



NASCO's Position on Convention Change

The Council of the North Atlantic Salmon Conservation Organization (NASCO),

HAVING considered NASCO's third performance review report dated 14 March 2023;

DESIRING to address recommendations 29, 30, 42, and 43 in the third performance review report related to amending the *Convention for the Conservation of Salmon in the North Atlantic Ocean (Convention)*;

RECALLING in 2013 the Council decided not to pursue amendments to the *Convention on the Conservation of Salmon in the North Atlantic Ocean* as doing so was not considered the most productive action for NASCO to obtain its objectives;

UNDERSTANDING that the process to make amendments to the Convention, however minor, could take a number of years in addition to requiring NASCO Parties, the Secretariat and the President of NASCO to direct time, energy, and resources into this task;

CONSIDERING in recent years at least two other Atlantic RFMOs have not been able to enter into force their convention changes as ratification has not been forthcoming from all Contracting Parties;

ACKNOWLEDGING that in 2024 the Council adopted its Ten-Year Strategy that underscored the unprecedented threat to the existence of wild Atlantic salmon, and promoted the urgent need for collective action to safeguard the future of wild Atlantic salmon; and

NOTING that within the next ten years, NASCO's Strategic Goal is to prioritise and drive actions necessary to slow the decline of wild Atlantic salmon populations and demonstrate that restoration is possible.

THEREFORE, the members of NASCO Council conclude that:

The current text of the *Convention* does not materially constrain the Parties from addressing, through NASCO, a broad range of threats and impacts to wild Atlantic salmon and its habitats throughout its range;

The urgency of the wild Atlantic salmon crisis demands immediate, sustained and tangible actions by NASCO;

The amendments to the Convention in response to recommendations 29, 30, 42, and 43 are not necessary at this time;

NASCO should continue to direct its limited resources and budgets in the next ten years to achieve its Mission of supporting and promoting urgent and transformative actions directed at the protection, conservation and restoration of wild Atlantic salmon throughout the species' range through actions within the scope of its current Convention; and

Should the need to amend the NASCO Convention arise in the future, amendments may be proposed and considered for adoption and ratification or approval in accordance with Article 19 of the Convention.

Background and Rationale for the Position

In 2012, the second ‘External Performance Review’ report, [CNL\(12\)11](#), contained an extensive discussion discussing the key legal issues of the ‘Convention for the Conservation of Salmon in the North Atlantic Ocean’ (the Convention). Among other things, the review stated:

‘Considering that the NASCO Convention does not adequately reflect current applicable law and practice, it should be reviewed with a view to strengthening and modernizing the legal mandate of NASCO and the obligations of the Parties.’

In 2013, the Council considered convention change as part of its overall deliberations as articulated in the ‘Report of the Inter-sessional Meeting of the Parties on a Future Vision for NASCO’, [CNL\(13\)11](#). The record of the decision, ‘Report of the Thirtieth Annual Meeting of the Council’, [CNL\(13\)58](#), shows Council decided not to change or modify the Convention as doing so was not considered the most productive action for NASCO to obtain its objectives. The Council noted that the ongoing actions related to the Implementation Plans and Annual Reports were the most productive way forward towards addressing the broad range of impacts to salmon and its habitat.

In 2023, the ‘Report of the Third NASCO Performance Review’, [CNL\(23\)17rev](#), presented 46 recommendations, four of which related specifically to the Convention and ranged in scope from specific amendments to a full revision of the Convention:

- recommendation 29, which contemplated adjustments to the decision-making rules in Commissions;
- recommendation 30, which advocated for the development of a modern dispute settlement mechanism;
- recommendation 42, which called for the strengthening of the Convention by adopting selected amendments or a complete convention revision to allow for legally binding instruments on non-fisheries issues (e.g. habitat, aquaculture, etc.); and
- recommendation 43, which suggested that a tool of agreed interpretations be used if the Convention was not to be amended.

Recommendation 42 also noted that the effort required to amend or revise the Convention should not detract from ongoing and current efforts on salmon conservation.

In response to all of the recommendations from the third performance review, the Council established the Working Group on the Future of NASCO (WGFON) as set out in the document ‘Terms of Reference for a Working Group on the Future of NASCO’, [CNL\(23\)70](#).

In 2024, Council considered convention change in the context of adopting ‘The Future of NASCO – a Ten-Year Strategy’, [CNL\(24\)71rev](#). As part of its deliberations (noted in the ‘Report of the Forty-First Annual Meeting of Council’, [CNL\(24\)88rev](#)) the Council directed the WGFON to develop a position paper on whether to make changes to the NASCO Convention, for consideration at its 2025 Annual Meeting.

Considerations

Amending the Convention

The text of the Convention can be found [here](#).

Article 19, Section 1 states:

‘Any Party may propose amendments to this Convention to be considered by the Council. A proposed amendment shall be sent to the Secretary not later than 90 days before the meeting at which it is proposed to be considered. The Secretary shall immediately transmit the proposed amendment to the Parties.’

