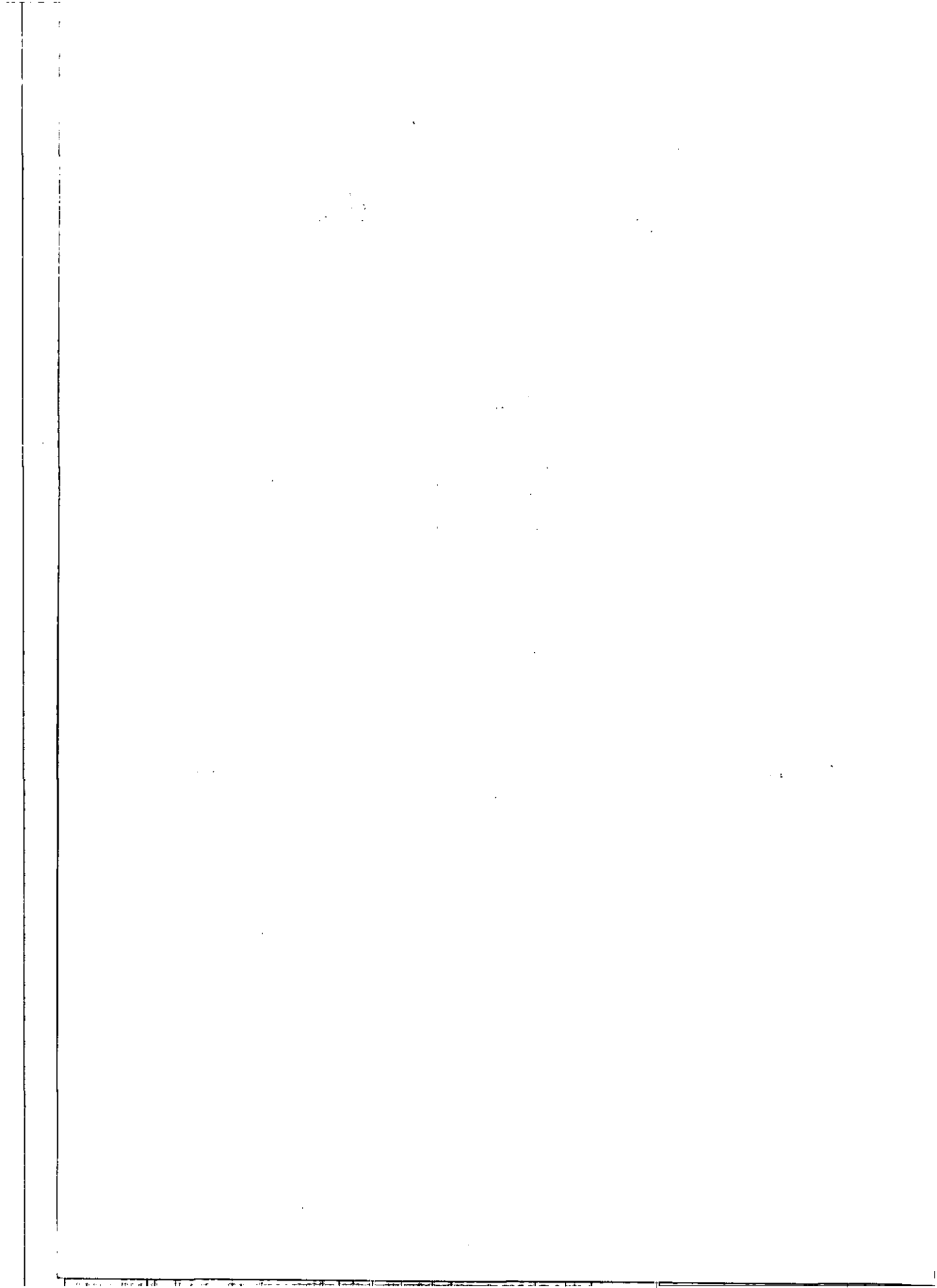


**Northwest Atlantic
Fisheries Organization
(NAFO)**



**Meeting Proceedings
of the
General Council and the Fisheries Commission
for 1991**

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Canada B2Y 3Y9



Abstract

This is the annual publication of the Proceedings which contains the reports of all meetings of the General Council and Fisheries Commission including those subsidiary bodies held through 1991. The major aim of such an issue is to provide the Contracting Parties with a detailed consolidated summary of all discussions initiated during the year. The proceedings of the Scientific Council are published annually in *NAFO Scientific Council Reports*.

PART I is the Report of the STACTIC Working Group on Improvements to Inspection and Control in the NAFO Regulatory Area, 17-19 October 1990, Brussels, Belgium.

PART II is the Report of the First Meeting of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC), 30-31 January 1991, Dartmouth, Nova Scotia, Canada.

PART III is the Report of the Second Meeting of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC), 3-4 June 1991, Dartmouth, Nova Scotia, Canada.

PART IV is the Report of the STACTIC Working Group on Improvements to Inspection and Control in the NAFO Regulatory Area, 3-5 July 1991, Dartmouth, Nova Scotia, Canada.

PART V is the Report of the General Council and its subsidiary bodies (STACFAD and STACFAC), 13th Annual Meeting, 9-13 September 1991, Dartmouth, Nova Scotia, Canada.

PART VI is the Report of the Fisheries Commission (including STACTIC), 13th Annual Meeting, 9-13 September 1991, Dartmouth, Nova Scotia, Canada.

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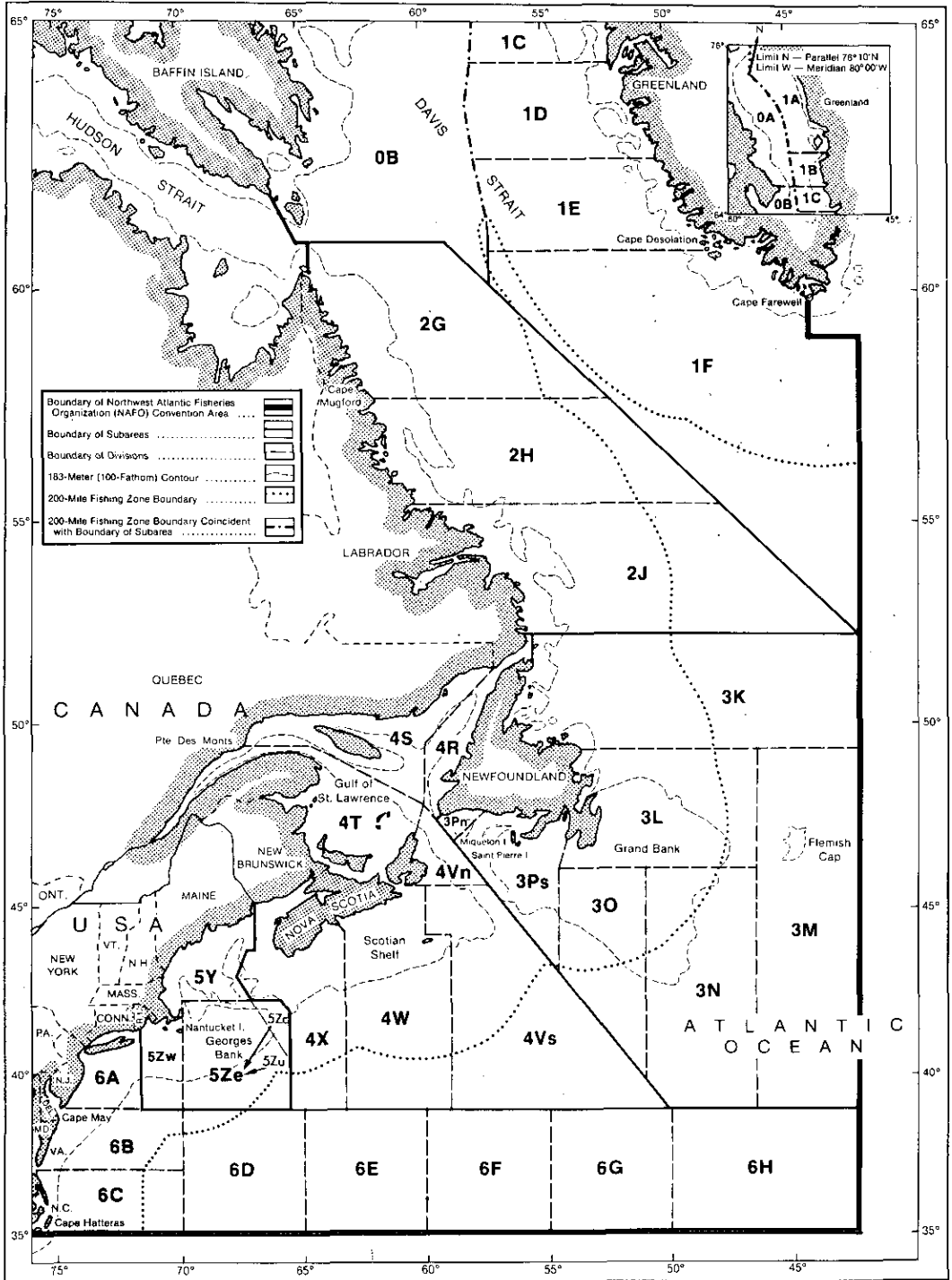
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The Convention Area to which the Convention on Future Multilateral Cooperation in the Northwest Atlantic applies



**Structure of the Northwest Atlantic Fisheries Organization (NAFO) in 1991
(as at 13th Annual Meeting, September 1991)**

Contracting Parties

Bulgaria, Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), European Economic Community (EEC), Iceland, Japan, Norway, Poland, Romania, and the Union of Soviet Socialist Republics (USSR).

President

K. Hoydal (Denmark in respect of the Faroe Islands and Greenland)

Constituent Bodies

General Council	Bulgaria, Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), EEC, Iceland, Japan, Norway, Poland, Romania and the USSR.	<i>Chairman</i> – K. Hoydal (Denmark in respect of (Faroe Islands and Greenland) <i>Vice-Chairman</i> – E. Oltuski (Cuba)
Scientific Council	Bulgaria, Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), EEC, Iceland, Japan, Norway, Poland, Romania and the USSR.	<i>Chairman</i> – B. Jones (EEC) <i>Vice-Chairman</i> – V. P. Serebryakov (USSR)
Fisheries Commission	Bulgaria, Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), EEC, Japan, Norway Poland and the USSR.	<i>Chairman</i> – J. Zygmanski (Poland) <i>Vice-Chairman</i> – A. Etchegary (Canada)

Standing Committees

General Council	Standing Committee on Finance and Administration Standing Committee on Fishing Activities of non-Contracting Parties in the Regulatory Area	<i>Chairperson</i> – D. Gill (Canada) <i>Chairman</i> – C. C. Southgate (EEC)
Scientific Council	Standing Committee on Fishery Science Standing Committee on Research Coordination Standing Committee on Publications	<i>Chairman</i> – D. B. Atkinson (Canada) <i>Chairman</i> – W. B. Brodie (Canada) <i>Chairman</i> – V. P. Serebryakov (USSR)
	Executive Committee	<i>Chairman</i> – B. W. Jones (EEC)

Fisheries Commission Standing Committee on International
Control

Chairman – O. Muniz
(Cuba)

Secretariat

Executive Secretary
Assistant Executive Secretary
Administrative Assistant
Senior Secretary
Finance and Publications Clerk-Steno
Documents and Mailing Clerk
Senior Statistical Clerk
Clerk-Duplicator Operator
Clerk-Duplicator Operator
Clerk-Typist
Statistical Clerk
Statistical Clerk

L. I. Chepel
T. Amaratunga
W. H. Champion
B. J. Cruikshank
F. D. Keating
F. E. Perry
G. M. Moulton
R. A. Myers
B. T. Crawford
D. C. A. Auby
B. L. Marshall
C. L. Kerr

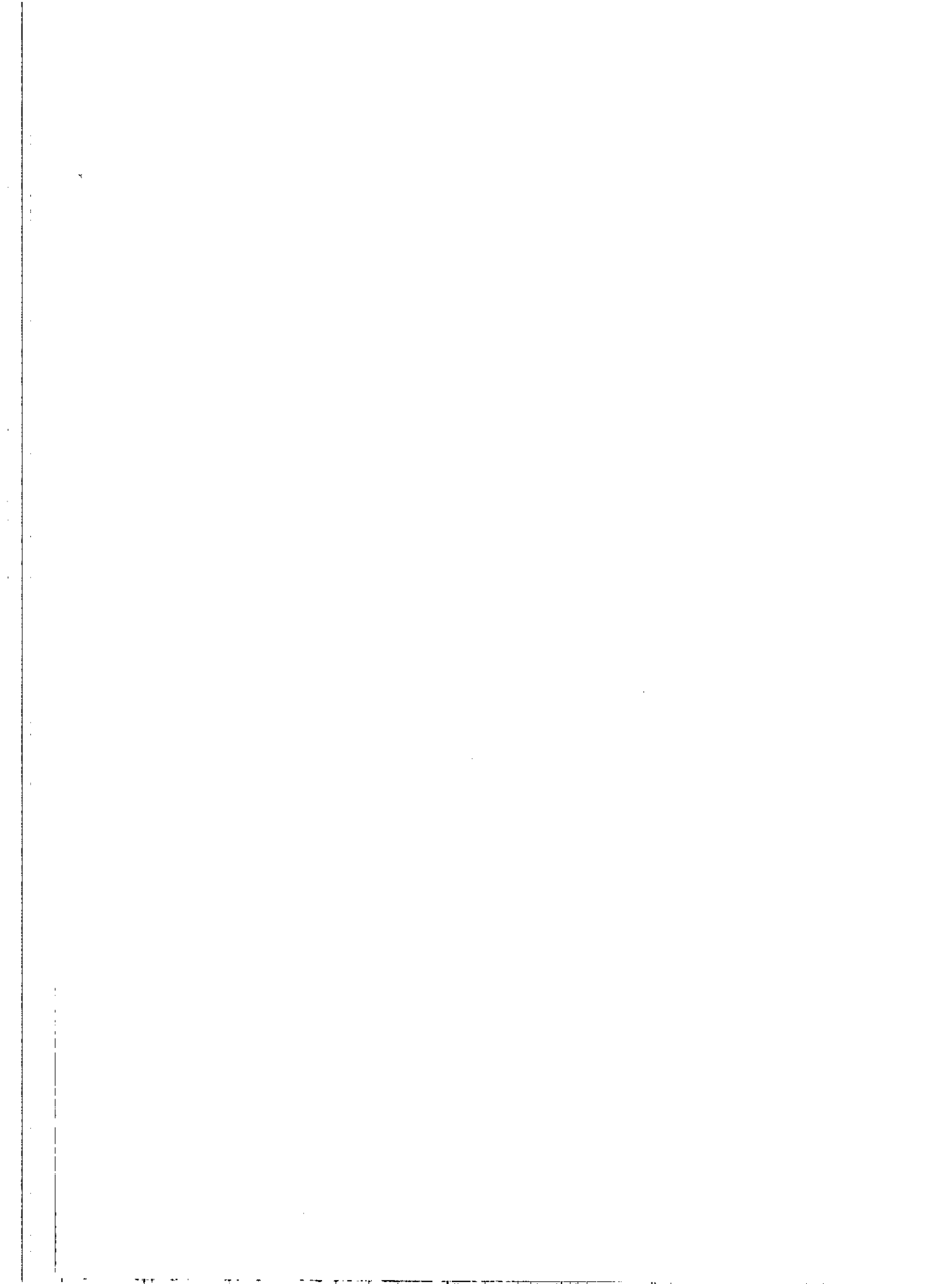
Headquarters Location

192 Wyse Road, Dartmouth, Nova Scotia, Canada

PART I

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**Report of the STACTIC Working Group on
Improvements to Inspection and Control in the
NAFO Regulatory Area, 17-19 October 1990**



Report of the STACTIC Working Group on Improvements to Inspection and Control in the NAFO Regulatory Area

Brussels, Belgium, 17-19 October 1990

1. Opening Remarks

A. Laurec, Director DG XIV, Commission of the European Communities opened the Working Group meeting at 1030 hours on 17 October 1990 by welcoming all delegations to Brussels. He stated that one of the major issues presently facing NAFO Contracting Parties is the proper management of stocks in the Regulatory Area and that the keystone of proper management is effective inspection and control of fishing activity.

The Working Group was composed of delegations from Canada, Denmark (in respect of the Faroe Islands and Greenland), European Economic Community (EEC), Japan, Norway and the Union of Soviet Socialist Republics (USSR). J. C. E. Cardoso represented the NAFO Secretariat. A complete list of delegates is attached as Annex 1.

2. Appointment of Chairman and Rapporteur

P. Ogden (EEC) was appointed Chairman and L. Strowbridge (Canada) was appointed Rapporteur.

3. Adoption of Agenda

The Chairman suggested that FC Doc. 90/9 titled, "Terms of Reference for the Working Group on Improvements to Inspection and Control in the Regulatory Area", form the basis for the agenda. This suggestion was adopted. The Agenda is attached as Annex 2.

4. Summary of Conclusions and Recommendations to the Fisheries Commission

The following is a summary of recommendations formulated by the Working Group.

- 4.1 The Working Group concluded that the optimization of inspection resources and their effective coordination could be advanced through exchanges of surveillance information (inspections, sightings and apparent infringements) between Contracting Parties that operate inspection vessels in the Regulatory Area. Guidelines for the coordination and optimization of inspection and control in the Regulatory Area follow:

Guidelines for the Coordination and Optimization of Inspection and Control in the Regulatory Area

1. Contracting Parties engaged in surveillance or inspection activities in the Regulatory Area shall, where possible, co-ordinate their efforts through an exchange of information.
 - a) Inspection vessels shall provide notification to Executive Secretary and competent authorities/inspection vessels of Contracting Parties with an inspection presence in the Regulatory Area of their arrival in the Regulatory Area. This notification should be completed as far in advance as is practicable and include the inspection vessel's name, radio call sign, communication capability, name(s) of NAFO inspectors and ETA/ETD Regulatory Area.

- b) In response to the notification outlined in (a), inspection vessels operating in the Area at the time, or, where appropriate, the competent authorities of those Contracting Parties which have an inspection/surveillance presence in the Area, shall provide to the inspection vessel which is entering the Area a list of sightings/boardings (including dates/positions) which have been conducted in the previous ten-day period and other relevant information, as appropriate.
 - c) Inspection vessels operating in the Regulatory Area, once the exchange of information described in (a) and (b) has taken place and means of communication established, shall maintain contact, as far as possible on a daily basis, and with due regard to radio security, in order to exchange information on boardings/sightings or other relevant information and to co-ordinate their activities.
2. Contracting Parties engaged in inspection or surveillance activities in the Regulatory Area shall undertake to prepare reports of inspection activity, based on a calendar year, outlining details of boardings, sightings and apparent infringements (including disposition).
 3. Contracting Parties shall, where possible, exchange inspectors to develop a consistent approach to inspection and control in the Regulatory Area.

The STACTIC Working Group recommends that the Guidelines for the Coordination and Optimization of Inspection and Control in the Regulatory Area be adopted by the Fisheries Commission and implemented by all Contracting Parties in 1991.

- 4.2 The Working Group concluded that an effective hail system would improve inspection and control in the Regulatory Area. A consensus was reached on amendments to the NAFO Conservation and Enforcement Measures to provide for implementation of a hail system, as follows:

Proposed Amendment to the NAFO Conservation and Enforcement Measures

PART III – Section C

1. A Contracting Party shall ensure that vessels of that Party to which the Scheme of Joint International Inspection applies shall report to their competent authorities:
 - a) each entry into the Regulatory Area. This report shall be made at least six (6) hours in advance of the vessel's entry and shall include the date, the time and geographical position of the vessel.
 - b) each exit from the Regulatory Area and each movement from one NAFO division to another NAFO division. This report shall be made prior to the vessel's exit from the Regulatory Area or entry into a NAFO division and shall include the date, time and geographical position of the vessel.

Without prejudice to Schedule II of Part V of the NAFO Conservation and Enforcement Measures, after each radio or fax transmission of information to the competent authorities of Contracting Parties the following details are to be immediately entered in the logbook:

- ◇ Date and time of transmission
 - ◇ In cases of radio transmissions, name of radio station through which the transmission is made
2. Within twenty-four (24) hours of receipt of these reports, whenever possible, competent authorities of each Contracting Party shall transmit the information contained therein to other Contracting Parties with an inspection presence in the Regulatory Area. The information shall also be forwarded to the Executive Secretary as soon as possible.

It was agreed by the Working Group that, following implementation of the hail system, an evaluation of its operation and an assessment of its effectiveness would be conducted at the next meeting of the Working Group in July 1991 and a report prepared for submission to STACTIC and the Fisheries Commission at the 1991 Annual Meeting.

With respect to the role of aerial surveillance in monitoring compliance by fishing vessels with this hail system, all Parties agree that aerial surveillance is an important tool to ensure compliance. The Working Group agreed that proposals for amendment of the Conservation and Enforcement Measures to provide for this surveillance tool should be submitted to the Executive Secretary by 31 March 1991.

4.3 The Working Group concluded that the requirement for fishing vessels and gear to be marked for easy identification would improve inspection and control in the Regulatory Area.

