

Dispute Settlement Protocols

The NAPA Policy Fisheries Improvement Project (FIP) for North East Atlantic mackerel and Atlanto-Scandian herring, and MarinTrust Improver Project (IP) for blue whiting requires NAPA to review and produce a document summarizing the coastal states' and NEAFC's dispute settlement protocols.

Background

In 2004, the EU proposed an amendment to the NEAFC Convention:

ARTICLE 18bis

The Commission shall make recommendations establishing procedures for the settlement of disputes arising under this Convention.

This was adopted at the Annual Meeting of the Commission in November 2004 but the amendment has not yet entered into force.

The EU proposal also included language around <https://www.neafc.org/system/files/EU-proposal-to-amend-the-Convention-2004.pdf>

Ensure the March 2017 draft "Guidelines for Coastal State Consultations in the North East Atlantic" adopt the following text relating to dispute resolution (NEAFC, 2017; Chapter 9 – Mediation, para 25) If agreement on a Framework Arrangement is not reached, the coastal States should consider engaging a mediator. Any decision on engaging a mediator, including the choice of the person and the terms of reference of his/her role, should be made by consensus.