Additionally, Article 19, Section 2 states:

‘The adoption of an amendment by the Council shall require the unanimous vote of the Parties present and casting an affirmative or negative vote. The text of an amendment so adopted shall be transmitted by the Secretary to the Depositary which shall immediately notify the Parties thereof.’

Furthermore, Article 19, Section 3 states:

‘An amendment shall enter into force for all Parties 30 days after the date specified in the notification by the Depositary of receipt from all Parties of instruments of ratification or approval.’

Taken together, these three sections indicate that the Convention can be amended, that unanimous consent is required and that all Contracting Parties need to provide instruments of ratification before such amendments enter into force.

Although the amendment process is clear, in practical terms the length of the process depends on a number of factors, including the nature of the amendment proposed (e.g. whether the amendment is technical or substantive) and each Party’s domestic process for obtaining authority to negotiate and conclude such an amendment, as well as their ratification and approval processes.

Experience from other RFMOs (as set out in Annex 2) suggests that amending a convention would be a time-consuming, multi-year, process with uncertain outcomes.

In an environment where resources are constrained, initiating substantive convention change would risk diverting Party and Secretariat resources from activities more likely to be of direct benefit to restoring wild Atlantic salmon – i.e. those actions identified in the Ten-Year Strategy and Action Plan. While technical changes could possibly be made more quickly, they would likely still slow the delivery of the current Action Plan.

Working with the Current Convention

In 2013, the Council made the following statement (see the ‘Report of the Inter-sessional Meeting of the Parties on a Future Vision for NASCO’, CNL(13)11) when it decided not to proceed with Convention change:

‘While it was recognised that NASCO’s Convention reflects the situation and circumstances at the time of its drafting, in practice the language has not constrained the Parties from incorporating modern fisheries management principles and addressing a broad range of impacts to the salmon and its habitat. In relation to protection and restoration of salmon habitat and aquaculture, introductions and transfers and transgenics, the Parties agreed that the ongoing actions in Implementation Plans and Annual Reports were the most productive way forward.’

In not amending the Convention after its second performance review, NASCO opted to advance salmon conservation through its Implementation Plans (IPs) and Annual Progress Reports (APRs) and monitoring the implementation of its Resolutions, Agreements and Guidelines. The third performance review concluded:

‘The efficacy of implementation has varied greatly between the major areas of activity. While implementation has been very successful for fisheries management, implementation of the protection and restoration of habitats and for the management of aquaculture interactions has been less successful.’

Nevertheless, the WGFON process concluded that Implementation Plans and Annual Progress reporting in the last decade, even in the absence of convention change, have had a positive effect on salmon conservation and should be continued, with improvements, in the future. As well, the WGFON concluded that the time, energy and resources needed to renegotiate or amend the Convention would not assist NASCO in its urgent efforts to restore salmon.

The WGFON recommended focusing on actions that had a higher likelihood of practical benefit to wild Atlantic salmon conservation immediately and over the next decade. As such the Ten-Year Strategy agreed in document [CNL\(24\)71rev](#) has goals and activities that would occur whether the Convention were to be changed or not.

Council adopted a renewed Vision, Mission and Strategic Goal for the next ten years. NASCO will focus its resources on achieving its Strategic Goal.

NASCO’s Vision

‘The decline of wild Atlantic salmon has reversed and populations are recovering to healthy and resilient levels across their range.’

NASCO’s Mission

‘NASCO will support and promote urgent and transformative actions directed at the protection, conservation and restoration of wild Atlantic salmon throughout the species’ range.’

NASCO’s Strategic Goal

‘Within the next 10 years, NASCO’s goal is to prioritise and drive actions necessary to slow the decline of wild Atlantic salmon populations and demonstrate that restoration is possible.’

Experience of Other Regional Fisheries Management Organizations (RFMOs)

To better understand the advantages of changing a fisheries management convention, NASCO sought input from nine other RFMOs regarding if they had previously pursued amendments to their respective conventions and if so, what were their experiences. NASCO received responses from three RFMOs: the International Commission for the Conservation of Atlantic Tunas (ICCAT), the North-East Atlantic Fisheries Commission (NEAFC), and the Pacific Salmon Commission (PSC).

- one RFMO initiated a convention amendment process in the early 2000s based on performance review recommendations. It took about a decade of discussions before amendment text was agreed in 2019 and a number of Contracting Parties have yet to deposit their instruments of ratification.
- a second RFMO indicated that there was agreement to change its convention in 2004 given performance review recommendations to deal with dispute settlement, amongst other things. However, 20 years later there is a least one Contracting Party that has not ratified the changes.
- a third RFMO indicated that it is required to renegotiate regulatory measures every ten years and these do not require Contracting Parties' ratification through their legislative chambers. To date, they have not considered changing the articles in the main body of the convention.

Although not definitive, none of the RFMOs indicated that they had been limited in their management of fish species in the absence of convention changes coming into force.