The requirement for fishing vessels and gear to be marked for easy identification would require amendments to the NAFO Conservation and Enforcement Measures as follows:

**Proposed Amendment to the NAFO Conservation
and Enforcement Measures**

PART II – GEAR

- a) A new paragraph "D", "Marking" to be added to Part II, "Gear" and to consist of the following:
 - 1. Small boats carried on board fishing vessels shall be marked with the letter(s) and/or number(s) of the vessel to which they belong.
 - 2. Marker buoys and similar objects floating on the surface and intended to indicate the location of fixed fishing gear shall be clearly marked at all times with the letter(s) and/or number(s) of the vessel to which they belong.
- b) Part III "Notification" to be amended to "Vessel Requirements".
- c) A new paragraph "A" entitled "**Marking of Fishing Vessels**" to be inserted and to consist of the following:

"Each Contracting Party shall ensure that each of its fishing vessels operating in the Regulatory Area be marked as follows:
- d) A new paragraph "B" entitled "**Documentation**" to be inserted and to consist of the following:

1. Each Contracting Party shall ensure that each of its fishing vessels over ten (10) metres in length shall carry on board documents issued by the competent authority of the State in which it is registered showing at least the following elements:
 - ◊ its name, if any
 - ◊ the letter(s) of the port or district in which it is registered, and the number(s) under which it is registered
 - ◊ its international radio call sign, if any
 - ◊ the names and addresses of the owner(s) and, where applicable, the charterers
 - ◊ its length and engine power
2. Each Contracting Party shall ensure that each of its fishing vessels over seventeen (17) metres in length which freeze or salt fish shall keep on board up-to-date drawings or descriptions of their fish rooms, including an indication of their storage capacity in cubic metres.
3. The documents referred to in paragraphs 1 and 2 above shall be certified by the competent authority of the State in which the vessel is registered.

Any modification of the characteristics contained in the documents referred to in paragraphs 1 and 2 shall be certified by a competent authority and the method by which any modification of engine power has been carried out and clearly explained.

The documents referred to in this Section shall be produced for the purposes of control upon request of an assigned NAFO inspector.

- e) Present paragraphs "A" "Notification of Research Vessels" and "B" "Notification of Fishing and Processing Vessels" to become new paragraphs "C" and "D".

The STACTIC Working Group recommends that this amendment be adopted by the Fisheries Commission.

- 4.4 The Working Group discussed other measures that may be appropriate to improve inspection and control in the Regulatory Area. It was agreed that the Working Group should keep short term measures (ie: improved cooperation, marking of fishing vessels and gear, and the hail system) under review and report findings to the next NAFO meeting. Recognizing that consideration of long-term measures would depend, to a large extent, on the success of these short-term measures, it was agreed that long-term measures should be discussed in detail at the next STACTIC Working Group meeting.

Working Group activities with respect to long-term measures would include the following:

- a) the preparation of papers on the logistical/feasibility of adopting in the Regulatory Area the following:
 - i) an international observer scheme,
 - ii) an electronic tracking system, or
 - iii) a licensing system for the Regulatory Area.

With respect to a comprehensive review of the Conservation and Enforcement Measures and the Scheme of Joint International Inspection, each STACTIC Working Group delegation agreed to submit comments and possible revisions to the Executive Secretary not later than 31 March 1991. Upon receipt of these submissions, the Executive Secretary agreed to review and consolidate all possible revisions of an editorial nature and if necessary, convene a drafting group meeting to assist in this task. Revisions of a substantive nature would be referred directly to the next STACTIC Working Group meeting. The Executive Secretary will undertake to prepare revisions and circulate them to STACTIC Working Group members by 1 June 1991.

5. Time and Place of Next Meeting

It was agreed that the next STACTIC Working Group meeting would be held in Dartmouth, Nova Scotia during the 3-5 July 1991 period. Drafting group meetings, if required, would also be held in Dartmouth, Nova Scotia, at the convenience of the Executive Secretary

6. Adjournment

The Chairman adjourned the STACTIC Working Group meeting at 1500 hours on 19 October 1990.

Annex 1. List of Participants

STACTIC Working Group on Improvements to Inspection and Control in the NAFO Regulatory Area

17-19 October 1990, Brussels Belgium

CANADA

Head of Delegation: H. R. Trudeau
Director
Atlantic Operations
200 Kent Street
Ottawa, Ontario K1A 0E6

E. Mundell, International Directorate, Dept. of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario K1A 0E6
R. J. Prier, Dept. of Fisheries and Oceans, P. O. Box 550, Halifax, Nova Scotia B3J 2S7
L. Strowbridge, Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
G. R. Traverse, Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
E. Wiseman, Counsellor (Fisheries) Canadian Mission to the European Communities, Avenue de Tervuren, 2, 1040 Brussels, Belgium

DENMARK (in respect of Faroe Islands)

P. Mortensen, Captain, The Faroese Home Government, Tinganes, Faroe Islands

EUROPEAN ECONOMIC COMMUNITY (EEC)

Head of Delegation: A. Laurec
Director, DG XIV
Commission of the European Communities
200 Rue de la Loi
1049 Brussels, Belgium

Alternate: M. Newman
Administrator-Inspection and Control
XIV-C-3
Commission of the European Communities
200 Rue de la Loi
1049 Brussels, Belgium

D. Dunkley, Admin. Assist., XIV-C-3, Commission of the European Communities, 200 Rue de la Loi, 1049 Brussels, Belgium
Lars Hans Pedersen, EEC Fishery Inspector, XIV-C-3, Commission of the European Communities, 200 Rue de la Loi, 1049 Brussels, Belgium
F. R. Paulino Pereira, Administrator, Council Secretariat of the European Communities, 170 Rue de la Loi, 1098 Brussels, Belgium
G. Manfredi, Counsellor, Italian Permanent Representation to the European Communities
D. Piney, Charge de Mission pour les Conventions internationales, Direction des Peches Maritimes, Ministere de la Mar, 3 Place de Fontenoy, 75700 Paris, France
A. G. Elorriaga, c/Ortega y Gasset, 57, Madrid, Spain
S. G. Ellson, Inspector, RM 425, Nobel House, Smith Square, London SW1P 2JR, United Kingdom
P. J. Ogden, Ministry of Agriculture, Fisheries and Food, Nobel House, Smith Square, London SW1P 2JR, United Kingdom
M. Roitmann, Fisheries Counsellor, Danish EEC-Representation, Rue d'Arlon 73, 1040 Brussels, Belgium
R. Ohst, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Referat 727, Rochusstr. 1, 5300 Bonn 1, Germany
E. Steingasser, ROAR, Bundesamt für Ernährung und Forstwirtschaft, Palmelleg - 2000 Hamburg 50, Germany
A.F.M. Teixeira, Fisheries Inspector, Inspeccao Geral Das Pescas - Ig. Santos, 3-2-1100 Lisboa, Portugal
J. Navarro, Director, Programas Planes Inspeccion, Spain

JAPAN**Head of Delegation:**

M. Yoshida
 Advisor to Fisheries Agency
 Japanese Government
 Japan Deep Sea Trawlers Association
 3-8 Ogawa-Cho, Kanda
 Chiyoda-ku, Tokyo

K. Haraguchi, First Secretary, Japanese Mission to the European Communities, Brussels, Belgium

NORWAY**Head of Delegation:**

E. Ellingsen
 Directorate of Fisheries
 P. O. Box 185
 5002 Bergen

UNION OF SOVIET SOCIALIST REPUBLICS (USSR)**Head of Delegation:**

V. Fedorenko
 Representative of the USSR in Canada
 on Fisheries
 2074 Robie Street
 Halifax, Nova Scotia
 Canada B3K 5L3

Alternate:

L. I. Chepel
 USSR Ministry of Fisheries
 12 Rozhdestvenski Blvd.
 Moscow

A. Leus, Chief Inspector, Baltrydvod, B. Pils IY, Riga

P. Latyshev, Chief Inspector, Murmanrybvod, Komsomolskaja 2, Murmanrybvod, Murmansk

SECRETARIAT

J. C. Esteves Cardoso, Executive Secretary

Annex 2. Agenda

STACTIC Working Group on Improvements to Inspection and Control in the NAFO Regulatory Area

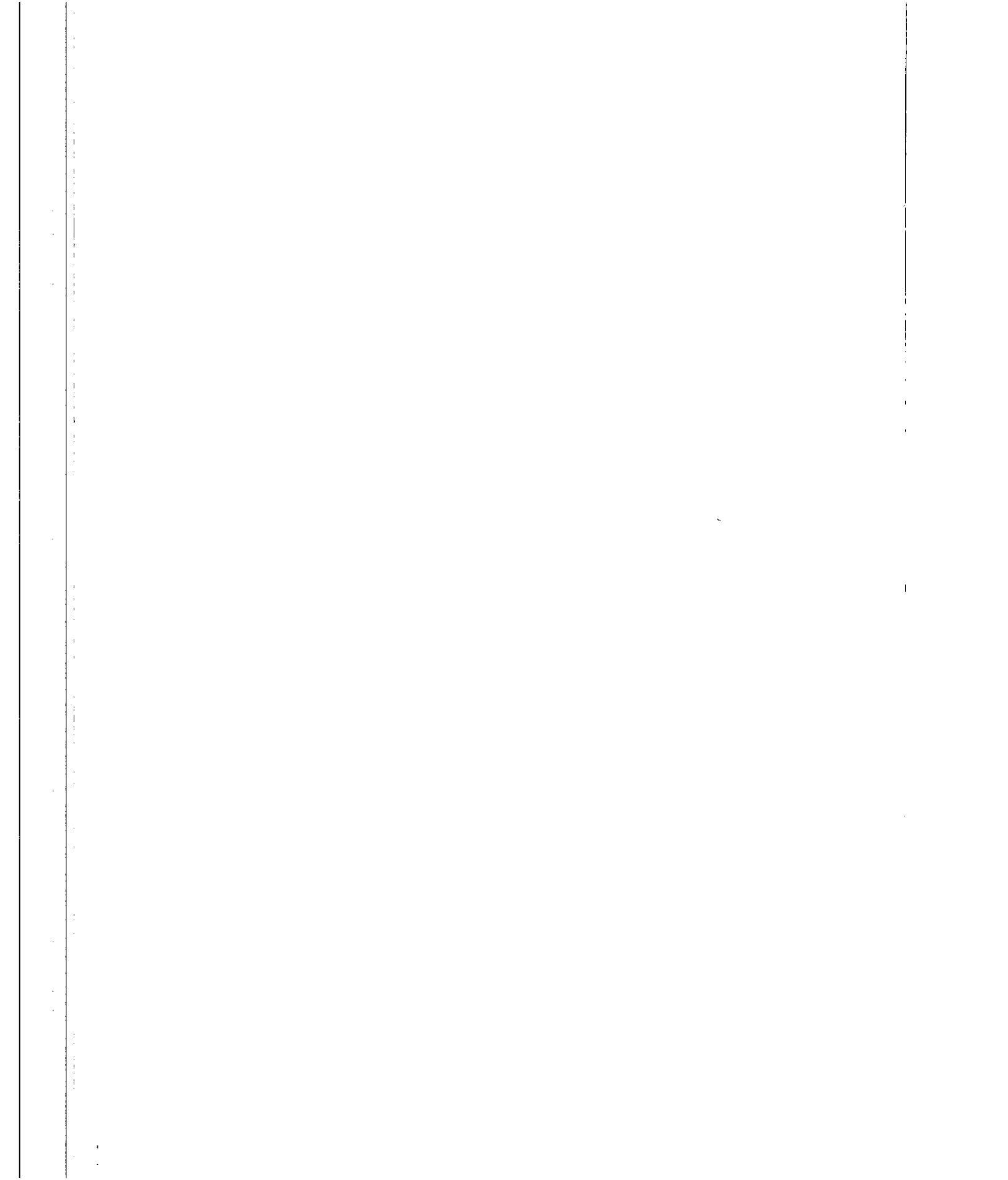
Brussels, Belgium, 17-19 October 1990

1. Appointment of Chairman
2. Appointment of Rapporteur
3. Adoption of Agenda
4. The optimization of inspection resources and their effective coordination, including the exchange of inspectors between Contracting Parties.
5. The development of a hail system
6. The requirement for vessels and gear to be marked for easy identification
7. Any other measures which might be appropriate
8. Any other business
9. Time and Place of Next Meeting
10. Adjournment

PART II

(pages 21 to 65)

**Report of the First Meeting of the Standing
Committee on Fishing Activities of Non-Contracting
Parties in the NAFO Regulatory Area (STACFAC),
30-31 January 1991**



Report of the First Meeting of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)

Dartmouth, Nova Scotia, Canada, 30-31 January 1991

1. The First Meeting of the Standing Committee on Fishing Activity by non-Contracting Parties (STACFAC) was called to order by the Executive Secretary, L. I. Chepel at 1015 hours, 30 January 1991, at the Holiday Inn, Dartmouth, Nova Scotia. The following Contracting Parties were represented: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), European Economic Community (EEC), Japan, Poland and the Union of Soviet Socialist Republics (USSR) (Annex 1).

The Executive Secretary welcomed the delegates and called on Canada for opening remarks. The Canadian representative welcomed all representatives to Canada and expressed the importance of this Committee's deliberations to the well being of the fishery within the Regulatory Area. Canada indicated this was the first time that a new Committee had been formed within NAFO and it reflects the importance that NAFO has placed on finding solutions to the fishing being conducted by non-Contracting Parties within the Regulatory Area. Reference was made to the increased activity by non-Contracting Parties that had taken place since 1984 which clearly showed the seriousness of the problem. NAFO, at the meeting in September 1990, recognized the seriousness of this problem and all Contracting Parties agreed to the formation of STACFAC to address this problem. It was hoped that at this first meeting, STACFAC would be able to meet the goals set by NAFO in September 1990 for STACFAC.

2. The Executive Secretary then called for nominations for Chairman of STACFAC. The Canadian representative nominated C. C. Southgate (EEC). The EEC representative supported the nomination. There being no further nominations C. C. Southgate was declared Chairman.

The Chairman thanked the delegates for their support and called for nominations for Vice-Chairman. The USSR representative nominated Garcia Moreno (Cuba). Canada and the EEC seconded the nomination. Garcia Moreno was elected as Vice-Chairman.

3. Under item 3, R. J. Prier (Canada) was appointed rapporteur.
4. Under Item 4, the Agenda as presented was adopted (Annex 2). The Chairman called for Other Matters and although none were presented left the item open for the course of deliberations.
5. Under item 5, Review and Elaboration of Rules of Procedure, the Chairman requested comments on the draft Rules of Procedure that had been circulated in advance of the meeting by the Executive Secretary. The Canadian representative thanked the Executive Secretary for his initiative and for reminding Contracting Parties that it was the responsibility of the Committee to develop its own Rules of Procedure. The terms of reference outlined in GC Doc. 90/9 were adopted by all Contracting Parties at the Annual Meeting and described the objectives of the Committee. Therefore, Canada proposed that the terms of reference agreed to by all Contracting Parties be accepted as the Rules of Procedure. The EEC representative supported the Canadian proposal. The EEC further stated that some further Rules of Procedure may be required and made reference to the STACFAD Rules of Procedure outlined on p. 63 of

the NAFO Handbook – 1984. **The Canadian representative** fully agreed with this suggestion. **The Chairman** asked for further comments and hearing none stated that the terms of reference outlined in GC Doc. 90/9 together with selected wording from STACFAD terms of reference found on p. 63 of the NAFO Handbook be adopted as the Rules of Procedure for STACFAC (Annex 3).

6. Under item 6, **Review of all available information on activities of non-Contracting Parties Vessels in the NAFO Regulatory Area**, the **Chairman** requested Contracting Parties to table any reports on the item at this time. **The Canadian representative** indicated they had a report but it would not be available for approximately 20 minutes and requested that if other Contracting Parties had reports ready, to table them, while waiting for the Canadian report. **The EEC representative** stated they had a report, which had been compiled based on courtesy boardings and air surveillance. The EEC indicated that the Canadian report would likely be extensive and that it might be better if it were tabled first. He further stated that the EEC would recommend that items 6 and 7 be dealt with together. **The Canadian representative** agreed to deal with items 6 and 7 together and indicated the Canadian report would be available in 15 minutes.

The USSR representative stated that they had a short report on activity by non-Contracting Parties and would present it after the Canadian Report.

The Japanese representative stated that it had information on activities of non-Contracting Parties and agreed to wait for the Canadian paper. **The Chairman** then adjourned the meeting for 15-20 minutes.

The Chairman reconvened the meeting at 1130 hours and requested Canada to go over its paper on Activity by non-Contracting Parties within the Regulatory Area. **The Canadian representative** reviewed their paper (Annex 4) and highlighted the following points:

Table 3 outlining the catch statistics by nation and species indicated an increase in Korean and Panamanian activity in the Regulatory Area and the concentration of Korean vessels in redfish, Panamanian vessels in cod and USA vessels in flounder.

Table 5 pointed to the increase in effort since 1984. It was noted that the dramatic increase in reported activity in particular in 1990 over 1989 is more a function of increased air surveillance than of actual effort. It is estimated that non-Contracting Party effort has been increasing at a steady pace.

Table 6 outlined a dramatic increase in estimated cod catches during the period 1984-89. Flounder catches are also of real concern to Canada.

The remaining tables detailed the effort and catches by each non-Contracting Party fishing in the Regulatory Areas.

The Chairman thanked Canada for the report and asked if it might not be advisable to take the Canadian paper along with the EEC paper and review those papers over lunch and then return and discuss them.

The EEC representative agreed with that proposal but briefly reviewed their paper (Annex 5). The EEC indicated that it was very difficult to determine the destination of fish caught by non-Contracting Parties in the Regulatory Area. The EEC presentation stated they are not in a

position to conduct the same amount of surveillance in the area that Canada can carry out and thus their report was mainly concentrating on the destination of the fish. They further stated that landings give some indication of where fish goes but it was not possible to give substantive information on landings without an extensive investment of time and money and even if that was done it would not provide a complete picture. However their paper did give some indication of landings. **The Chairman** agreed to take items 6 and 7 together because of their interrelation and the importance of information of landing of fish caught within the NAFO Regulatory Area.

The Japanese representative commented on a statement within the EEC report which indicated that Japanese vessels may have been sold to Korean interests but may still be under the financial control of Japanese interests. He stated even though Japan restricts export of trawl vessels to Korea, there may be a case that ex-Japanese vessels might be re-exported to Korea from the country where the vessel was originally exported, which is beyond the control of Japanese Government. He also stated that the above financial situation did not exist.

The EEC replied that the information had been received from the vessels themselves but references to Japanese financial interests in Korean vessels should of course be removed from the report if they were not correct.

The Chairman adjourned the meeting until 1500 hours.

The Chairman reconvened the meeting at 1520 hours.

7. **The Chairman** referred to the paper on Rules of Procedure and asked the delegates to review this document and if they had any comments to pass them to the Executive Secretary. **The Canadian representative** recommended that a third paragraph be added along the lines that the rules of voting should be consistent with other Committees within NAFO. This amendment was agreed to by all Contracting Parties and **the Chairman** requested further suggestions for amendments to this document be forwarded to the Executive Secretary who will prepare it for presentation to the General Council for approval.
8. **The Chairman** then referred to the papers presented by Canada, the EEC and the USSR (Annex 6) and recommended that those papers be appended to the minutes of the STACFAC meeting in order that they can be referred to in the future. In reference to the three papers, the Chairman asked the Executive Secretary to comment on what status those papers should be given. **The Executive Secretary** agreed the papers should be made annexes to the STACFAC minutes. **The Chairman** asked if there were any comments on this proposal and there being none, the Working Papers would be incorporated as annexes to the STACFAC minutes.
9. **The Chairman** then referred to the three papers on activity by non-Contracting Parties within the Regulatory Area and requested comments.

The EEC representative, in reference to the Japanese comment on the EEC paper made prior to the break, indicated that the information had been removed in the revised paper. In reference to the Canadian paper, the EEC did not want to get into a discussion of figures presented, as they were based on estimates. The EEC stated that it was somewhat embarrassing to note that whereas last year it was felt the increase in catches in the Regulatory Area by non-Contracting Parties was coming to a halt, this was apparently not the case, according to the figures in the Canadian paper. He further stated there may be varying reasons for that but there was no long term trend indicated. It was therefore difficult to draw concrete conclusions from the information.

The Canadian representative commented on the reference to Sierra Leone vessels which were reported in the EEC paper and indicated the Canadian paper listed the same vessels as registered in Korea and St. Vincent and there may be a requirement for the Executive Secretary to verify the registration of these vessels. In reference to the statement in the EEC paper that catches are concentrated in Division 3M and 3N, Canada felt that while those could reflect the situation at the times the EEC had patrol boats in the Regulatory Area, the Canadian paper represented surveillance throughout the year. In reference to Table 3 of the EEC report, the estimate of the annual landings of the 11 vessels during 1988 and 1989 of 961 tons approximates what Canada had estimated the catches of the 24 Panamanian vessels fishing in the Regulatory Area had been. The figure of 1000 tons per vessel could be used as a "ball park" estimate of annual landings by non-Contracting Parties vessels fishing in the Regulatory Area. Canada stated that if there were no further questions on effort or catches by non-Contracting Parties in the Regulatory Area they would request any information on transshipments that Contracting Parties may be able to provide. Canada further stated non-Contracting Parties are not authorized to use Canadian ports for transshipments. However, there is a port near Canadian shores which is being used by non-Contracting Parties and reference is made in the EEC report to non-Contracting Parties using that port for transshipments. Public records indicate that since 1985, the use of this port by Panamanian vessels has increased by 100%; by Korean vessels has increased by 350%; and by USA vessels has increased from one vessel carrying out a transshipment to 28 vessels. The use of St. Pierre-Miquelon makes it easier for non-Contracting Parties to exploit the stocks within the Regulatory Area and any information on these transshipments would be welcomed.

