems.⁴ NEAFC's measures in this context have been further developed over time and now include a number of areas that are closed to bottom fishing. In fact, all areas where the best available scientific advice indicates that vulnerable marine ecosystems occur, or are likely to occur, have been closed to bottom fishing by NEAFC.

Furthermore, severe restrictions are implemented on bottom fishing activities in all areas where bottom fishing activities have not been demonstrated in the recent past. This means that the vast majority of the high seas in the North Atlantic are subject to either a prohibition or severe restrictions on bottom fishing. Even in areas where bottom fishing is authorised several safeguards are in place, including encounter protocols and temporary closures of areas where vulnerable marine ecosystems are unexpectedly encountered.⁵

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