The Japanese representative reported that their fishing vessels operating in the Regulatory Area (Division 3M) sighted 3 Korean vessels in April, 4 in May, and 1 in December. With regard to transshipments last November, a Japanese Reefer Company was approached by Korea to transship fish to Japan. This was refused because the vessel was under the control of the Japanese Deep Sea Trawler Association. Other Japanese companies have transshipped approximately 1000 tons of American plaice to Japan.

The Canadian representative thanked the colleagues from Japan and indicated that their report of transshipment of American plaice was consistent with Canada's statistics. With regard to landings, Canada stated they were basically an exporter of fish and therefore did not have figures on landings to present to the Committee. In reference to the EEC paper, Canada stated the efforts made by the EEC in seeking these statistics are appreciated and it was hoped that the EEC will continue to provide this information on landings in 1991. In reference to other Contracting Parties, Canada would be interested in what, if any, duties are levied against the import of fish from non-Contracting Parties fishing in the NAFO Regulatory Area.

The EEC representative indicated they are trying to find out where fish is going but it is a difficult matter to determine. Every effort should be taken not to facilitate this import without resorting to increased levies. To increase these levies would be difficult to implement at a time where trade liberalization was negotiable they would attempt to ensure that present levies in place are administered. He also stated development of the framework to have non-Contracting Parties provide this information to NAFO should be looked at. This could be covered in the development of the text of the diplomatic notes.

11. **The Chairman** indicated the point made by the EEC was a valid one and could be addressed under item 8. The Chairman stated he felt items 6 and 7 had been addressed and that they could move to item 8. **The Canadian representative** stated that in the discussion of item 8 they might

identify information which they might want to solicit from non-Contracting Parties. **The Chairman** agreed and moved to discuss item 8.

12. Under item 8, **Examination and Assessment of Options**, the **Chairman** referred to GC Doc. 90/3 submitted by Canada and requested comments. He stated the agenda item was quite a bit broader than indicated and asked Canada to review the complete resolution.

The Canadian representative, referred to paragraph one of the NAFO Resolution which referred to communicating with non-Contracting Parties through diplomatic channels, and stated it had approached Korea to indicate the problems posed to the conservation of stocks within the Regulatory Area by non-Contracting Parties fishing in the Regulatory Area. Canada had also raised with USA officials the issue of USA vessels fishing in the Regulatory Area. Canada had sent a delegation to Panama and approached senior officials in Panama and described the consequences of overfishing by non-Contracting Parties in the Regulatory Area. Those meetings were very productive. There was merit in exposing the problem of reflagged vessels to the Panamanians as the reflagging of fishing vessels does not generate significant economic benefits for Panama, as no fish is landed in Panama from these vessels, there are no Panamanian crews involved nor is any of Panamanian industry involved. They were open to ideas for cooperation with NAFO. Panamanian officials did suggest that if Panama did not re-register these vessels they would go to a country that would. Canada indicated that any inconvenience that can be put in the way of these vessels would be appreciated.

The draft Aide Memoire has been developed to assist all Contracting Parties of NAFO to become involved, either individually or jointly. Canada requested that Contracting Parties review the draft Aide Memoire in order that it could be discussed the following day.

The draft Certificate of Harvest Origin (Annex 7) is a recommendation by Canada that Contracting Parties consider all fish caught in the NAFO Regulatory Area be required to be accompanied by a certificate stating the harvest origin of the fish. Canada stated that this was not to be construed as an import restriction and would not prevent the importation of product caught. It would, however, permit NAFO to gather data on catches from the Regulatory Area. The certificate would be applicable to both Contracting Parties and non-Contracting Parties. NAFO would be looking at 1992 for adoption of this procedure as an interim measure. The details could be worked out later but Contracting Parties should review this approach. Finally, Canada tabled a description of an import control measure that would consist of a protocol to the NAFO Convention. It would be a long term measure and would be implemented over the long term. Again, Contracting Parties are asked to review those documents and, while they are substantive and need careful review, preliminary comments would be welcome.

13. **The Chairman** thanked Canada for its presentation. **The EEC representative** asked Canada for more information on the Korean and USA reaction to the consultations. **The Canadian representative** stated that USA officials had heard rumours that the USA vessels that fish in the NAFO Regulatory Area might be threatened with bankruptcy. As far as the USA fishing industry is concerned, they have no interest in joining NAFO as USA fisheries management is not similar to NAFO's. Canada felt that bankruptcy will not play a significant part in the USA fishing activity and therefore Canada expected to see the continued presence of USA vessels in the NAFO Regulatory Area. With respect to Korea, the Korean officials stated that certain limits were put on the Korean fleet as to which vessels were authorized to land fish caught in the Regulatory Area. However, no proof was available to confirm this. No further details were given by Korea.

The representative of Denmark (in respect of the Faroe Islands and Greenland) stated that they were preparing a diplomatic demarche to Panama and would be forwarding it in the near future. They stated it was difficult to comment on the paper which was just received and they reserved comment until the next day.

The Japanese representative stated that after the September meeting of NAFO officials from Japan met with Korean fisheries representatives and reiterated the concerns of the NAFO Contracting Parties re Korea's fishing in the Regulatory Area. They recommended to Korea that they become observers at NAFO and consider membership in the future. Korea indicated they would consider this and get back to the Japanese representatives.

The EEC representative stated that diplomatic notes had been prepared to be sent to the USA, Korea, Venezuela, St. Vincent and the Grenadines, Malta, Panama, and the Cayman Islands. Within these diplomatic notes it had been requested that they provide NAFO with accurate statistics on catches. The EEC made reference to Article 118 of the Law of the Sea which requires all nations to adhere to conservation measures for the preservation of fishing stocks throughout the world. He also referred to Article XIX of the NAFO Convention which requires non-Contracting Parties to abide by conservation measures. Those diplomatic notes will be followed up with individual contacts with appropriate officials of those non-Contracting Parties. The EEC indicated that they required time to review the three papers and reserved further comments until after they had had time to study the papers.

The Chairman suggested a short break for review of these papers to allow some preliminary comments to be made because of the time restraints involved. **The Canadian representative** agreed with this approach and suggested that the Committee concentrate on the Aide Memoire in the first instance. This was agreed to and **the Chairman** adjourned the meeting.

14. **The Chairman** reconvened the meeting at 1715 hours and asked Canada to briefly review the paper prior to Contracting Parties giving their initial reaction to the paper.

The Canadian representative reviewed the paper and indicated that the first five paragraphs provided a preamble which would be incorporated into letters of demarche to all non-Contracting Parties. The next paragraphs had been tailored for specific non-Contracting Parties. The last three paragraphs are generic and could go to all non-Contracting Parties.

The EEC representative made some preliminary observations regarding the relation of this initiative to paragraph one of the Resolution. In addition, the EEC stated that before embarking on a joint initiative of Contracting Parties initiating notes to non-Contracting Parties, it may be more appropriate to see what reaction was received from the notes which had already been sent individually. The EEC then suggested amendments to the text as did Japan, Denmark and the USSR. Canada had indicated that these amendments would be incorporated into a second draft of that paper and would be available tomorrow morning.

The Chairman stated that individual Contracting Parties had already made their own demarches and this Committee should ensure that any joint demarches should not cut across or counter individual efforts. He also asked whether we were going to exclude the possibility of non-Contracting Parties becoming members of NAFO.

The representative of Denmark (in respect of the Faroe Islands and Greenland) stated it was a positive approach but that the problem was timing. He indicated a harmonized approach was needed. He would appreciate being advised of the content in the EEC demarches. Denmark

further stated that if those notes were to be the second draft to non-Contracting Parties then the wording should be more pointed. It was Denmark's opinion that non-Contracting Parties should not be excluded from joining NAFO as it would be easier to control those countries as members of NAFO.

The EEC representative stated they were prepared to distribute copies of their demarches but were waiting for confirmation that they were in fact sent. They were not concerned about the content but more that the notes were consistent. The EEC also felt that it must be ensured that the notes sent to non-Contracting Parties reflected the initiative of NAFO as a whole and not as individual Contracting Parties, in order not to give the impression that the same kind of initiative was launched twice. Even if no explicit invitation to non-Contracting Parties were to be extended, NAFO was an open Convention, according to Article XXII.4 and no interested Party should be given the impression not to be admitted.

The Executive Secretary indicated that he had sent letters to Korea, Chile, Mexico, Panama and the USA drawing their attention to the fact that their vessels are fishing in the Regulatory Area contrary to the conservation measures of NAFO. The only response received had been from the USA and that was just received and had been distributed to the delegates.

The Canadian representative indicated that those had all been constructive comments. With regard to the response from the USA, the Canadian representative pointed out that the Gulf of Maine is within the NAFO Convention Area but not the NAFO Regulatory Area and is therefore not relevant to this discussion.

The Chairman asked if there were any further comments on timing or drafting. The USSR representative stated they appreciated the work done by Canada in drafting this paper and that timing was very important. Some Contracting Parties as well as the Executive Secretary had already sent letters. The USSR agreed with Canada that joint demarches be made to non-Contracting Parties and agreement on content should be made. He further stated that in the past letters had been sent on an irregular basis but that it should be done on a regular basis by joint Contracting Parties and the Executive Secretary. The goals of the Committee may then perhaps be achieved. The USSR agreed with the EEC that the letters must reflect the views of NAFO as a whole and not individual Contracting Parties. The Chairman stated the last statement of the USSR should be uncontentious.

The EEC representative stated that care must be taken not to discriminate between non-Contracting Parties. The EEC did not contest the approach in the paper. However General Council approval may be needed to send such notes and since it is a NAFO matter NAFO approval may be required.

The Canadian representative suggested the Chairman ask the Executive Secretary if General Council approval is required and what procedure should be taken. The Executive Secretary stated that all Contracting Parties should proceed individually to contact non-Contracting Parties. He did not see any problem with Contracting Parties contacting non-Contracting Parties as the Resolution of the General Council gave authorization to do so in its instructions to STACFAC. The Chairman asked the Executive Secretary to repeat his answer. The Executive Secretary stated that according to the Rules of Procedure STACFAC can promote our views to Contracting Parties and if the Standing Committee agreed to go forward with this approach they can. At the Annual Meeting the General Council would be advised of how the Committee intend to address this problem.

The EEC representative stated that because all Contracting Parties are not present it must be clarified as to whether this Committee can make decisions and react to those decisions without all Contracting Parties being present. The Canadian representative suggested that the Committee was empowered to recommend to the General Council that a mail vote be taken and this would not unduly delay decision on the matter. The USSR representative concurred with the statement by the Executive Secretary that the General Council had already given the Committee authority to do this. It is up to the individual Contracting Parties whether it is done individually or jointly.

The Chairman stated the Canadian proposal for a mail vote had merit even though the General Council had given authority and this may strengthen our hand. The Standing Committee can make the decision in accordance with the General Council Resolution (GC Doc. 90/8). After any recommendation is adopted by delegates of the Standing Committee, those recommendations should be distributed to Contracting Parties for approval and in the case of urgency the mail vote may be used.

The representative of Denmark (in respect of the Faroes Islands and Greenland) stated that the Committee should strive to get a consensus on the text and consent of all Contracting Parties. If that failed then the Committee could go to the General Council in September.

The EEC representative referenced to Article III(b) of the Convention which states that a mail vote is taken only in cases of emergency. They stated it was the responsibility of the Executive Secretary on how this would be done and the Committee may want to return to this issue later.

The Chairman agreed an attempt should be made to get consensus on the text in STACFAC and if this could not be done the issue of the agreement of the General Council would be irrelevant. He asked for further comments and there being none adjourned the meeting until 0900 hours the following day.

The Chairman reconvened the meeting at 0935 hours 31 January 1991.

16. The Chairman requested the delegates to commence discussing the Canadian paper, Certificate of Harvest Origin, and requested that Canada review their document.

The Canadian representative recalled the brief overview given yesterday and stated that the paper described a measure which would require imports of fish or fish products of NAFO-regulated species to be accompanied by a certificate of harvest origin stating whether they were caught within or outside the NAFO Regulatory Area. The certificate was a method of obtaining information about imports from non-Contracting Parties without imposing sanctions. The certificate would be issued by an authority empowered by the government of the exporting country. Customs officials would be responsible for enforcing the certificate requirement. Canada sees three primary benefits from the certificate requirement::

- 1) a data base
- 2) not a trade barrier
- 3) first and essential step to limit trade in fish caught in the NAFO Regulatory Area by non-Contracting Parties.

The details of the certificate could be formulated at a later date but what Canada was seeking was approval in principle for a certificate system.

The Chairman asked for comments.

The USSR representative requested clarification with respect to reference to Nationality in the third paragraph of the application. **The Canadian representative** stated they intended this to refer to vessel registry and not to nationality of the crew or ownership of the vessel.

The representative of Denmark (in respect of the Faroe Islands and Greenland) asked for clarification that the certificate would only be for fish products harvested in the NAFO Regulatory Area. The converse of this that all fish caught outside the Regulatory Area would not require a certificate. He also stated that Denmark agrees the certificate should go ahead on a species basis for those species regulated by NAFO, but questioned the practicability of the proposed measure.

The EEC representative stated the Committee should try to focus on the principle which is acceptable and agreed with the representative of Denmark that it will be difficult to implement in practice. He also indicated it will be difficult to differentiate between fish caught in the NAFO Regulatory Area and that caught in other areas. He also indicated it may not be in line with proportionality. The question arises on how NAFO can rule on fish caught outside the NAFO Convention Area. Paragraph two of the paper implies that NAFO would not prevent imports of fish caught outside the NAFO Convention Area if accompanied by a certificate. NAFO might be questioned on restrictions with regard to international trade and that would have to be considered. An observation was made on the second paragraph of the paper in that the first sentence deals with the question in a negative manner and the second in a positive manner. Whatever form it takes, it was the EEC's opinion that it must be non-discriminatory and in conformity with GATT. The third paragraph talks about area inside and outside the NAFO Regulatory Area where similar fish are caught. Discussions with the scientific community may be required to determine if this is feasible. The Canadian paper pointed to the advantage of the certificate of harvest in obtaining statistics on catch.

17. **The EEC representative** pointed out that restrictions on trade are considered under the relevant Articles within GATT and referred to the Canadian paper (Annex 8) and Article XX(g) of GATT as a possible reliable basis to consider. The EEC indicated as an essential first step GATT should consider the interpretation of Article XX(g) of GATT. It is essential for a possible application of Article XX(g), that whatever measures are taken to restrict such practices of non-Contracting Parties should be based on conservation measures. The EEC stated that if there were a panel on such measures it would be essential to ensure that measures are aiming at conservation purposes. He further stated more confirmed statistics were needed because all our figures have been based on estimates. Consideration must be given to this question from a legal basis and its relation to GATT.

The Chairman stated he saw no problem in discussing the certificate and the proposed protocol together.

The Japanese representative indicated Japan was not ready to say yes or no to the proposal but needed more time to study it especially in relation to GATT. He indicated the proposal for a certificate of harvest has two aspects, the first being data collection and the second being the first step towards further action. Japan referred to Article IX of GATT which specifies the provisions on marks of origin. With regard to the first aspect, he questioned whether GATT allows the introduction of marks of origin for data collection purpose. He also stated a need of careful study to judge whether the proposal does not contradict the first paragraph of Article IX which prohibits discriminatory use of marks of origin. He also indicated that the marks of

origin are normally issued by the Chamber of Commerce which is usually not in a position to know the place of capture. Therefore, this could lead to deception which is very difficult to control. With regard to the second aspect, he stated that careful study should be done whether Article XX(g) will be applicable to this kind of situation. He noted also that recourse to Article XX(g) is only allowed in conjunction with restrictions on domestic production or consumption. He stressed the need to avoid abusive use of trade restriction. In this context, he noted that the "Wellington Convention" which is mentioned in the Canadian paper is one example of abusive use of trade restriction. In this connection, he drew the attention of the Committee to the fact that Japan tabled a proposal on clarification on interpretation and application of Article XX(g) to GATT Agriculture Negotiating Group on 27 August 1990. In closing, Japan reiterated the need of careful consideration in dealing with the trade restriction issue, as it could be an extremely controversial and politically difficult problem.

18. **The EEC representative** stated that since both papers were presently being discussed, the discussions are still on discussions of principle. The EEC agreed with Japan that any possible measures in the trade sector are politically sensitive matters and would have to be consistent with GATT. Some elements which would give the EEC serious problems would be transshipments and port access which are covered under Article V of GATT. The EEC have opposed these proposals from the start. The other question to be raised was what to do about non-Contracting Parties wishing to join NAFO. The EEC position has been to invite non-Contracting Parties to join NAFO. The argument put forth against this was there was no fish to give them, but the EEC had previously put forth a procedure on how that could be done. We must avoid giving the impression that we would not admit or not have fish available to non-Contracting Parties because the Convention allows for the accession of non-Contracting Parties. While NAFO does not have to invite them to become members, it must avoid the impression of not accepting them. With the Aide Memoire we have tried to provide elements along this line. The USA reply to the Executive Secretary implied that because there is no fish they do not want to join NAFO. Our principle must be maintained if we are to implement trade measures without options to join NAFO, this would be a dangerous and even unacceptable approach under the GATT.

19. **The EEC representative** felt the reference made by the Japanese representatives to the Uruguay Round may be a useful paper to review. While it was understood that this was not the proper forum to discuss the paper it may have relevance. NAFO should have preliminary discussions with GATT and its relationship to Article XX(g) of GATT. The primary aim is conservation and restriction in national production in respect to trade restriction. The EEC indicated this was difficult from a legal, political and economic point of view and the principle of the matter must be examined very carefully. While it is complicated the Committee has been asked to look at the matter by the General Council. It is not a case of not accepting or adopting the paper which can be used as a basis for discussions. The Committee should examine and look for concrete recommendations that are acceptable.

The Chairman summarized the scope of the discussions and indicated enforceability, practicality, compatibility of GATT and related trade matters, reference to Article XX(g) of GATT and the reference to admission of non-Contracting Parties of NAFO had been raised.

20. **The representative of Denmark (in respect of the Faroe Islands and Greenland)** stated since they had just received these papers his remarks would be preliminary. He also agreed that this was a very complicated subject and agreed with the Chairman to limit his discussion to the points made in the Chairman's summary. He asked what measures could be developed and what would be the link to Article XX(g). It must be ensured that all measures are related to

conservation and that they do not conflict with GATT. Denmark would recommend that a way to consult as an Organization with GATT on the introduction of measures be developed. The problem of protecting fish stocks from illegal activity is not isolated to NAFO. NAFO should endeavour to ensure that nations should not benefit from illegally caught fish. Denmark (in respect of the Faroe Islands and Denmark) stated there is a tendency towards deregulation and the establishment of the certificates could be viewed as counter productive. The Committee should attempt to establish a questionnaire or a set of proposals to be submitted to GATT. In conclusion, he stated that The Committee must ensure any measures adopted are acceptable to GATT and if they are acceptable to GATT then they would be acceptable to all Contracting Parties.

The Canadian representative thanked other delegates for their initial, helpful reactions. Canada agreed to discuss the two papers together, although the certificate of harvest origin was of priority concern at this meeting. Responding to comments made by the delegates of the EEC, Japan and Denmark, the representative of Canada observed first that the certificate of harvest origin was entirely non-discriminatory. The area of harvest was the sole distinction made, ie, whether the fish had been harvested outside the NAFO Regulatory Area or not. The certificate would be applicable only to conservation measures in effect inside the NAFO Regulatory Area. It was assumed that definitions of species could be developed by biologists. In response to the EEC's remarks on the inter-relationships between the certificate of harvest origin and the protocol and more specifically on the benefits of the certificate, the representative of Canada noted that the second step, the protocol, remained optional. The certificate scheme is a stand-alone measure, which could operate on its own as long as necessary. The question of enforcement would be affected by the level of detail on the certificates and the potential difficulty in following fish and fish products through various permutations from the vessel to the consumer. STACFAC might want to consider limiting the requirement to a certain number of product forms initially off-loaded from vessels, eg, salted fish, headed and gutted. The representative of Canada hoped that other delegates would take the idea of the certificate away with them for further consideration but that the Committee would have some sense at the end of this session that delegates were willing to consider the certificate scheme in a positive light and that they would return to consider how this measure could be implemented and the benefits it could bring. Delegates were asked to try to think of solutions to any logistical or legal impediments that might arise within their own systems. Regarding the GATT, Canada is of the opinion that the certificate is consistent with GATT. Members of NAFO through their own governments are free to solicit an opinion from GATT on use of the certificate of harvest origin. Such an opinion would not be binding on NAFO. Canada believes that such an opinion is not necessary. With respect to the protocol, the question of trade measures would require a great deal of thought down the road. The opinion of GATT could be sought by individual Contracting Parties if deemed necessary. Canada would be reluctant to have NAFO as an organization involved in obtaining such an opinion from GATT when it could be done by individual Contracting Parties. Canada would hesitate to raise the profile of the question to such an extent, which could prematurely close off a useful avenue of action.

21. **The Japanese representative** made reference to the Wellington Convention. While disagreeing to the Wellington Convention, he stressed the need of cautious study on the approach specified in the protocol. He understood that certificate is the one which should be discussed for the time being and that the concept of protocol should be placed under long term consideration. He would like to see delegates give them more thought between now and the next meeting of this Committee and the annual meeting so that discussion on certificate and protocol could then advance.

The EEC representative indicated the amended draft on a joint diplomatic demarche meets the concerns of the EEC. The EEC suggested that in the paragraphs relating to individual countries, since the figures used are best estimates, the use of estimates might give non-Contracting Parties the opportunity to contest those figures. It was recommended that individual figures for countries be replaced with the total estimated catches taken by all non-Contracting Parties and these totals to an increasing trend over the years. The EEC had no further comments.

22. The Japanese representative raised a comment on the last paragraph on page four which is asking non-Contracting Parties to withdraw their fishing activity from the NAFO Regulatory Area. He indicated that to be consistent with what they have told Korea, ie, to become an Observer now and in time to join NAFO, they proposed that we insert after the third line from the bottom "join NAFO or ask Nations to withdraw".

The Chairman felt the certificate of harvest proposal and the draft protocol presented by Canada could be considered together but not with the idea of merging them together. With respect to Canada's request for Contracting Parties to consider those proposals in a positive way, views were requested.

The EEC representative stated they appreciated the work Canada put into preparing the papers and were ready to accept those papers as a basis to reflect on possible measures. The concerns raised were in relation to what can be done in relation to trade responsibilities and GATT. The EEC stated more time was needed for reflection on elements of legal and practical implications of whatever measures are taken. The Committee should not prejudice on any positive or negative reflections. The EEC agreed to reflect on the matters further and be prepared to discuss them at the NAFO annual meeting.

The Chairman adjourned the meeting to allow Contracting Parties to review the papers.

The Chairman reconvened the meeting at 1150 hours and asked the delegates for further comments on the papers.

23. With respect to the revised Aide Memoire which had been distributed, the Canadian representative referred to the USSR's comments on paragraph 4 on page 1 where they suggested it would be useful to quantify the reduction in opportunities that NAFO Contracting Parties had experienced over the same period in which catches by non-Contracting Parties had increased. Canada found in reviewing the numbers it was difficult to portray that reduction in an effective manner for the purpose of the document and therefore consulted with the USSR who made an alternate suggestion that perhaps it could be said what percentage of the total catch this non-Contracting Parties catch represented. It has been estimated to be 35% based on 1988 and 1989 figures. Therefore the last sentence of paragraph 4 would be amended to read – "total catches by such vessels are estimated to have increased over the same period some 65-70% and now represent approximately 35% of the total catch in the NAFO Regulatory Area." The wording in the last sentence of the last paragraph now reflects the wording of the resolution which was adopted in September.

The EEC representative stated the paper (the joint diplomatic demarche) in front of them met their concerns. He suggested that individual paragraphs developed for each country based on best estimates may give support to non-Contracting Parties to contest these figures. It was recommended that the individual estimates be replaced by the total estimates taken by all non-Contracting Parties and reference made to the increasing trend.

The representative of Denmark (in respect of the Faroe Islands and Greenland) brought to the delegates attention that the only country replying to the Executive Secretary's note was the USA. In the formulation of the letter to the USA that should be taken into consideration as well as the special history the USA has in relation to ICNAF/NAFO.

The Japanese representative again emphasized that the last paragraph on page 4 should be consistent with what they had said to Korea, ie, to attend NAFO as an Observer and in time join NAFO.

24. **The Canadian representative** indicated Canada would attempt to take the comments by the EEC and Denmark into consideration and look at how they can redraft the text utilizing those comments. In reference to the Japanese comment, Canada indicated they had spoken on this earlier with respect to the certificate and the protocol.

On the question of membership in NAFO, Canada would be willing, in response to the concerns expressed by the representative of Japan, to re-draft the Aide Memoire so as not to preclude the possibility of new members. The Canadian representative reminded the other delegates, however, that the NAFO resolution establishing STACFAC directed the Committee to investigate measures aimed at obtaining the withdrawal of the non-Contracting Parties vessels from the NAFO Regulatory Area. Canada agreed that the protocol and the effect on new Contracting Parties was indeed a wider issue. At this early stage in consideration of the protocol, however, Canada believed that it was premature to focus on its relationship with the question of new Contracting Parties. The descriptive paper on the idea of a protocol had been tabled by Canada to elicit discussion on the protocol as an instrument. Canada would like other delegates to develop responses to the certificate between now and the annual meeting of NAFO and at the annual meeting. The certificate is considered to be a measure that could be implemented in the short term. The protocol is clearly a longer term measure. Canada would like other delegates to give it more thought between now and the next meeting of STACFAC so that discussion on the protocol could proceed further at that time. The Canadian representative concluded that the comments of the Japanese representative on the protocol to the Wellington Convention need not necessarily apply to a protocol to the NAFO Convention, which could differ in substance.

The USSR representative suggested in reference to the figures at the bottom of the first page reference be made to 35%. In the last paragraph on page 4 keeping in mind the comments made by Japan and Canada, the Committee must try to keep within the wording of the General Council Resolution. It should not close the door to the acceptance of new members. To avoid misunderstanding by non-Contracting Parties the precise instructions of the Resolution and terms of reference should be kept to and the wording of the last sentence on page 4 commencing after vessel changed to read "to take all necessary measures to prevent any fishing contrary to NAFO conservation measures".

The Canadian representative welcomed the suggestion of the USSR in adopting the wording of the Resolution. There being no further comments **the Chairman** stated the text as amended was generally accepted (Annex 9).

The EEC representative stated they accepted the USSR suggestion for rewording the last paragraph on page 4 but they supported Japan in that we must be clear on our invitation for new members. The EEC agreed with Canada that the invitation was not excluded with the wording in the Canadian paper.

The Chairman stated Canada indicated there would be minor amendments to the Aide Memoire and the question of timing and procedure must now be addressed. He indicated that if it was the wish of the Committee that this will be a demarche from all members then this Committee must look at timing and its responsibility to ensure it has the approval of all Contracting Parties. In this regard, the Chairman indicated the Committee may have to get the General Council's approval and asked for comments.

25. **The Canadian representative** agreed the Committee needed guidance on timing and secondly on the modalities – who, where, and under what circumstances it should be delivered. Canada referred to the statement made by Denmark with regard to the sharpness in the Aide Memoire if it is to be considered as a second round. Canada considered the Aide Memoire as a first step and with regard to timing Canada felt the notes should be delivered sooner than later. Canada stated the Committee should try to agree to the modalities that day and if it was decided for procedural reasons that General Council approval was required then consideration should be given to the procedure for a mail vote prior to the annual meeting. In respect to the modalities, Canada suggested two or three Contracting Parties send representatives as a group to deliver notes to non-Contracting Parties on behalf of all Contracting Parties. Canada recognized the problems some countries may have with regard to diplomatic relations with some of these non-Contracting Parties but rosters could be developed and Contracting Party representatives could deliver the notes to appropriate nations. The details of dates and times could be worked out later.

The representative of Denmark (in respect of the Faroe Islands and Greenland) indicated there was general consensus for the proposal, and support for Canada in that the Committee should not wait too long to deliver the notes. If it were to wait for approval of the General Council at the annual meeting it may be a little awkward in that a whole year will have passed since initiating this process.

26. **The Chairman** indicated another meeting was required. Meanwhile, the Contracting Parties could reflect on the difficult matters and come back to the next meeting prior to the annual meeting of NAFO and discuss those matters again. The Chairman stated he was not sure whether approval from the General Council was required or whether a mail vote could be taken. He referred the question to the Executive Secretary. **The Executive Secretary** indicated the authority for a mail vote was there and that he would proceed in accordance with the decision of this meeting.

The EEC representative suggested that the notes should finally be signed by the Chairman of the General Council and in this way carry more weight. On the matter of delivery the EEC supported the Canadian approach which might allow it to be done on a diplomatic level. Each Contracting Party is best able to determine how to deliver the notes. He indicated the Committee should attempt to get a mandate for the next meeting which should be prior to the annual meeting. Each Contracting Party attending that meeting should arrive with a mandate from their authorities to take such a decision. He further stated that if Contracting Parties did not attend the meeting it would be assumed they agreed to the mandate.

The Chairman said this was a constructive idea and the Executive Secretary should write to all Contracting Parties to indicate a mandate was needed to carry out this action. **The Executive Secretary** agreed that this was a suitable approach.

The Canadian representative, in response to the comments by the EEC and Denmark, was prepared to agree to the suggestion put forth that another meeting be held. As to timing,

Canada would like to see the notes delivered in mid-May or early June with the next meeting recommended for mid-May. Canada would be concerned at any additional delay.

The **Chairman** stated the consensus was for another meeting to discuss the certificate and protocol and the date of mid-May/early June had been suggested. He called for comments on the timing of the next meeting. After a great deal of discussion, the date of 4 and 5 June in Dartmouth was decided.

27. The **Chairman** stated that item 9, **elaboration and formulation of recommended measures to resolve the problem**, is a concrete part of item 8 and is the translation of any conclusions reached in item 8 into concrete recommendations or decisions. This item is the elaboration and formulation of recommended measures to resolve the problem. The reason for the need for another meeting is that under item 8 Canada had produced two papers with suggestions which raised many questions and that all agreed to consider constructively the ideas contained in those papers but must reexamine in particular the GATT question. The Committee would think about the effectiveness of Canada's proposals, and would see if and how those measures could be implemented in National law and would come back to the meeting in June to elaborate and formulate recommended measures.

The **Canadian representative**, for the record, stated that it was the Committee's intention to recommend the Executive Secretary draft a letter to all General Council members on the subject of the draft Aide Memoire stating that a consensus had been reached on the text which would be attached to the letter and that at the next meeting of the Committee, scheduled to take place 4 and 5 June, the Committee would seek a mandate to deliver the note to non-Contracting Parties at the very earliest opportunity.

The **Chairman** agreed this was what was concluded with regard to the diplomatic note. He then asked for suggestions on details on how this would be implemented – whether it should be signed by the Chairman of the General Council or an unsigned diplomatic note.

28. The **EEC representative** again stated the notes should be signed by the Chairman of the General Council and delivered through diplomatic channels but would draw attention to the fact that the EEC has no government *per se* and some procedural changes would have to be made there. The EEC agreed with the Canadian proposal that the Executive Secretary send a note to all Contracting Parties for approval of the Aide Memoire and if approval was not received from Contracting Parties after a certain time, the Committee would consider that Contracting Party's approval of the procedures.

The **Chairman** envisions that there will not be much discussion on this point at the meeting in June as it is hoped that the note will have been adopted by consensus. However, he stated that some Contracting Parties may approve the notes in principle but may attend the meeting in June and request some changes. It was hoped that this would not happen and that there would be little discussion at the June meeting.

The **Canadian representative** suggested one additional point for the Executive Secretary in drafting his letter to General Council members. Contracting Parties should come to the next meeting with a mandate to approve the delivery of the note and to make concrete suggestions as to by whom and when the note would be delivered to avoid lengthy discussions on this point.

The **representative of Denmark (in respect of the Faroe Islands and Greenland)** supported the Canadian proposal. To avoid lengthy discussions at the next meeting, he suggested the

Committee make proposals in the Executive Secretary's letter and then Contracting Parties can comment on the proposals. He also stated the letter should go right after this meeting.

The Chairman agreed and stated with regard to delivery of the note, by whom and when partially depends on who has diplomatic representation with the non-Contracting Parties. He suggested those procedures could be discussed informally with the Executive Secretary prior to his writing the letter. **The Executive Secretary** agreed. **The Chairman** concluded that the issue of handling the diplomatic demarche had been solved.

The EEC representative stated Contracting Parties not present must be offered the opportunity to comment and the time to reply. Also, after replies have been received the letter should be sent a second time with the recommendations included and request comments again. He stated this could reduce discussion at the next meeting and would see a satisfactory demarche produced without dissenting votes.

The Executive Secretary stated the dispatch of the letter would not be delayed and would be formulated the following week and sent to all Contracting Parties.

The Chairman stated he assumed the mandate will have been given when the redrafted letter, if required, is circulated and the time limit had expired for comments.

The Canadian representative supported the proposal the Chairman had formulated earlier, that Contracting Parties think constructively about the certificate of harvest origin and the protocol, including legal, practical and other implications, and return in June prepared to discuss them in detail.

29. Under item 11, **Other Matters**, none were raised.

30. Under item 12, **Adjournment**, the meeting was adjourned 31 January 1991 at 1610 hours.

Annex 1. List of Participants

First Meeting of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)

CANADA

Head of Delegation: L. Forand
Dept. of Fisheries and Oceans
200 Kent Street
Ottawa, Ontario K1A 0E6

D. Chouinard, Dept. of External Affairs and International Trade Canada, 125 Sussex Drive, Ottawa, Ontario K1A 0G2
C. J. Cooter, Department of External Affairs and International Trade Canada, 125 Sussex Drive, Ottawa, Ontario K1A 0G2
E. Mundell, International Fisheries Directorate, Dept. of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario K1A 0E6
R. J. Prier, Dept. of Fisheries and Oceans, P. O. Box 550, Halifax, Nova Scotia B3J 2S7
G. R. Traverse, Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1

CUBA

Head of Delegation: P. J. M. Benjamin, Vice Minister of Fisheries
Ministerio de la Industria Pesquera
Barlovento, Jaimanitas
Municipio Playa, Ciudad de la Havana
Cuba

B. R. Garcia Moreno, Direccion Relaciones Internacionales, Ministerio de la Industria Pesquera, Barlovento, Sta Fe, Playa, LaHabana
O. Muniz, c/o Pickford and Black Ltd., P. O. Box 1117, Halifax, Nova Scotia, Canada B3J 2X1

DENMARK

Head of Delegation: O. Loewe
Danish Embassy
85 Range Road, Apt. 702
Ottawa, Ontario
Canada K1N 8J6

EUROPEAN ECONOMIC COMMUNITY (EEC)

Head of Delegation: P. Hillenkamp
Commission of the European
Communities
99 Rue Joseph II, 3/17
1049 Brussels, Belgium

T. Abadia, Directorate General for External Relations, Commission of the European Communities, 200 Rue de la Loi, 1049 Brussels, Belgium
N. P. F. Bollen, Ministry of Agriculture, Nature Management and Fisheries, Fisheries Department, P. O. Box 20401, 2500 EK The Hague, Netherlands
J. Carbery, Council of the European Communities, 170 Rue de la Loi, 1048 Brussels, Belgium
F. R. Paulino Pereira, Council of the European Communities, 170 Rue de la Loi, 1098 Brussels, Belgium
A. Bellver, Embassy of Spain, 350 Sparks Street, Ottawa, Ontario, Canada K1R 7S8
M. H. Figueiredo, Direccao Geral das Pescas, Av. Brasilia, 1400 Lisboa, Portugal
G. F. Kingston, European Community Delegation, 350 Sparks Street, Suite 1110, Ottawa, Ontario, Canada K1S 1A3
M. Roitmann, Danish EEC Representation, 73 Rue D'Arlon, 1040 Brussels, Belgium
D. D. S. Silvestre, Ministere de la Mer, 3 Place de Fontenoy 75007, Paris, France
C. C. Southgate, Ministry of Agriculture, Fisheries and Food, Room 428, Nobel House, Smith Square, London, SW1P 3HX, United Kingdom

JAPAN

Head of Delegation: S. Goto
 Counsellor, Oceanic Fisheries Dept.
 Fishery Agency
 Ministry of Agriculture, Forestry
 and Fisheries
 2-1 Kasumigaseki, 1-chome
 Chiyoda-ku, Tokyo 100

Y. Aoki, Ministry of Foreign Affairs, 2-2-1 Kasumigaseki, Chiyoda-ku, Tokyo 100
 T. Hasegawa, Suite 1101, Duke Tower, 5251 Duke Street, Halifax, Nova Scotia, Canada B3J 1P6
 M. Yoshida, Japan Deepsea Trawlers Association, 601 Yasuda Bldg., Kanda-Ogawa-Cho 3-6, Chiyoda-ku, Tokyo

POLAND

Head of Delegation: J. Stremlau, Consul
 Trade Commissioners Office of Poland
 3501 Ave du Musee
 Montreal, Quebec
 Canada H3G 2C8

UNION OF SOVIET SOCIALIST REPUBLICS (USSR)

Head of Delegation: V. Fedorenko
 Welsford Place, Suite 2202-3
 2074 Robie Street
 Halifax, Nova Scotia
 Canada B3K 5L3

A. Mikhailov, Welsford Place, Suite 2202-3, 2074 Robie Street, Halifax, Nova Scotia, Canada B3K 5L3

SECRETARIAT

L. I. Chepel, Executive Secretary
 T. Amaratunga, Assistant Executive Secretary
 W. H. Champion, Administrative Assistant
 G. Moulton, Senior Statistical Clerk
 B. Cruikshank, Senior Secretary
 F. Perry, Typist

Annex 2. Agenda

First Meeting of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)

**Holiday Inn, Dartmouth, Nova Scotia, Canada
30-31 January 1991**

1. Opening by the Executive Secretary, L. I. Chepel
2. Election of the Chairman and the Vice-Chairman
3. Appointment of Rapporteur
4. Adoption of Agenda
5. Review and Elaboration of Rules of Procedure
6. Review of all available information on activities of Non-Contracting Party vessels in the NAFO Regulatory Area (national reports)
7. Review of all available information on landings and transshipments of fish caught in the Regulatory Area by non-Contracting Parties (national reports)
8. Examination and assessment of all options open to NAFO Contracting Parties
9. Elaboration and formulation of recommended measures to resolve the problem
10. Time and Place of Next Meeting
11. Other Matters
12. Adjournment

Annex 3. Rules of Procedure

First Meeting of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)

1. There shall be a Standing Committee on Fishing Activities of non-Contracting Parties in the Regulatory Area (STACFAC) which shall:
 - a) obtain and compile all available information on the fishing activities of non-Contracting Parties in the Regulatory Area, including details on the type, flag and name of vessels and reported or estimated catches by species and area;
 - b) obtain and compile all available information on landings, and transshipments of fish caught in the Regulatory Area by non-Contracting Parties, including details on the name and flag of the vessels; the quantities by species landed, transshipped; and the countries and ports through which the product was shipped;
 - c) examine and assess all options open to NAFO Contracting Parties including measures to control imports of fish caught by non-Contracting Parties vessels in the Regulatory Area and to prevent the reflagging of fishing vessels to fish under the flags of non-Contracting Parties;
 - d) recommend to the General Council measures to resolve the problem;
2. The Committee shall elect from among its members, to serve for two (2) years, its own Chairman, who shall be allowed a vote. The Executive Secretary shall be an *ex officio* member, without vote.
3. Voting procedure of the Committee shall be in accordance with Rule 2 of the Rules of Procedure for the General Council.

Annex 4. Non-Contracting Parties Fishing Activity in the NAFO Regulatory Area by the Canadian Delegation

First Meeting of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)

1.0 Introduction

This report examines the activities of NAFO non-Contracting Parties vessels that fish groundfish species in the NAFO Regulatory Area. The report attempts to distinguish between "non-Contracting Parties vessels", such as those from Korea or the USA and "flag of convenience vessels", generally crewed by western Europeans.

The information sources for this report are Canadian air surveillance and courtesy boardings¹ conducted by Canadian officials on non-Contracting Parties vessels. Catch reports to NAFO are used in the case of USA vessels.

2.0 Fleet Profile

During the 1984-89 period, approximately 190 NAFO Contracting Parties vessels fished groundfish in the Regulatory Area on an annual basis. By comparison, non-Contracting Parties vessels have steadily increased from 11 in 1984 to 47 in 1989 and 44 in 1990. Table 1 provides a full summary of groundfish vessels for the 1984-89 period.

TABLE 1. Number of vessels fishing for groundfish in the NAFO Regulatory Area from 1984 to 1990.

	Year						
	1984	1985	1986	1987	1988	1989	1990 ^a
Contracting Parties - Total	159	191	196	182	179	198	222^b
Caymen Islands	0	1	1	1	1	1	1
Korea	1	1	1	1	3	5	6 ^c
Mauritania	0	0	1	0	1	1	0
Malta	0	0	0	0	0	1	1
Panama	4	8	12	12	20	24	24
St. Vincents	0	0	0	0	1	1	1
USA	0	14	15	9	11	14	9
Mexico/Chile	6	6	4	4	4	0	0
Venezuela	0	0	0	0	0	0	2
Non-Contracting Parties - Total	11	30	34	27	41	47	44
TOTAL	170	221	230	209	220	245	266

^a Preliminary data.

^b Thirteen (13) Norwegian vessels fished exclusively for capelin.

^c May include squid fishing vessel registered in Taiwan.

¹ Non-Contracting Parties vessels are not subject to NAFO Conservation and Enforcement Measures and, therefore, are not required to permit NAFO inspectors onboard.

The 1990 non-Contracting Parties fleet included 24 crewed by Western Europeans (7 pair trawlers, 10 single trawlers), 11 crewed by Koreans and 9 crewed by USA¹.

Table 2 provides a list of non-Contracting Parties vessels and crew nationalities that fished in the NAFO Regulatory Area in 1990.

TABLE 2. Non-Contracting Parties vessels and crew nationalities that fished in the NAFO Regulatory Area during 1990.

Western European	Korean	USA
Colombo III - Panama	Marsopla - Cayman Is.	Constellation
Colombo IV - Panama	Hao Quang # 3 - Korea	Helenic Spirit
Colombo V - Panama	Golden Venture - Korea	Mr. Simon
Colombo VI - Panama	Puk Yang II - Korea	Miss Lori Lou
Colombo VII - Panama	Sam Won Ho - Korea	Northern Venture
Colombo VIII - Panama	Cesped - Korea	Unidentified (4)
Anita I - Panama	Rainbow - Malta	
Elly I - Panama	Hes Wen No. 1 - Korea	
Alpes II - Panama	Peonia # 7 - Panama	
Alpes III - Panama	Peonia # 9 - Panama	
Santa Joana - Panama	Great Splendor - St. Vincent's	
Maria de Lourdes Verde - Panama		
Espadarte - Panama		
Porto Santo - Panama		
Pescamex III - Panama		
Pescamex IV - Panama		
Amazones - Panama		
Acuario Uno - Panama		
Acuario Dos - Panama		
Classic Belair - Panama		
Rio Gabriel - Panama		
Leone III - Panama		
Pescagel - Venezuela		
Bacanova - Venezuela		

¹ Prior to 1985, there were no observations of USA groundfish vessels in the NAFO Regulatory Area. Since 1985, an average of 12 USA vessels have frequented the NAFO Regulatory Area annually. This average is believed accurate. However, due to the nature of trips (4-6 days in the NAFO Regulatory Area) and infrequent air surveillance, it is conceivable that the average could be higher.

3.0 Catch Statistics

3.1 Method of determining catch statistics

In the absence of catch reports to NAFO, the catch statistics for each non-Contracting Party are obtained primarily from logbooks/verbal conversations with masters during courtesy boardings combined with an estimate for non-boarded periods. Estimated statistics represent a "best estimate" of vessel activity and catches. A brief step by step method to determine catches for non-Contracting Parties vessels follows:

- 1) Courtesy boarding and sighting data are obtained.
- 2) Sighting information which is covered by courtesy boardings is omitted.
- 3) Days on ground are counted between sightings that are less than 30 days apart and totalled. Where a vessel is sighted greater than 30 days apart, seven days is attributed to the vessel for each sighting.
- 4) The known days when vessels are not in the Regulatory Area (eg port visits, steaming, mechanical breakdown, etc.)
- 5) The final figure obtained is then reduced by 15% to account for bad weather, steaming, mechanical breakdown, etc.
- 6) The final days on ground are totalled for each nation.
- 7) Courtesy boarding data for each nation is analyzed to determine the major fisheries engaged in, as well as to determine catch rates.
- 8) The percentage of time (based on courtesy boarding) spent engaging in each fishery is applied to the total estimated days for each nation.
- 9) As a result, an estimate of catch by species for each nation is obtained.
- 10) This estimated catch and effort is added to the courtesy boarding data to obtain a combined total catch for each nation/fishery.

3.2 Overview - 1988

During 1990, 266 groundfish vessels from 15 nations fished in the NAFO Regulatory Area¹. Eight (8) of these nations are NAFO Contracting Parties and accounted for 222 vessels. Seven (7) non-Contracting Parties² accounted for the remaining 44 groundfish vessels.

In 1990, it is estimated that non-Contracting Parties caught 48 800 tons of groundfish consisting of 15 400 tons of cod, 19 400 tons of redfish, 7 300 tons of flounder, 3 300 tons of Greenland halibut and 3 400 tons of various other species. Tables 3 and 4 give a breakdown of catch for each non-Contracting Party which fished in the NAFO Regulatory Area in 1990.

¹ Thirteen (13) Norwegian vessels fished exclusively for capelin.

² No vessel flying the flag of Malta fished in the Regulatory Area until 1989.

TABLE 3. Groundfish catches of non-Contracting Parties in the NAFO Regulatory Area in 1990.

Non-Contracting Parties	No. of vessels	Effort (days)	Catch (tons)	C/R
Caymen Islands	1	250	2 500	10.0
Korea	6	1 000	17 200	17.1
Malta	1	200	1 500	7.5
Panama	24	2 700	21 700	8.0
St. Vincents	1	200	3 300	16.5
Venezuela	2	50	600	12.0
USA	9	225	2 000	8.8
Total	44	4 625	48 800	10.6

TABLE 4. Groundfish catches (by species) of non-Contracting Parties in the NAFO Regulatory Area in 1990.

Non-Contracting Party	Estimated catch (tons)				Total
	Cod	Redfish	Flounder	Other	
Caymen Islands	0	600	1 900	0	2 500
Korea	5 900	7 700	3 400	200	17 200
Malta	0	1 500	0	0	1 500
Panama	8 900	6 300	0	3 200	18 400
St. Vincents	0	3 300	0	0	3 300
Venezuela	600	0	2 000	0	2 600
Total	15 400	19 400	7 300	3 400	45 500 ^a

^aExcludes 3 300 tons of Greenland halibut.

Explanatory Notes:

Catch information is generally provided verbally by master(s) and, therefore, the separation of catches on a divisional basis cannot be completed accurately. In 1990, it is believed that all (95%) flounder catches were taken in Div. 3N and 3O, cod catches were primarily (60–70%) from Div. 3M, 3N and 3O. Greenland halibut catches were primarily (90%) from Div. 3L and redfish catches were split between Div. 3M, 3N and 3O.

The catch estimate procedure is completed on the basis of registered nation/vessels not crew nationality; therefore, the division of catches by crew nationality cannot be completed accurately. In 1988, it is believed that most cod (60%) catches, all Greenland halibut catches and a portion (33%) of redfish catches were taken by vessels crewed from Western Europe with the remaining catches taken by vessels crewed from Korea or USA.

3.3 Catch overview – 1984-90

Since 1984, there has been an increase in the amount of effort by all nations fishing in the NAFO Regulatory Area. In 1984, the total effort by all nations was 8 820 days, whereas the seven (7) year average stands at 16 809 days per year.

Non-Contracting Parties activity has increased dramatically from 840 days in 1984 to 4 625 days in 1990. This is reflected by an increase in Korean-crewed vessels and registry transfers by Western European vessels.

The average yearly total of groundfish catch of all species by all nations fishing in the NAFO Regulatory Area during the 1984–90 period was approximately 187 500¹.

Non-Contracting Parties catches have increased dramatically from 12 000 tons in 1984 to 30 000 tons in 1987 and 48 800 tons in 1990.

From 1984 to 1990 Non-Contracting Parties used an average of 33 fishing vessels per year in the NAFO Regulatory Area. These vessels fished for an average of 2 612 days catching approximately 29 000 tons of groundfish, an average catch per day of 11 tons (Table 5). The fishing effort for non-Contracting Parties has increased significantly in every year since 1984. Except for 1986 the estimated groundfish catches have also increased.

TABLE 5. Fishing activity of non-Contracting Parties fishing in the NAFO Regulatory Area from 1984 to 1990.

Year	No. of different vessels	Estimated effort (days)	Estimated catch (tons)	Catch rate (tons per day)
1984	11	840	12 000	14
1985	30	1 730	23 500	14
1986	30	2 030	19 300	10
1987	29	2 640	29 400	11
1988	41	3 130	35 200	11
1989	47	3 290	34 900	11
1990	44	4 625	48 800	11
Average per year	33	2 612	29 014	11.7

Note: Catch reported to NAFO is used for USA only.

The yearly average of 29 000 tons of groundfish caught by non-Contracting Parties consisted of a yearly average of 7 114 tons of cod, 12 614 tons of redfish, 7 957 tons of flounder, 472 tons of Greenland halibut, 857 tons of various "other" species (Table 6). Cod and redfish catches for non-Contracting Parties have increased since 1986. Estimated catches of flounder have decreased since 1986. Greenland halibut was taken in significant quantities for the first time in 1990.

¹ Excludes 27 300 tons of capelin taken in 199

TABLE 6. Groundfish catches (by species) of non-Contracting Parties in the NAFO Regulatory Area from 1984 to 1990.

Year	Estimated catch (tons)			
	Cod	Redfish	Flounder	Other
1984	3 800	0	8 200	0
1985	7 100	500	15 300	600
1986	4 500	0	14 600	200
1987	5 400	20 900	3 100	0
1988	7 800	23 500	3 000	900
1989	5 800	24 000	4 200	900
1990	15 400	19 400	7 300	400
Average per year	7 114	12 614	7 957	857

Note: 3 300 tons of Greenland halibut was taken in 1990.

3.3.1 St. Vincents (Korean crew)

St. Vincent's registered fishing vessel fished in the NAFO Regulatory Area in 1988, 1989 and 1990, catching 400 tons (16 days), 3 525 tons (187 days) and 3 300 tons (200 days) of groundfish respectively.

3.3.2 USA

From 1984 to 1990 an average of ten (10) USA vessels per year fished in the NAFO Regulatory Area. These vessels averaged 348 fishing days and 3 000 tons of groundfish per year over seven (7) years. Table 7 outlines the fishing activity for 1984 to 1990.

TABLE 7. USA fishing activity in the NAFO Regulatory Area from 1984 to 1990.

Year	No. of different vessels	Estimated effort (days)	Catch reported to NAFO (tons)
1984	0	0	0
1985	14	370	5 531
1986	15	380	5 770
1987	9	580	3 345
1988	11	560	2 868
1989	14	320	1 500 ^a
1990	9	225	2 000 ^a
Average per year	10	348	3 002

^a Estimated catch reported to NAFO.

Table 8 shows the reported catch by major groundfish species since 1984. USA vessels have fished primarily flatfish.

TABLE 8. Groundfish catches (by species) in the NAFO Regulatory Area reported by the USA from 1984 to 1990.

Year	Estimated catch (tons)			
	Cod	Redfish	Flounder	Other
1984	0	0	0	0
1985	84	85	5 362	0
1986	315	4	5 451	0
1987	217	0	3 128	0
1988	266	0	2 602	0
1989	0	0	1 500 ^a	0
1990	0	0	2 000 ^a	0
Average per year	126	13	2 863	0

^a Estimated catch reported to NAFO.

3.3.3 Mauritania (European crew)

One Mauritanian vessel operated in the NAFO Regulatory Area during 1986, 1988 and 1989. Table 9 shows the Mauritanian fishing activity since 1984.

TABLE 9. Mauritania fishing activity and catches in the NAFO Regulatory Area from 1984 to 1990.

Year	No. of different vessels	Estimated effort (days)	Estimated catch (tons)	Catch reported to NAFO (tons)
1984	0	0	0	0
1985	0	0	0	0
1986	1	10	44	0
1987	0	0	0	0
1988	1	60	200	0
1989	1	50	212	4.0
1990	0	0	0	0
Average per year	1	18	65	3.2

Table 10 shows the estimated catch by major groundfish species since 1984.

TABLE 10. Estimated groundfish catches (by species) in the NAFO Regulatory Area for Mauritania from 1984 to 1990.

Year	Estimated catch (tons)			
	Cod	Redfish	Flounder	Other
1984	0	0	0	0
1985	0	0	0	0
1986	0	0	44	0
1987	0	0	0	0
1988	0	0	200	0
1989	0	0	212	0
1990	0	0	0	0
Average per year	0	0	65	0

3.3.4 Cayman Islands (Korean crew)

From 1984 to 1990 one vessel per year fished in the Regulatory Area. Table 11 outlines the fishing activity from 1984 to 1988.

TABLE 11. Caymen Islands fishing activity in the NAFO Regulatory Area from 1984 to 1990.

Year	No. of different vessels	Estimated effort (days)	Estimated catch (tons)	Catch rate (tons per day)
1984	0	0	0	0
1985	1	90	2 000	22.2
1986	1	200	2 400	12.0
1987	1	270	5 300	19.6
1988	1	170	3 500	20.6
1989	1	210	3 000	14.3
1990	1	250	2 500	10.0
Average per year	1	169	2 671	15.8

Table 12 shows the estimated catch by major groundfish species since 1984.

TABLE 12. Estimated groundfish catches (by species) in the NAFO Regulatory Area for the Caymen Islands from 1984 to 1990.

Year	Estimated catch (tons)			
	Cod	Redfish	Flounder	Other
1984	0	0	0	0
1985	100	0	1 600	300
1986	100	0	2 300	0
1987	0	5 300	0	0
1988	0	3 500	0	0
1989	0	2 500	500	0
1990	0	600	1 900	0
Average per year	29	1 700	900	43

3.3.5 Korea

During the years 1984 to 1987 one Korean vessel fished the NAFO Regulatory Area while in 1988 three vessels participated and in 1989 and 1990 Korean activity increased to 5 and 6 vessels respectively. Table 13 outlines the Korean fishing activity for 1984 to 1990.

TABLE 13. Korean fishing activity in the NAFO Regulatory Area from 1984 to 1990.

Year	No. of different vessels	Estimated effort (days)	Estimated catch (tons)	Catch rate (tons per day)
1984	1	240	4 900	20.4
1985	1	220	3 400	15.5
1986	1	210	3 200	15.2
1987	1	220	3 000	13.6
1988	3	130	2 100	16.2
1989	5	620	11 800	19.0
1990	6	1 000	17 200	17.2
Average per year	3	377	6 514	17.2

TABLE 14. Estimated groundfish catches (by species) in the NAFO Regulatory Area for Korea from 1984 to 1990.

Year	Estimated catch (tons)			
	Cod	Redfish	Flounder	Other
1984	300	0	4 600	0
1985	0	0	3 300	100
1986	100	0	3 100	0
1987	0	2 000	1 000	0
1988	0	1 800	200	0
1989	0	10 800	1 000	0
1990	5 900	7 700	3 400	200
Average per year	900	3 185	2 371	43

Table 14 gives the estimated catch for the major groundfish species during the 5 year period. The major fishery pursued by Korean vessels was flounder from 1984 to 1986 and redfish for 1987 and 1988. Cod catches have declined steadily over the 5 year period and redfish has remained at approximately 2 000 tons for the past two years.

3.36 Panama (West European and Korean crews)

During the years 1984 to 1990 an average of 18 Panamanian registered vessels per year fished in the NAFO Regulatory Area. The number of vessels has risen from a low of 10 in 1984 to a high of 24 in 1988, 1989 and 1990. Panamanian flag vessels averaged 16 342 tons of groundfish in almost 1 600 fishing days for each of the past 7 years. Table 15 outlines the fishing activity for 1984 to 1990.

TABLE 15. Panamanian fishing activity in the NAFO Regulatory Area from 1984 to 1990. (Includes four trawler vessels formerly registered in Mexico/Chile.)

Year	No. of different vessels	Estimated effort (days)	Estimated catch (tons)	Catch rate (tons per day)
1984	10	600	7 100	11.8
1985	14	1 050	15 700	15.0
1986	22	1 230	12 000	9.8
1987	16	1 570	18 900	12.0
1988	24	2 150	24 500	11.4
1989	24	1 850	14 500	7.8
1990	24	2 700	21 700	8.0
Average per year	19	1 593	16 343	10.2

Table 16 gives the estimated catch for the major groundfish species since 1984.

TABLE 16. Estimated groundfish catches (by species) in the NAFO Regulatory Area for Panama from 1984 to 1990. (Includes estimated catches of four pair trawler vessels formerly registered in Mexico/Chile.)

Year	Estimated catch (tons)			
	Cod	Redfish	Flounder	Other
1984	3 500	0	3 600	0
1985	7 000	400	8 100	200
1986	4 200	0	7 800	0
1987	5 300	13 600	0	0
1988	7 500	16 100	0	900
1989	5 700	6 500	1 400	900
1990 ^a	8 900	6 300	0	3 200
Average per year	6 014	6 129	2 985	743

^a 3 300 tons of Greenland halibut was taken in 1990.

3.3.7 Malta (Korean Crew)

In 1989 and 1990, one Maltese vessel was observed in the NAFO Regulatory Area. It is estimated that this vessel caught 711 tons of groundfish in 45 days during 1989 and 1 500 tons of groundfish during 200 days in 1990.

3.3.8 Venezuela (Western European crew)

In 1990, one Venezuelan pair trawler was observed in the NAFO Regulatory Area. It is estimated that this vessel caught 600 tons of cod in 50 days.

Annex 5. Non-Contracting Parties Fishing Activity in the NAFO Regulatory Area, by the EEC Delegation

First Meeting of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)

1. Sightings

In 1988, 1989 and 1990 seven inspection patrols were conducted by EEC inspection vessels in the Regulatory Area. Details of the sightings of non-Contracting Party fishing vessels in the Regulatory Area made during these inspection patrols are to be found in Table 1 annexed to this paper. Details of the vessels sighted are given at Table 2.

During 1990 a total of 24 different non-Contracting Party vessels were identified:

- 15 Panamanian registered vessels
- 4 Korean registered vessels
- 1 Cayman Islands registered vessel
- 1 Maltese registered vessel
- 2 Sierra Leone registered vessels
- 1 USA registered vessel

The Panamanian registered vessels, with one exception sighted in Div. 3N, were all seen in Div. 3M on more than one occasion.

The Korean registered vessels on the other hand tended to congregate in Div. 3N.

2. Fishing patterns and catches

It is impossible to give a firm estimate of the catches of the non-Contracting Party vessels. The length of time which they spend in the Regulatory Area and their target species are not known for certain. Estimates of the overall quantities taken would obviously depend on various uncertain factors, particularly the number of fishing trips undertaken during the year. A breakdown of the catches made by the vessels would obviously be an even more difficult task.

According to information learned from courtesy visits and radio "boardings" the vessels registered in Korea, Sierra Leone and Malta remain in the Regulatory Area all year round and discharge approximately every 50 days. Their main fishing grounds are apparently in Div. 3N.

The Panamanian registered vessels appear to be mainly crewed by EEC nationals and owned or financially backed in part by EEC interests.

Whilst information on landings by some of these vessels gives an indication of the sort of quantities involved (see Part 3 "Landings"), it is felt that an extrapolation could lead to a misleading conclusion.

In fact, the only conclusion which can safely be arrived at is that there is fishing activity undertaken by Non-Contracting Party vessels in the Regulatory Area.

3. Landings

According to information gathered from interviews with skippers during courtesy boardings or radio contacts it is clear that there is a great deal of diversity amongst the non-Contracting Party vessels in terms of both their catch and their ports of landing. There are indications that cod, for example, presented in a wet, salted form is landed into EEC ports. It has also been reported that frozen cod may have been destined for the EEC market. Redfish and some other species however seems to be ultimately destined for the Japanese market.

In so far as landings into the EEC are concerned it was observed that the trade statistics for imports of typically NAFO products of Panamanian origin showed a level which seemed much lower than was to be expected. On the basis of this apparent discrepancy further enquiries were launched with the co-operation of customs authorities.

Information on landings of some of the non-Contracting Party vessels sighted in the Regulatory Area, obtained from customs declarations, is summarized in Table 3 attached.

The quantities declared represent an annual catch per vessel of 961 tons.

According to the customs declarations the redfish was re-exported to Japan, whereas the other species were cleared and entered into free circulation in the EEC.

During the enquiries certain customs irregularities were discovered which in some cases gave rise to further investigations. So far these enquiries have identified under payments of customs duties amounting to ECU 500.000,-. Nevertheless, any suspicion that a large-scale under-declaration of their imports by the vessels concerned has not been borne out.

It is not possible to build up a full picture of the landings of the vessels without undertaking wide-scale enquiries in numerous ports in the EEC. The investigations carried out so far however have served to bring to the attention of customs authorities in Contracting Parties the need to pay attention to imports from the vessels in question. The matter will continue to be pursued as resources permit.

TABLE 1. Sightings made by EEC Inspection Vessels of non-Contracting Party fishing vessels from 1988 to 1990.

Non-Contracting Party	Inspection vessels, month and year						
	Vigilant May/Jun 1988	Fritghof Oct/Dec 1988	Honorio Barreto Apr/Jun 1989	Easteila Sep/Oct 1989	Southelle Apr/May 1990	L. E. Eithme Aug/Sep 1990	Northern Horizon Sep/Oct 1990
Panama	12	10	11	16	0	7	12
Korea	1	2	-	3	2	3	-
Mexico	5	2	-	-	-	-	-
Mauretania	-	1	-	-	-	-	-
USA	3	-	1	2	-	-	1
St. Vincent	-	1	-	-	-	-	-
Cayman Islands	-	-	-	-	1	1	-
Malta	-	-	-	1	1	1	-
Sierra Leone	-	-	-	-	2	-	-

TABLE 2. Vessels of non-Contracting Parties sighted in the NAFO Regulatory Area.

Flag state and name of vessel	Times of sightings and areas	Comments
Panama:		
Maria del Lourdes Viera		
Vicra	5/88:3M, 10/89:3M	
Pescamex I	5/88:3M, 11/88:3M, 9/89:3M, 10/89:3M	
Pescamex II	5/88:3M, 11/88:3M, 9/89:3M, 10/89:3M	
Alamo	5/88:3M	
Anita I	5/88:3M, 4/90:3M, 8/90:3M, 10/90:3M	
Elly	5/88:3M, 4/90:3M, 8/90:3M, 10/90:3M	
Porto Santo	5/88:3M, 10/89:3M, 5/90:3M	
Leon II	5/88:3M	
Alpes I	5/88:3O, 5/89:3N	
Peonia No. 1	5/88	
Acuario Uno	11/88:3N, 8/90:3M, 10/90:3M	
Acuario Dos	11/88:3N, 9/89:3M, 8/90:3M, 10/90:3M	
Peonia No. 7	11/88:3N, 5/89:3M	
No. 1 Michele	11/88:3N, 5/89:3M, 9/89:3N	
Colombo III	11/88:3M, 4/89:3M, 10/89:3M	
Colombo IV	11/88:3M, 4/89:3M, 9/89:3M, 10/89:3M	
Colombo V	11/88:3M, 8/90:3M, 9/90:3M, 10/90:3M	Ex Avior (Mex.)
Alpes II	5/89:3N	
Colombo VI	9/89:3M, 8/90:3M, 9/90:3M, 10/90:3M	Ex Alpes (Mex.)
Colombo VII	9/89:3M, 10/89:3M	
Colombo VIII	9/89:3M, 10/89:3M	Ex Nuevo Hundo (Mex.)
Espardarte	9/89:3M, 4/90:3M, 5/90:3M, 10/90:3M	
Peonia No. 9	9/89:3N	
Santa Joana	10/89:3M, 4/90:3M	
Amazonas	10/90:3M	
Classic Bel Air	9/90:3M	
Pescamex III	4/90:3M, 10/90:3M	
Pescamex IV	4/90:3M, 10/90:3M	
Leone III	8/90:3N	
Rio Cabril	10/90:3M	
Korea:		
Puk Yang XI	4/90:3L	
Puk Yang II	5/88:3L, 11/88:3O, 8/90:3N	
Cespeo	9/89:3N	
Hao Quang No. 3	9/89:3N, 3O	
Sam Won Ho	5/89:3M, 9/89:3N, 8/90:3N	
Golden Venture	8/90:3N	

TABLE 2. (continued).

Flag state and name of vessel	Times of sightings and areas	Comments
Mexico:		
Nuevo Mundo	5/88:3M	New Colombo VIII (Pan.)
Avior	5/88:3M, 11/88:3M	New Colombo V. (Pan.)
Alpes	5/88:3M, 11/88:3M	New Colombo VI (Pan.)
Mauretania:		
Maliapu 3	11/88:3N	
USA:		
Ranger	5/88:3O	
Defender	5/88:3O, 9/89:3N	
Endurance	5/88:3O	
Diana Lyn	5/89:3O	
Lady Sharell	9/89:3O	
Miss Lisa	10/90:3L	
Malta:		
Rainbow	9/89:3N, 4/90:3L, 8/90:3N, 9/90:3N	
St. Vincent:		
Great Splendor	11/88:3O	New Sierra Leone flag?
Cayman Islands:		
Marsopia	11/88:3O, 5/90:3M, 8/90:3N	
Sierra Leone:		
Great Splendor	4/90:3L, 4/90:3M	Ex St. Vincents flag?
Hao Quang III	4/90:3L	Ex Korean flag?

TABLE 3. Summary of landings from non-Contracting Party vessels sighted in the NAFO Regulatory Area.

Species	Tons (calculated live weight)
Redfish	4 679.0
Cod	15 038.0
Flounder	45.2
American plaice	667.0
Skate	506.0
Yellowtail	120.9
Other	104.0
TOTAL	21 160.1

The above quantities were landed by 11 vessels during 1989 and 1989. This represents an annual catch by vessel of 961 tons.

Annex 6. Non-Contracting Parties Fishing Activity in the NAFO Regulatory Area, by the USSR Delegation

First Meeting of the Standing Committee on Fishing Activity by Non-Contracting Parties in the Regulatory Area (STACFAC)

The following sightings of non-Contracting Parties fishing vessels were made in the Regulatory Area during inspection patrol, conducted by the USSR inspection vessel "Umbrina" from 25 April to 5 May 1990:

Flag state and name of vessel	Area of sightings (NAFO division)
Panama	
Pescamex III	3L
Pescamex IV	3L
Classic de Lare	3L
Maria de Lourdes Verde	3L
Amazonus	3L
Elly I	3L
Anita I	3L
Alpes II	3L
Porto Santo	3L
Espadarte	3M
Korea	
Rainbow	3L
Pun Yang II	3L
Sam Won Ho	3N
St. Vincent	
Great Splendor	3L

The length of time spent in the Regulatory Area by these vessels and their target species are not known.

At the same time it should be noted that these 14 vessels were sighted during a very short period of inspection (11 days only).

Annex 7. Certificate of Harvest Origin, by the Canadian Delegation

First Meeting of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)

Purpose

To attest that fish or fish products made wholly or in part from groundfish species regulated by NAFO were caught either within or outside of the NAFO Regulatory Area.

Application

All NAFO Contracting Parties would agree to require that imports of fish or fish products made wholly or in part from groundfish species regulated by NAFO be accompanied by a certificate stating the harvest origin of the fish.

Imports of such fish or fish products would not be permitted without such a certificate. Imports from non-Contracting Parties would be permitted as long as they were accompanied by such a certificate.

The certificate would state the nationality of the vessel that harvested the fish, and the geographical area (inside or outside the NAFO Regulatory Area) where the fish was harvested.

The certificate would be issued by an authority empowered by the government of the harvesting country.

Customs authorities from each Contracting Party would be responsible for enforcing the requirement.

Benefits

Increases data base.

Does not represent a barrier to trade.

Serves as an essential first step towards further action that could be taken to limit trade in fish caught in the NAFO Regulatory Area by vessels from non-Contracting Parties.

Annex 8. Trade Related Measures Concerning Fish Harvested Inconsistent with NAFO Conservation Measures, by the Canadian Delegation

First Meeting of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)

1. Background

Fisheries conducted in the NAFO Regulatory Area by vessels of non-Contracting Parties of the Organization and which, therefore, operate outside the NAFO conservation regime, undermine that regime and render NAFO stock management objectives unattainable. The problem is worsening as the number of vessels from non-Contracting Parties operating in the NAFO Regulatory Area grew from 11 in 1984 to approximately 44 in 1990.

Recognizing that the problem exists in part because a market exists for fish harvested inside the NAFO Regulatory Area but outside the NAFO regime, the Organization resolved during its 12th Annual Meeting in September, 1990, as follows:

“(4) All Contracting Parties should take effective measures to reduce the benefits of any fishing activities undertaken by vessels from non-Contracting Parties in the NAFO Regulatory Area where such fisheries take place contrary to NAFO conservation measures, with the aim of causing them to withdraw from such activities.

(5) In full respect of the international obligations of Contracting Parties, further measures should be developed for consideration by the General Council at its 1991 annual meeting, including the possibility of introducing a system under which all Contracting Parties would require that all fish and fish products of a species managed by NAFO, imported from non-Contracting Parties whose vessels fish in the NAFO Regulatory Area, be accompanied by a certificate indicating harvest origin outside that Area” (GC Doc. 90/8).

In addition, the Organization determined at that Meeting that the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC) would examine options and make recommendations on measures to cause non-Contracting Parties to withdraw from fishing activities contrary to NAFO Conservation Measures in the Regulatory Area, in particular, “...measures to control imports of fish caught by non-Contracting Party vessels in the Regulatory Area...” (GC Doc. 90/9).

2. Trade Related Measures

So long as markets exist for fish and fish products harvested by non-Contracting Parties vessels in the NAFO Regulatory Area, non-Contracting Party fishing will probably continue in the Regulatory Area and the conservation of fish stocks will be further damaged: the perception that there is short-term profit to be made in fishing without the constraints and additional costs imposed by complying with NAFO conservation measures likely will continue to attract non-Contracting Parties vessels. It may be possible, however, to limit the availability of these markets through an international agreement which has as its goal the restriction of trade in fish taken contrary to the conservation regime created under the NAFO Convention.

Such an agreement could be modeled on Protocol II to the Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific (the “Wellington Convention”) in which the

parties to the Protocol undertake, in order to further the Wellington Convention's objective of eliminating long driftnets in the South Pacific, to take measures to restrict driftnet fishing activities. These measures include prohibiting the transshipment of driftnet catches within areas under the parties' fisheries jurisdiction, and may also include measures to prohibit the landing of driftnet catches, their processing and importation (whether or not in processed form), and restriction of port access and servicing for driftnet fishing vessels.

Adopting the precedent of this Protocol, therefore, the agreement envisaged would be a protocol to the NAFO Convention, having as its object the enhancement of the conservation of the fishery resources managed by NAFO through the elimination of the benefits of fishing in the Regulatory Area contrary to NAFO conservation measures. Parties to the new protocol would prohibit in areas under their jurisdiction trade in fish (whether or not in processed form) which had been harvested in the NAFO Regulatory Area inconsistent with conservation measures adopted by NAFO.

The result of the implementation of such a protocol would be that conservation in the NAFO Regulatory Area would be enhanced as parties to it effectively closed their domestic markets to fish taken inconsistent with NAFO conservation measures. The protocol would come into force when no less than six parties to the NAFO Convention had ratified, accepted or approved it. It would be reasonable to expect that, after coming into force, the next to become parties to it would be other NAFO Contracting Parties as they stand to gain the most from the protocol. However, the protocol would be open to any other States which wished to accede: as in the case of Protocol II to the Wellington Convention, States which are less immediately involved in the problem being addressed by the protocol but which, nevertheless, wish to contribute to the solution, may also become party to the protocol. Moreover, the accession of non-Contracting Parties such as the USA, which are major importers of fish, would significantly improve the likelihood that all major markets eventually could be closed.

Such a protocol would necessarily be drafted bearing in mind the need for consistency with obligations in existing multilateral trade agreements. Article XX(g) of the GATT, for example, might provide a basis for some of these trade related measures.

Annex 9. Draft Aide Memoire (for Joint Diplomatic Demarches)

First Meeting of the Standing Committee on Fishing Activities of Non-Contracting Parties (STACFAC)

The Northwest Atlantic Fisheries Organization (NAFO) was established in 1979 *inter alia* to implement obligations under international law regarding conservation and management of fishery resources in the Northwest Atlantic beyond the 200-mile zones of the coastal states of the region, an area which the NAFO Convention designates as the NAFO Regulatory Area.

Under the 1982 United Nations Convention on the Law of the Sea, which is generally regarded as reflecting customary international law with respect to fisheries, the right to fish on the high seas is qualified: Articles 116, 117, 118, 119 and 63-2 are relevant. Article 117, in particular, states that "All States have the duty to take, or co-operate with other States, in taking such measures for their respective nationals as may be necessary for the conservation of the living resources of the high seas".

NAFO manages numerous important stocks of fish occurring in the NAFO Regulatory Area, including stocks that straddle the 200-mile zone of the principal coastal state, Canada. The NAFO Regulatory Area has been divided into alphanumeric divisions as described in the attached map. It sets Total Allowable Catch (TACs), quotas and other conservation measures for the NAFO Regulatory Area. Fisheries conducted in the NAFO Regulatory Area by vessels of countries that are not members of NAFO, and that are therefore operating outside the NAFO conservation regime, undermine that conservation regime and make NAFO stock maintenance objectives unattainable.

The number of vessels from non-Contracting Parties fishing in the NAFO Regulatory Area has steadily increased from 11 in 1984 to 44 in 1990. Total catches by such vessels are estimated to have increased over the same period by some 65-70% and are now equal to approximately 35% of the catches taken by Contracting Parties in the NAFO Regulatory Area. More specifically, it is estimated that catches by non-Contracting Parties have increased from an estimated 10 000 tons in 1984 to an estimated 49 000 tons in 1990.

In the face of declining stocks, the TACs for key groundfish stocks, notably cod in Divisions 3NO, American plaice in Divisions 3LNO, and redfish in Divisions 3LN, have been significantly reduced over the past 2 years leading to reduced fishing opportunities for fishermen of NAFO member countries. As a result of these reductions, the fishing activities of the NAFO Contracting Parties and the fishing communities of the Parties dependent on such activities are undergoing an extremely difficult period.

Paragraphs Regarding Fishing Activity of Specific Target Country

Panama:

Fisheries conducted by vessels registered in Panama represent the single greatest component of this growing non-Contracting Party fleet as shown on the attached table. The number of Panamanian-registered vessels fishing in the NAFO Regulatory Area has increased from 4 in 1984 to 24 in 1990. They make up more than half of the total number of vessels sighted in 1990 registered in non-NAFO member countries.

Based on the number of vessels sighted, catches by vessels registered in Panama, primarily cod and redfish, are estimated to represent about half of the total catches by vessels registered in non-member countries. As Panama is not a NAFO Contracting Party, it has not received a quota for any of the stocks it harvests in the NAFO Regulatory Area. Continued unregulated fishing outside the

framework of the NAFO conservation regime is having an increasingly negative effect on the various stocks concerned.

Republic of Korea:

Estimates are that Korean-owned, operated or chartered vessels have been harvesting an increasing amount of groundfish in the NAFO Regulatory Area. Since 1987, Korean fishing effort has focused on two redfish stocks managed by NAFO: Div. 3LN redfish, a straddling stock, and Div. 3M (Flemish Cap) redfish, a stock found wholly in international waters. As the Republic of Korea is not a NAFO Contracting Party, it has not received a quota for any of the stocks it harvests in the NAFO Regulatory Area. Continued unregulated fishing outside the framework of the NAFO conservation regime is having an increasingly negative effect on the various stocks concerned.

USA:

Since 1984, an average of 10 USA vessels have frequented the NAFO Regulatory Area annually. As the USA is not a NAFO Contracting Party, it has not received a quota for any of the stocks it harvests in the NAFO Regulatory Area. Continued unregulated fishing outside the framework of the NAFO conservation regime is having an increasingly negative effect on the various stocks concerned.

Cayman Islands:

Each year since 1985, one vessel from the Cayman Islands has fished in the NAFO Regulatory Area. As the Cayman Islands is not a NAFO Contracting Party, it has not received a quota for any of the stocks it harvests in the NAFO Regulatory Area. Continued unregulated fishing outside the framework of the NAFO conservation regime is having an increasingly negative effect on the various stocks concerned.

Malta:

One Maltese vessel has been operating in the NAFO Regulatory Area since 1989. As Malta is not a NAFO Contracting Party, it has not received a quota in the NAFO Regulatory Area. Continued unregulated fishing outside the framework of the NAFO conservation regime is having an increasingly negative effect on this stock.

St. Vincent and the Grenadines:

Since 1988, one fishing vessel from St. Vincent and the Grenadines has been sighted annually in the NAFO Regulatory Area. As St. Vincent and the Grenadines is not a NAFO Contracting Party, it has not received a quota in the NAFO Regulatory Area. Continued unregulated fishing outside the framework of the NAFO conservation regime is having an increasingly negative effect on this stock.

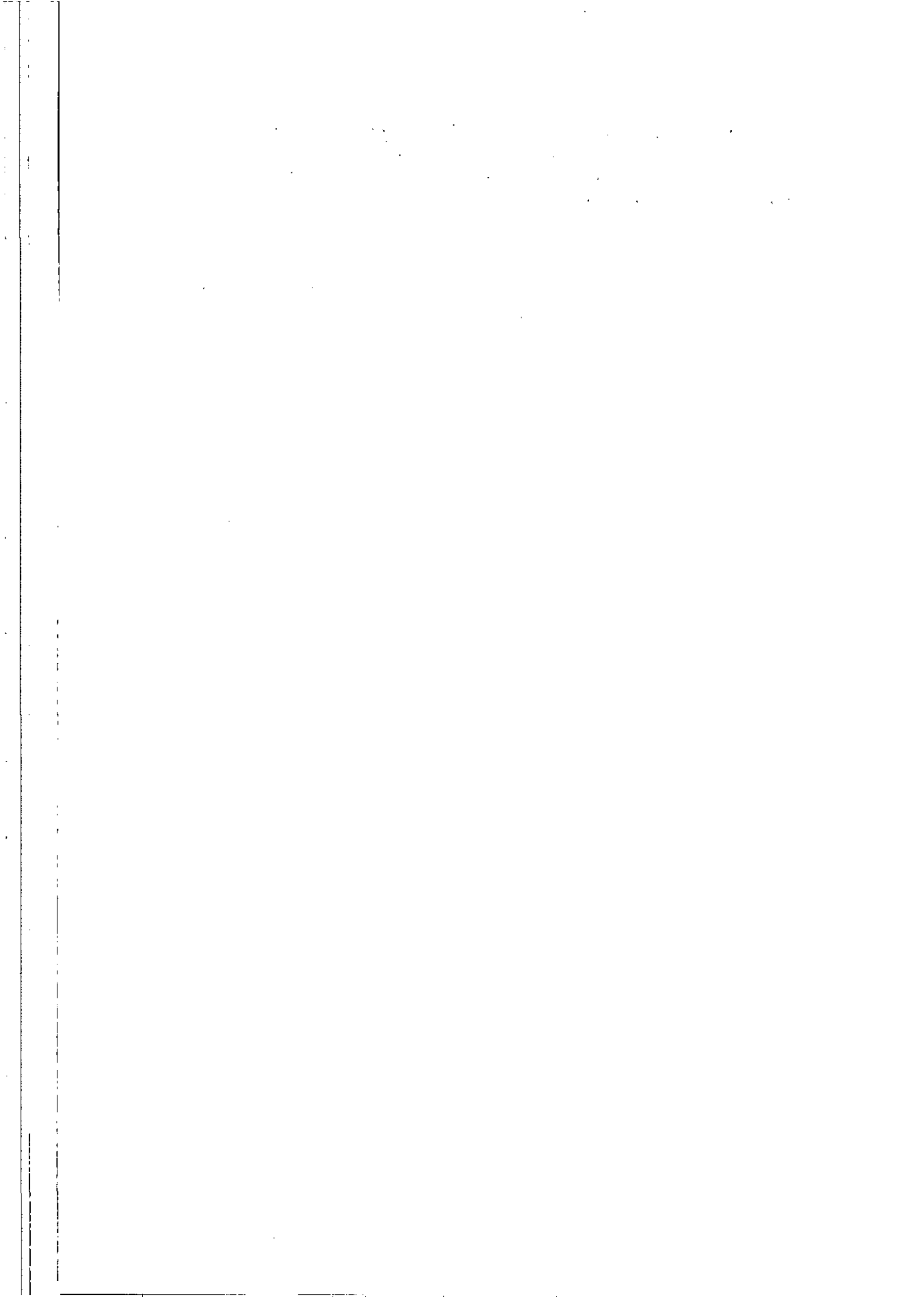
Venezuela:

In 1990, two Venezuelan pair trawlers were observed in the NAFO Regulatory Area. As Venezuela is not a NAFO Contracting Party, it has not received a quota in the NAFO Regulatory Area. Continued unregulated fishing outside the framework of the NAFO conservation regime is having an increasingly negative effect on this stock.

The issue of non-Contracting Party fishing activity in the NAFO Regulatory Area was addressed at the 1990 Annual Meeting of NAFO. A resolution was passed (copy attached) by the General Council of NAFO which outlines possible steps for NAFO Contracting Parties to take to end this activity. The resolution underlines the concern of all NAFO Contracting Parties who view this activity as a serious threat to the conservation of stocks in the NAFO Regulatory Area.

A NAFO Standing Committee has met and is developing proposals for consideration at the annual NAFO Meeting in September 1991. This joint démarche, which is being made by NAFO Contracting Parties to all non-NAFO Contracting Parties fishing in the NAFO Regulatory Area, reflects the seriousness of NAFO Contracting Parties concern.

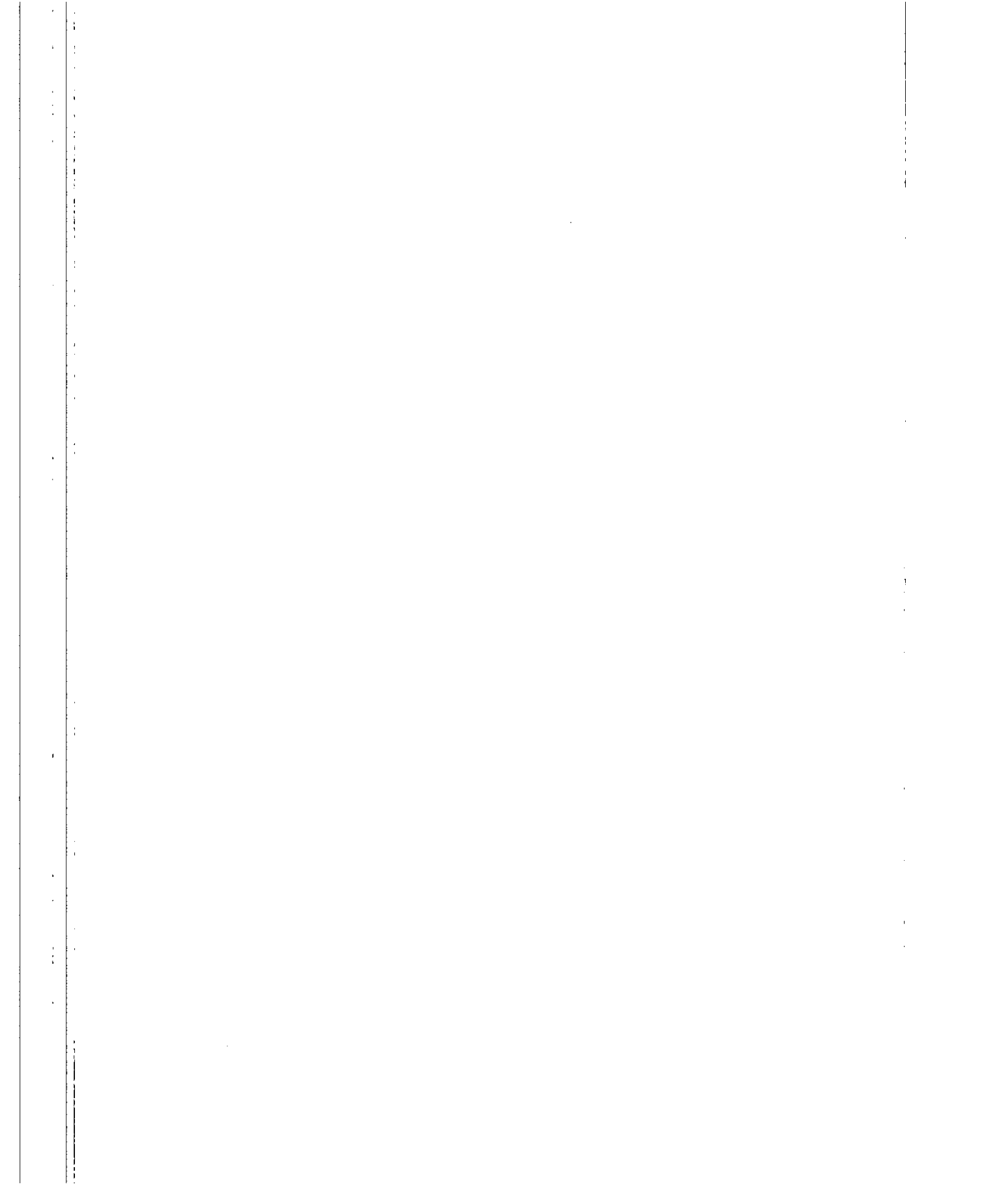
In view of the threat to the conservation of important stocks caused by vessels of _____, all NAFO Contracting Parties, represented at their request by the Government(s) of _____, request the Government of _____ to take all necessary measures to prevent any fishing by vessels registered in _____ contrary to NAFO conservation measures.



PART III

(pages 67-102)

**Report of the Second Meeting of the Standing
Committee on Fishing Activities of Non-Contracting
Parties in the NAFO Regulatory Area (STACFAC),
3-4 June 1991**



Report of the Second Meeting of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)

Dartmouth, Nova Scotia, Canada, 3-4 June 1991

1. Opening of the Meeting

- 1.1 The Second Meeting of the Standing Committee on Fishing Activities of non-Contracting Parties in the Regulatory Area (STACFAC) was held in Dartmouth, Nova Scotia, Canada on 3-4 June 1991 under the chairmanship of C. C. Southgate (EEC).
- 1.2 The following Contracting Parties were present: Canada, Denmark (in respect of the Faroe Islands and Greenland), European Economic Community (EEC), Japan, Poland, and the Union of Soviet Socialist Republics (USSR).
- 1.3 A list of participants is at Annex 1. A list of documents presented and discussed at the meeting is at Annexes 2 to 8. Some documents are left unappended and listed as Working Papers in NAFO general files in accordance with the meeting's decision.
- 1.4 The Chairman welcomed the delegates to the Second Meeting of STACFAC and indicated major items to be discussed at this meeting. Those items are the Aide Memoire (for joint diplomatic demarches) and the Certificate of Harvest Origin for statistical purposes. He requested the panel for nomination and election of a rapporteur.
- 1.5 R. J. Prier (Canada) was appointed as the rapporteur.
- 1.6 The agenda (Annex 2) was **adopted** as presented after amendment to item 4 to read "Amendment of the Rules of Procedure".

2. Amendment of the Rules of Procedure

- 2.1 The Executive Secretary presented his draft proposal for the amendment of the Rules of Procedure of STACFAC adopted at the previous meeting (30-31 January 1991). He explained that these Rules should reflect the Rules of Procedure for the General Council which is the parent body to STACFAC. Answering the question of the delegates (Japan, Canada), the Executive Secretary stated the subparagraphs (a), (b), (c) and (d) of the Rules were the same as in the previous Rules, and all major provisions of former paragraphs 1, 2 and 3 will be covered under the Rules of Procedure for the General Council.
- 2.2 After postponement for further consideration, the amended Rules of Procedure were **adopted**. (Annex 3)

3. Review of Supplementary Information on Activities of Non-Contracting Parties Vessels in the Regulatory Area

- 3.1 The Japanese representative informed on its vessel Takachiho-maru (3 608 tons and 27 years old) which was exported to Somalia on brokerage in February 1991 with preconditions to fish only in the 200 mile Somalian zone. However, the Japanese Government was informed in late May 1991 that this vessel was operating in the NAFO Regulatory Area. The Japanese Government is now investigating this case as well as urging the broker to strongly request the current owner to withdraw from such activities. The results of this investigation will be reported to NAFO.

According to the reports of the Japanese fishing vessels, the non-Contracting Parties vessels fishing in the Regulatory Area in 1991 are as follows:

5 Korean vessels in Div. 3M – Marsopla, Pukyang II, Golden Venture, Hao Quang No. 3, Great Splendor; 5 unidentified countries vessels (possibly longliners) in Subdivision 3.

Japan, in bilateral talks with the Republic of Korea in March, stressed the need for Korea to cooperate with the conservation measures of NAFO, and advised them to send observers to NAFO's annual meeting of this year as a first step to join NAFO. The Korean side expressed its willingness to cooperate and as a response reduced their effort in the Regulatory Area from seven to five vessels.

- 3.2 Canada tabled a slightly revised version of the paper discussed at the last meeting of STACFAC (see GC Doc. 91/1, Appendix IV), which is attached as Annex 4. The Canadian representative pointed out that the above-reported formerly Japanese vessel had been sighted flying the Honduran flag and renamed the "Danica". After the last meeting Canada contacted Panama, Korea and the USA. Panama has passed a resolution prohibiting their vessels from harvesting salmon in the North Atlantic, and it may be worthwhile to see if a similar resolution could be passed by Panama regarding the Regulatory Area of NAFO. Korea claimed to have reduced its licensed vessels operating in the Regulatory Area from seven to five in 1990 and had submitted its catch and effort statistics for 1989 and 1990 to NAFO. Korean effort and catches are not estimated to have decreased, however. In response to other Contracting Parties, the Canadian representative stated that the Korean vessels listed in the Canadian paper as having been sighted in the Regulatory Area were flying the Korean flag; the USA has not expressed strong interest in joining NAFO nor indicated any intention to curtail its activity in the Regulatory Area, despite their efforts to prevent similar problems in the Bering Sea off the coast of Alaska.
- 3.3 The EEC representative informed that there is not, at present, a detailed EEC report on activities of non-Contracting Parties which occurred after their January report. There might be some information available later in the year, the EEC having sent an inspection vessel to the NAFO Regulatory Area which will stay for 7 months in 1991. EEC import statistics will be separated by countries but there is no method at present to identify where the fish of non-Contracting Parties comes from. The EEC unilateral presentations to non-Contracting Parties had the following positive effects:

Cayman Islands are willing to cooperate, and to provide information on catches and to remove any such vessels (fishing in the Regulatory Area) from their registry; Korea agreed to send catch statistics to NAFO; Malta has equally agreed to cooperate and for this purpose to investigate any activities of their vessels in the Regulatory Area, as they have not been aware of such activities; the USA indicated their intention to review their position regarding NAFO, with a view to a possible accession at a later stage and they would in that case like to receive some small historic allocations as the USA indicated in their reply earlier to the Executive Secretary; Panama has room to take similar steps in cooperation with NAFO after adoption of the resolution on the catch of salmon, as reported by Canada, and should cooperate with the regional International Organizations in accordance with the International Law.

- 3.4 The Executive Secretary drew attention to STACFAC Working Paper 91/11 presented to the meeting which summarizes all correspondence between the NAFO Secretariat and the non-Contracting Parties fishing in the Regulatory Area. In accordance with the Resolution

of the General Council (GC Doc. 90/8), the Executive Secretary had drawn to the attention of all non-Contracting Parties, involved in activities in the Regulatory Area, the negative impact of such fishing. The appropriate catch statistics were requested to the end of 1990. To-date, the USA, Mexico and Korea had replied to NAFO. Only two countries, USA and Korea, had presented their fishing statistics in the form of STATLANT 21A and 21B for the Regulatory Area before this meeting. The delegates expressed their recommendation that the Executive Secretary follow up further on this item.

4. Review of Supplementary Information on Landings and Transshipments of Fish Caught in the Regulatory Area by Non-Contracting Parties

- 4.1 The Canadian representative noted the increased transshipments in the area of St. Pierre-Miquelon predominantly by Korean vessels, and stated it would be very helpful to obtain the statistics on transshipment or any available information for this purpose. There are some indications that in the late 1980's the port activities in that area increased substantially but concrete statistics are unavailable.
- 4.2 The EEC representative informed that the area of St. Pierre-Miquelon does not come under EEC jurisdiction. Therefore, there is no way to provide confirmation of Canada's report and without information the Committee should not come to conclusions that all increased activity in St. Pierre-Miquelon is related to fish transshipments. In relation to the statistics of non-Contracting Parties activity, it will be summarized at a later date and then be forwarded to NAFO for distribution. The statistics will differentiate between non-Contracting Parties and Contracting Parties but not indicate where fish is caught. This might be another reason to introduce a landing declaration for statistical purposes.
- 4.3 The Japanese representative informed that the fishing companies, members of the Japan Deep Sea Trawlers Association, have restricted themselves from purchasing and transshipping fish caught by non-Contracting Parties at St. Pierre-Miquelon to discourage fishing activities by non-Contracting Parties. At this stage, Japan has no reports available to consider transshipments at St. Pierre-Miquelon.

5. Approval of the Text of the Aide Memoire (for Joint Diplomatic Demarches) and Decision on the Delivery of the Aide Memoire to the Non-Contracting Parties

- 5.1 The Executive Secretary reported to the meeting that in accordance with the decision of the first STACFAC Meeting the text of the Aide Memoire was distributed twice to the Contracting Parties for their comments and approval. The comment(s) received was only one from Canada – to change the word “zone” to “200 mile limit” in the third paragraph. As no objections were received from the Contracting Parties, the text of the Aide Memoire should be regarded as approved.
- 5.2 Taking into account the cooperative response of the non-Contracting Parties addressed and the time left before a possible introduction of a landing declaration for statistical purposes, the EEC representative, with the concurrence of other delegations, proposed that a new paragraph be added to the text requesting non-Contracting Parties to provide statistics on fish caught in the Regulatory Area using the forms established by FAO and used by NAFO. Canada suggested the addition of a reference to “to the end of 1990”, consistent with the text of the Resolution adopted by the General Council in September 1990 (GC Doc. 90/8). The revised text was approved and inserted as the second paragraph from the end of the Aide Memoire.

5.3 The delegations also **agreed** on further changes:

In paragraph 3 to change a phrase in the first sentence to read: "... occur both within the 200-mile zone of the principal coastal state, Canada, and in the area beyond and adjacent to that zone." This language is consistent with the UNCLOS.

In paragraph 6, under heading "Panama" in first sentence to delete phrase "... as shown on the attached table".

Note to 5.3: After the meeting some delegations (Canada, USSR, Denmark in respect of the Faroe Islands and Greenland) drew to attention that the last paragraph of the draft Aide Memoire should be presented without the phrase "... represented at their request by the Government(s) of ..." as this phrase is inconsistent with the decision of STACFAC. The Executive Secretary sent NAFO letter GF/91-239 to all heads of delegations of STACFAC for this purpose.

5.4 On the point of the delivery of the Aide Memoire to non-Contracting Parties the delegations expressed several options. The representatives of the EEC and Japan recommended to delay distribution until after the NAFO annual meeting in September, and to use the time before the meeting to obtain new information and assessments through unilateral contacts. Some time space should be left between the unilateral contacts and the joint NAFO approach, in order not to spoil the effect of the former. Japan specifically proposed that the Chairmen and Vice-Chairmen of the General Council and Fisheries Commission should deliver the Aide Memoire to the Embassies of non-Contracting Parties in Ottawa, after the Annual Meeting, accompanied by the Canadian representative. The EEC recommended that, as previously agreed, the demarches should be delivered by different Contracting Parties to different non-Contracting Parties and, wherever possible, the Chairman of the General Council should be involved. The Canadian, USSR and Denmark (in respect of the Faroes and Greenland) representatives were in favour of delivery of the Aide Memoire before the annual meeting. Canada recommended the note be delivered as early as possible. The USSR stressed that expeditious action was needed consistent with the last Resolution adopted by the General Council in 1990.

5.5 After productive debates, the **consensus was reached** on the subject of the Aide Memoire delivery to non-Contracting Parties as follows:

The Executive Secretary shall send the Aide Memoire to all Contracting Parties to confirm approval of the minor changes to the text and to request Contracting Parties to volunteer to deliver the notes to specific non-Contracting Parties;

The Aide Memoire shall be signed by the Chairman of the General Council, the President of NAFO;

The Aide Memoire shall be delivered to non-Contracting Parties as soon as possible before the 13th Annual Meeting;

The Executive Secretary should coordinate all demarches to the Chairman of the General Council and the Contracting Parties.

The delegations agreed in principle that in this context there should be follow-up to individual non-Contracting Parties reaction to previous and expected notes. The EEC

indicated its willingness to deliver the Aide Memoire to Panama, Venezuela and possibly the Cayman Islands.

6. Discussion of the Certificate of Harvest Origin for Statistical Purposes

- 6.1 The Canadian representative presented to the meeting a proposal for the Certificate of Harvest Origin (Annex 5), and explained that Canada had tried to address the concerns of all Contracting Parties in formulating its proposals. A system for a mark of equivalence has been outlined to facilitate compliance by Contracting Parties. Two groups of countries could avail themselves of the right to use the mark of equivalence: Contracting Parties, and countries that (a) do not fish in the Regulatory Area for species listed in Attachment A of the proposal and (b) require a NAFO certificate to accompany relevant imports into their own markets. The mark of equivalence could be just a NAFO logo stamp.
- 6.2 The USSR representative raised the question on a necessity for a non-Contracting Party to have a certificate of origin and for a Contracting Party to have a mark of equivalence on the landing invoice. The USSR would like to have more explanations and consideration for this issue.
- 6.3 The Japanese representative reiterated that the measure should be simple, technically feasible, non-discriminatory, and not a unilateral one. The Japanese delegation presented their proposal (Annex 6) and explained that this is a very simple system for the purpose of avoiding the legal justification of international regulations and technical difficulty in implementation. Practicality of the proposed system by Canada and the EEC and credibility of information collected by this system would be in question. Taking the point of cost-benefit into consideration, Contracting Parties should first make every effort to collect information by using its own domestic regulations, and then review the results for improving the method.
- 6.4 The EEC representative presented their proposal (Annex 7) and outlined the following principal points: the proposal is based upon the provisions of the UN Convention of the Law of the Sea, the 1990 NAFO Resolution and the terms of reference for the Standing Committee (STACFAC); it is called not a "certificate of harvest origin" but a "statistical landing declaration" and the footnotes do not mention imports to avoid any allusion to a possible trade measure against a nation; the declaration is left to the skipper of the vessel since he is in fact the only one to know where the fish was caught; the declaration should accompany the fish to its final landing destination; the declaration is limited only to fish caught inside the Regulatory Area because NAFO is only interested in such catches and this is a limit of really NAFO's concern and responsibility; the declaration should be limited to a few product forms, in order to present a reliable paper; the importation of fish which does not have a declaration would not be prevented but administrative follow-up action would be taken; the declaration applies only to non-Contracting Parties fishing in the Regulatory Area.

The EEC commented on the Canadian proposal as follows: a term other than "certificate" should be found for the reasons outlined; the proposed system should be limited to non-Contracting Parties whose vessels fish inside the NAFO area only; the phrase "may permit imports..." in the first sentence in the section on the mark of equivalence gave the impression that imports might be forbidden and it should, therefore, be changed; paragraph 2 in this section appeared to cover "intermediary nations" and should, therefore, be formulated in a way which avoids this impression; the requirement for "written assurances" is actually an added burden; the NAFO Executive Secretary, rather than the Contracting Parties, should

collect and compile the statistics from the certificates; the list of product forms in Attachment B is too lengthy and should be limited to a few product forms.

On the Japanese proposal, the delegate of the EEC observed that it was very tempting because of its simplicity, but doubted that it would satisfy the obligations of Contracting Parties under the 1990 Resolution and the terms of reference for STACFAC.

The EEC delegate proposed that STACFAC might consider NAFO asking the non-Contracting Parties that they oblige their vessels to provide declarations to NAFO, especially in view of the positive results that seemed to be emerging from the EEC's diplomatic initiatives. Once the effect of this approach could be assessed, the establishing of a statistical landing declaration programme by the Contracting Parties could be further elaborated.

- 6.5 The delegate of Canada stated that Canada shared the desire of other Contracting Parties to simplify and ease the administrative burden of the system but noted that reducing requirements also reduces the effectiveness of a proposed system. The amount of information available without a certification system has been disappointing. Canada is of course willing to look again at the title of the program or name of the certificate, although one problem with a "landing declaration" is that it might apply to all fishermen and could be a significant burden in Canada, with 57 000 fishermen in the Atlantic region. A new term, such as "Statement of Harvest Area", might avoid use of the words "certificate" and "origin". On the question of both inside and outside of the Regulatory Area, Canada had chosen to be comprehensive in order to cover all the fish caught, since there was otherwise no incentive for an exporter to make a declaration voluntarily. The language in the Canadian paper could be amended to avoid the impression of an import ban. Product forms could perhaps be more limited than currently proposed in Attachment B of the proposal. However, limiting the product forms to round fish might not be sufficient since most of the non-Contracting Parties vessels process on board to a certain extent before the initial landing or transshipment. As for the competent authority to make the certification, the Master of the harvesting vessel was an option in the Canadian paper and this might in fact be the best option. A system which does not address the problems of re-exports and transshipments would result in significant losses of information and evidence.

On the Japanese proposal, the delegate of Canada agreed with the EEC that its simplicity was very attractive. However, one element of the basic mandate of STACFAC was to get statistics and information which had not been forthcoming to date. It might be possible to design a combination approach, which would share the administrative burdens between both Contracting Parties and non-Contracting Parties.

- 6.6 The delegate of Japan noted that Japan is the world's biggest importer of fish, 2.4 million tons valued at \$ 11 billion (USA) a year. Both the EEC and Canadian proposals are very complicated and it is impossible for Japan to implement such a system in the existing Japanese import system. Japan questioned the necessity to have such a complicated, world-wide system just to collect information.

On the Canadian proposal, the delegate of Japan commented that to request specified countries to attach a certificate of harvest origin when importing fish would be for Japan a discriminatory measure. Japanese custom officers cannot identify fish species listed in the proposal. When export fish products according to the Canadian proposal, even Japanese coastal fish which are the same species as listed in the proposal are required to put mark of equivalence; Japan seemed it would be extra-territorial approach.

On the EEC proposal, the delegate of Japan commented as follows: for import, non-Contracting Parties vary often and the administrative burden to change Japanese import regulation to keep up with the evasions would be tremendous; when export, exporters cannot identify the skipper for signature of landing declaration because some imported fish are processed and re-exported mixed with Japanese domestic catch.

Contracting Parties to NAFO should avoid unilateral measures to get information, but it is their responsibility to obtain the required information as a first step.

- 6.7 The delegate of the USSR noted that the cornerstone question was whether the proposed systems should apply to NAFO Contracting Parties. In his view, the answer was "no". The terms of reference for STACFAC stated clearly that the objective was to get non-Contracting Parties to withdraw from fishing activities contrary to NAFO Conservation Measures. It should also be remembered that the terms of reference mention only the NAFO Regulatory Area and do not suggest that other harvesting areas should be included in a NAFO system of harvest certification.
- 6.8 In this context, the EEC delegate took the view that a limitation of the proposed statistical landing declaration to non-Contracting Parties was not to be regarded as being discriminatory, since Contracting Parties had already to deliver detailed equivalent catch information under the NAFO scheme.
- 6.9 The Chairman proposed for these debates that it would be necessary to consider not only what is possible under GATT but also what is desirable for Contracting Parties.
- 6.10 The representative of Denmark (in respect of the Faroe Islands and Greenland) stated that he in principle was positively inclined towards the idea of a certificate provided that it would not imply heavy burdens on the administrative system.

Of the three proposals which should still be subject to deliberation the EEC proposal in Working Paper 91/17 could be interpreted as a compromise model which might prove useful, possible with a few modifications, as a basis for a mutual agreement.

- 6.11 The representatives, seeking compromise, further exchanged ideas as follows: Canada drew attention to the implications of volume of imports, number of countries, impact on domestic fishermen, legal and regulatory measures, specific international agreements and cost. All those items could be put into a technical paper by the Contracting Parties for further discussion at the next meeting of STACFAC. After discussion, the Canadian draft of such a technical paper was set aside in view of disagreement of some delegations on technical issues and points of principle.

The Japanese and EEC delegations indicated that technical and questions of principle could not be separated. The basic approach must be stated and reported to the General Council. The EEC emphasized on restrictions of such an approach to the Regulatory Area and non-Contracting Parties.

The USSR supported this idea based on the terms of reference noting on a containment of fundamental concerns of all delegations in the previous records.

- 6.12 All delegations agreed that this issue shall be considered at the next STACFAC meeting (in September) based on proposals and fundamental questions discussed during this meeting.

7. Trade Related Measures Concerning Fish Harvested Inconsistent with NAFO Conservation Measures

- 7.1 The Canadian representative stated that their paper tabled in the January meeting still stands. (GC Doc. 91/1, Appendix VIII).
- 7.2 The Japanese representative reconfirmed its opinion on this paper as at previous meeting (30-31 January 1991).
- 7.3 All delegations agreed that at this stage the discussions on this issue would be premature and should be postponed.

8. Consideration on the Report, Including Concrete Recommendations to the General Council

- 8.1 According to the decision of the General Council (GC Doc. 90/9), the delegations agreed that STACFAC shall report back to the General Council on progress achieved and develop its recommendations.
- 8.2 The delegations reviewed a paper presented by the EEC to develop the recommendations (Annex 8). Canada and Denmark (in respect of the Faroe Islands and Greenland) supported this idea in principle but emphasized the need for more concrete recommendations on such issues as a "harvesting certificate" and others. The Canadian representative also pointed out that it would be premature to draft a report to the General Council when the single concrete initiative agreed upon by STACFAC, the joint delivery of the NAFO Aide Memoire, had not yet been finalized or undertaken. The EEC recommended to keep their paper as a working paper and as a starting point for any possible recommendations.
- 8.3 After extensive discussions, the delegations agreed that at this stage STACFAC cannot report back to the General Council with specific recommendations to resolve the problem of fishing of non-Contracting Parties. The time is needed to have the results of unilateral actions and to receive reactions on the Aide Memoire. Therefore, the recommendations of STACFAC to the General Council will be elaborated at the annual meeting in September.

9. Other Matters and Next Meeting

- 9.1 The Japanese representative stated in context of previous discussions that NAFO should provide non-Contracting Parties with precise information and invite them to the annual meeting to give them a choice of either withdrawing from the Regulatory Area or joining NAFO. The EEC supported this idea in principle. Canada reminded that STACFAC does not have the authority or duty to invite non-Contracting Parties. The Japanese representative stated that, in accordance with the terms of reference for STACFAC, Contracting Parties are asked to examine and assess all options, and in this context STACFAC should consider other matters than trade restriction.

The representative of Denmark (in respect of the Faroe Islands and Greenland) supported the idea to include in the recommendation which will be elaborated at the annual meeting in September.

- 9.2 The Executive Secretary reminded STACFAC that in his communications to all non-Contracting Parties there is information that those Parties may attend the NAFO meetings, and definitely, non-Contracting Parties are well aware of such possibilities.

- 9.3 The delegations resolved that the next STACFAC meeting will be held on 9-13 September 1991 during the annual meeting. The agenda should be similar to that of the second meeting except for items 7 and 4 which were resolved.

The Chairman adjourned the meeting at 1810 hours on 4 June 1991.

Annex 1. List of Participants

Second Meeting of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC) Dartmouth, Nova Scotia, Canada, 3-4 June 1991

CANADA

Head of Delegation: L. Forand
Dept. of Fisheries and Oceans
200 Kent Street, 14th Floor
Ottawa, Ontario
K1A 0E6

- C. J. Allen, Atlantic Fisheries, Dept. of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario K1A 0E6
D. Chouinard, Department of External Affairs, Office of the Ambassador for Fisheries Conservation, 125 Sussex Drive, Ottawa, Ontario K1A 0G2
D. C. V. MacKenzie, Department of External Affairs, 125 Sussex Drive, Ottawa, Ontario K1A 0G2
E. Mundell, International Fisheries Directorate, Dept. of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario K1A 0E6
R. J. Prier, Dept. of Fisheries and Oceans, P. O. Box 550, Halifax, Nova Scotia B3J 2S7
A. Tellier, Department of External Affairs, JLO Div., 125 Sussex Drive, Ottawa, Ontario K1A 0G2
G. R. Traverse, Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1

DENMARK (in respect of Faroe Islands and Greenland)

Head of Delegation: O. Loewe
Embassy of the Kingdom of Denmark
85 Range Road, Apt. 702
Ottawa, Ontario, Canada K1N 8J6

EUROPEAN ECONOMIC COMMUNITY (EEC)

Head of Delegation: P. Hillenkamp
Commission of the European
Communities
99 Rue Joseph II, 3/17
1049 Brussels, Belgium

- T. Abadia, Directorate External Relations, Commission of the European Communities, 200 Rue de la Loi, 1049 Brussels, Belgium
N. P. F. Bollen, Ministry of Agriculture, Nature Management and Fisheries, Fisheries Department, P. O. Box 20401, 2500 EK The Hague, Netherlands
P. Bradhering, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Rochusstr. 1, 5300 Bonn 1, Germany
J. Carbery, Council of the European Communities, 170 Rue de la Loi, 1048 Brussels, Belgium
C. Marti Dominguez, Secretaria General de Pesca Maritima, c/Ortega y Gasset, 57, Madrid, Spain
M. H. Figueiredo, Direcção Geral das Pescas, Ministério da Agricultura, Pesca e Alimentação, Av. Brasília, 1400 Lisboa, Portugal
G. F. Kingston, Delegation of the Commission of the European Communities, 350 Sparks Street, Suite 1110, Ottawa, Ontario, Canada K1R 7S8
S. B. Kristensen, General Secretariat of the Council of the European Communities, 170 Rue de la Loi, 1048 Brussels, Belgium
M. Roitmann, Danish EEC Representation, Rue D'Arlon 73, 1040 Brussels, Belgium

C. C. Southgate, Ministry of Agriculture, Fisheries and Food, Room 428, Nobel House, Smith Square, London, SW1P 3HX, United Kingdom

JAPAN

Head of Delegation: K. Hanafusa
Deputy Director
International Affairs Division
Fisheries Agency
Government of Japan
1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo

J. Okamoto, Assistant Director, Fisheries Marketing Division, Fishery Agency, 1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo

M. Yoshida, Japan Deep Sea Trawlers Association, 601 Yasuda Bldg., Kanda-Ogawa-Cho 3-6, Chiyoda-ku, Tokyo

T. Hasegawa, Japan Fisheries Association, Suite 1101, Duke Tower, 5251 Duke Street, Halifax, Nova Scotia, Canada B3J 1P6

POLAND

Head of Delegation: J. Stremlau, Consul
Trade Commissioners Office of Poland
3501 Ave du Musee
Montreal, Quebec
Canada H3G 2C8

UNION OF SOVIET SOCIALIST REPUBLICS (USSR)

Head of Delegation: V. Fedorenko
Welsford Place, Suite 2202-3
2074 Robie Street
Halifax, Nova Scotia
Canada B3K 5L3

A. Mikhailov, Welsford Place, Suite 2202-3, 2074 Robie Street, Halifax, Nova Scotia, Canada B3K 5L3

SECRETARIAT

L. I. Chepel, Executive Secretary

T. Amaratunga, Assistant Executive Secretary

B. Cruikshank, Senior Secretary

Annex 2. Agenda

Second Meeting of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)

NAFO Headquarters, Dartmouth, Nova Scotia, Canada, 3-4 June 1991

1. Opening by Chairman, C. C. Southgate (EEC)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Amendment of the Rules of Procedure
5. Review of supplementary information on activities of non-Contracting Parties vessels in the Regulatory Area (national reports)
6. Review of supplementary information on landings and transshipments of fish caught in the Regulatory Area by non-Contracting Parties (national reports)
7. Approval of the text of the AIDE MEMOIRE (for joint diplomatic demarches): decision on the delivery of the AIDE MEMOIRE to the non-Contracting Parties
8. Discussion of the Certificate of Harvest Origin (submitted by Canada, Appendix VII, Report of First Meeting of STACFAC)
9. Discussion of the Trade Related Measures Concerning Fish Harvested Inconsistent with NAFO Conservation Measures (submitted by Canada, Appendix VIII, Report of First Meeting of STACFAC)

Annex 3. Rules of Procedure

Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)

1. There shall be a Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC) including one representative from each Contracting Party that wishes to participate, who may be assisted by experts and advisers, and which shall:
 - a) obtain and compile all available information on the fishing activities of non-Contracting Parties in the Regulatory Area, including details on the type, flag and name of vessels and reported or estimated catches by species and area;
 - b) obtain and compile all available information on landings, and transshipments of fish caught in the Regulatory Area by non-Contracting Parties, including details on the name and flag of the vessels; the quantities by species landed, transshipped; and the countries and ports through which the product was shipped;
 - c) examine and assess all options open to NAFO Contracting Parties including measures to control imports of fish caught by non-Contracting Party vessels in the Regulatory Area and to prevent the reflagging of fishing vessels to fish under the flags of non-Contracting Parties;
 - d) recommend to the General Council measures to resolve the problem;
 - e) elect from among its members, to serve for two years, a chairperson and a vice-chairperson, who shall be allowed a vote. The Executive Secretary shall be an *ex officio* member, without vote.

Annex 4. Non-Contracting Parties Fishing Activity in the NAFO Regulatory Area, by the Canadian Delegation

Second Meeting of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)

1.0 Introduction

This report examines the activities of NAFO non-Contracting Parties vessels that fish groundfish species in the NAFO Regulatory Area. The report attempts to distinguish between "non-Contracting Parties vessels", such as those from Korea or the USA and re-flagged vessels, generally crewed by western Europeans.

The information sources for this report are Canadian air surveillance and courtesy boardings¹ conducted by Canadian officials on non-Contracting Parties vessels. Catch reports to NAFO are used in the case of USA vessels.

2.0 Fleet Profile

During the 1984-90 period, approximately 190 NAFO Contracting Parties vessels fished groundfish in the Regulatory Area on an annual basis. By comparison, non-Contracting Parties vessels have steadily increased from 11 in 1984 to 47 in 1989 and 44 in 1990. Table 1 provides a full summary of groundfish vessels for the 1984-90 period.

TABLE 1. Number of vessels fishing for groundfish in the NAFO Regulatory Area from 1984 to 1990.

	Year						
	1984	1985	1986	1987	1988	1989	1990 ^a
Contracting Parties - Total	159	191	196	182	179	198	222^b
Caymen Islands	0	1	1	1	1	1	1
Korea	1	1	1	1	3	5	6 ^c
Mauritania	0	0	1	0	1	1	0
Malta	0	0	0	0	0	1	1
Panama (Korean-crewed)	0	4	3	4	5	5	2
Panama (European-crewed)	4	4	5	8	15	19	22
St. Vincents	0	0	0	0	1	1	1
USA	0	14	15	9	11	14	9
Mexico/Chile	6	6	4	6	4	0	0
Venezuela	0	0	0	0	0	0	2
Non-Contracting Parties - Total	11	30	30	29	41	47	44
TOTAL	170	221	226	211	220	245	266

^a Preliminary data.

^b Thirteen (13) Norwegian vessels fished exclusively for capelin.

^c May include squid fishing vessels registered in Taiwan.

¹ Non-Contracting Parties vessels are not subject to NAFO Conservation and Enforcement Measures and, therefore, are not required to permit NAFO inspectors onboard.

The 1990 non-Contracting Parties fleet included 24 vessels crewed by Western Europeans (7 pair trawlers, 10 single trawlers), 11 crewed by Koreans and 9 crewed by USA¹.

Table 2 provides a list of non-Contracting Parties vessels and crew nationalities that fished in the NAFO Regulatory Area in 1990.

TABLE 2. Non-Contracting Parties vessels and crew nationalities that fished in the NAFO Regulatory Area during 1990.

Western European	Korean	USA
Colombo III – Panama	Marsopla – Cayman Is.	Constellation
Colombo IV – Panama	Hao Quang # 3 – Korea	Helenic Spirit
Colombo V – Panama	Golden Venture – Korea	Mr. Simon
Colombo VI – Panama	Puk Yang II – Korea	Miss Lori Lou
Colombo VII – Panama	Sam Won Ho – Korea ^a	Northern Venture
Colombo VIII – Panama	Cesped – Korea	Unidentified (4)
Anita I – Panama	Rainbow – Malta	
Elly I – Panama	Hes Wen No. 1 – Korea	
Alpes II – Panama	Peonia # 7 – Panama	
Alpes III – Panama	Peonia # 9 – Panama	
Santa Joana – Panama	Great Splendor – St. Vincent's	
Maria de Lourdes Verde – Panama		
Espadarte – Panama		
Porto Santo – Panama		
Pescamex III – Panama		
Pescamex IV – Panama		
Amazones – Panama		
Acuario Uno – Panama		
Acuario Dos – Panama		
Classic Belair – Panama		
Rio Gabriel – Panama		
Leone III – Panama		
Pescagel – Venezuela		
Bacanova – Venezuela		

^a May have been squid vessel of Taiwan registry.

¹ Prior to 1985, there were no observations of USA groundfish vessels in the NAFO Regulatory Area. Since 1985, an average of 12 USA vessels have frequented the NAFO Regulatory Area annually. This average is believed accurate. However, due to the nature of trips (4-6 days in the NAFO Regulatory Area) and infrequent air surveillance, it is conceivable that the average could be higher.

3.0 Catch Statistics

3.1 Method of determining catch statistics

In the absence of catch reports to NAFO, the catch statistics for each non-Contracting Party are obtained primarily from logbooks/verbal conversations with masters during courtesy boardings combined with an estimate for non-boarded periods. Estimated statistics represent a "best estimate" of vessel activity and catches. A brief step by step method to determine catches for non-Contracting Parties vessels follows:

- 1) Courtesy boarding and sighting data are obtained.
- 2) Sighting information which is covered by courtesy boardings is omitted.
- 3) Days on ground are counted between sightings that are less than 30 days apart and totalled. Where a vessel is sighted greater than 30 days apart, seven days is attributed to the vessel for each sighting.
- 4) The known days when vessels are not in the Regulatory Area (eg port visits, etc.) are counted and subtracted from days on ground.
- 5) The final figure obtained is then reduced by 15% to account for bad weather, steaming, mechanical breakdown, etc.
- 6) The final days on ground are totalled for each nation.
- 7) Courtesy boarding data for each nation is analyzed to determine the major fisheries engaged in, as well as to determine catch rates.
- 8) The percentage of time (based on courtesy boarding) spent engaging in each fishery is applied to the total estimated days for each nation.
- 9) As a result, an estimate of catch by species for each nation is obtained.
- 10) This estimated catch and effort is added to the courtesy boarding data to obtain a combined total catch for each nation/fishery.

3.2 Overview – 1990

During 1990, 266 groundfish vessels from 15 nations fished in the NAFO Regulatory Area.¹ Eight of these nations are NAFO Contracting Parties and accounted for 222 vessels. Seven (7) non-Contracting Parties accounted for the remaining 44 groundfish vessels.

In 1990, it is estimated that non-Contracting Parties caught 48 800 tons of groundfish consisting of 15 400 tons of cod, 19 400 tons of redfish, 7 300 tons of flounder, 3 300 tons of Greenland halibut and 3 400 tons of various other species. Tables 3 and 4 give a breakdown of catch for each non-Contracting Party which fished in the NAFO Regulatory Area in 1990.

¹ Thirteen (13) Norwegian vessels fished exclusively for capelin.

TABLE 3. Groundfish catches of non-Contracting Parties in the NAFO Regulatory Area in 1990.

Non-Contracting Parties	No. of vessels	Effort (days)	Catch (tons)	C/R
Caymen Islands	1	250	2 500	10.0
Korea	6	1 000	17 200	17.1
Malta	1	200	1 500	7.5
Panama	24	2 700	21 700	8.0
St. Vincents	1	200	3 300	16.5
Venezuela	2	50	600	12.0
USA	9	225	0	0
Total	44	4 625	48 800	10.6

TABLE 4. Groundfish catches (by species) of non-Contracting Parties in the NAFO Regulatory Area in 1990.

Non-Contracting Party	Estimated catch (tons)				Total
	Cod	Redfish	Flounder	Other	
Caymen Islands	0	600	1 900	0	2 500
Korea	5 900	7 700	3 400	200	17 200
Malta	0	1 500	0	0	1 500
Panama	8 900	6 300	0	3 200	18 400
St. Vincents	0	3 300	0	0	3 300
Venezuela	600	0	0	0	600
USA	0	0	2 000	0	2 000
Total	15 400	19 400	7 300	3 400	45 500

Explanatory Notes:

Catch information is generally provided verbally by master(s) and, therefore, the separation of catches on a divisional basis cannot be completed accurately. In 1990, it is believed that all (95%) flounder catches were taken in Div. 3N and 3O, cod catches were primarily (60 - 70%) from Div. 3M, 3N and 3O, Greenland halibut catches were primarily (90%) from Div. 3L and redfish catches were split between Div. 3M, 3N and 3O.

The catch estimate procedure is completed on the basis of registered nation/vessels not crew nationality; therefore, the division of catches by crew nationality cannot be completed accurately. In 1990, it is believed that most cod (60%) catches, all Greenland halibut catches and a portion (33%) of redfish catches were taken by vessels crewed from Western Europe with the remaining catches taken by vessels crewed from Korea or USA.

3.3 Catch Overview – 1984-90

Since 1984, there has been an increase in the amount of effort by all nations fishing in the NAFO Regulatory Area. In 1984, the total effort by all nations was 8 820 days, whereas the seven (7) year average (1984-90) stands at 16 809 days per year.

Non-Contracting Parties activity has increased dramatically from 840 days in 1984 to 4 625 days in 1990. This is reflected by an increase in Korean-crewed vessels and registry transfers by Western European vessels.

The average yearly total of groundfish catch of all species by all nations fishing in the NAFO Regulatory Area during the 1984-90 period was approximately 187 500 tons¹.

Non-Contracting Parties catches have increased dramatically from 12 000 tons in 1984 to 30 000 tons in 1987 and 48 800 tons in 1990.

From 1984 to 1990 non-Contracting Parties used an average of 33 fishing vessels per year in the NAFO Regulatory Area. These vessels fished for an average of 2 612 days catching approximately 29 000 tons of groundfish, an average catch per day of 11 tons (Table 5). The fishing effort for non-Contracting Parties has increased significantly in every year since 1984. Except for 1986 the estimated groundfish catches have also increased.

The yearly average of 29 000 tons of groundfish caught by non-Contracting Parties consisted of a yearly average of 7 114 tons of cod, 12 624 tons of redfish, 7 957 tons of flounder, 472 tons of Greenland halibut, 857 tons of various "other" species (Table 6). Cod and redfish catches for non-Contracting Parties have increased since 1986. Estimated catches of flounder have decreased since 1986. Greenland halibut was taken in significant quantities for the first time in 1990.

Table 5. Fishing activity of non-Contracting Parties fishing in the NAFO Regulatory Area from 1984 to 1990.

Year	No. of different vessels	Estimated effort (days)	Estimated catch (tons)
1984	11	840	12 000
1985	30	1 730	23 500
1986	30	2 030	19 300
1987	29	2 640	29 400
1988	41	3 130	35 200
1989	47	3 290	34 900
1990	44	4 625	48 800

¹ Excludes 27 300 tons of capelin taken in 1990.

TABLE 6. Groundfish catches (by species) of non-Contracting Parties in the NAFO Regulatory Area from 1984 to 1990.

Year	Estimated catch (tons)				Total
	Cod	Redfish	Flounder	Other	
1984	3 800	0	8 200	0	12 000
1985	7 100	500	15 300	600	23 500
1986	4 500	0	14 600	200	19 300
1987	5 400	20 900	3 100	0	29 400
1988	7 800	23 500	3 000	900	35 200
1989	5 800	24 000	4 200	900	34 900
1990	15 400	19 400	7 300	400	45 500 ^a

^a 3 300 tons of Greenland halibut taken in 1990.

3.3.1 St. Vincents (Korean crew)

A St. Vincent's registered fishing vessel fished in the NAFO Regulatory Area in 1988, 1989, 1990 catching 400 tons (16 days), 3 525 tons (187 days) and 3 300 tons (200 days) of groundfish respectively.

3.3.2 USA

From 1984 to 1990 an average of ten (10) USA vessels per year fished in the NAFO Regulatory Area. These vessels averaged 348 fishing days and 3 000 tons of groundfish (primarily flounder species) per year over the 7 years. Tables 7 and 8 outline USA fishing activity for 1984-90.

3.3.3 Mauritania (European crew)

One Mauritanian vessel operated in the NAFO Regulatory Area during 1986, 1988 and 1989. Tables 9 and 10 outline Mauritanian fishing activity since 1984.

3.3.4 Cayman Islands (Korean crew)

From 1984 to 1990 one vessel (Marsopla) fished in the NAFO Regulatory Area. Tables 11 and 12 outline Cayman Islands fishing activity for the 1984 to 1990 period.

3.3.5 Korea

During the years 1984 to 1987 one Korean vessel fished the NAFO Regulatory Area while in 1988 three vessels participated and in 1989 and 1990 Korean activity increased to 5 and 6 vessels respectively. Tables 13 and 14 outline the Korean fishing activity for 1984-90.

3.3.6 Panama (West European and Korean crews)

During the years 1984 to 1990 an average of 18 Panamanian registered vessels per year fished in the NAFO Regulatory Area. The number of vessels has risen from a low of 10 in 1984 to a high of 24 in 1988, 1989 and 1990. Panamanian flag vessels averaged 16 342 tons of groundfish in almost 1 600 fishing days for each of the past 7 years. Tables 15 and 16 outline Panamanian fishing activity for 1984-90.

3.3.7 Malta (Korean Crew)

In 1989 and 1990, one Maltese vessel was observed fishing in the NAFO Regulatory Area. It is estimated that this vessel caught 711 tons of groundfish in 45 days during 1989 and 1 500 tons of groundfish during 200 days in 1990.

3.3.8 Venezuela (Western European)

In 1990, one Venezuelan pair trawler (Bascanova/Pescagel) was observed fishing in the NAFO Regulatory Area. It is estimated that this vessel caught 600 tons of cod in 50 days.

TABLE 7. USA fishing activity in the NAFO Regulatory Area from 1984 to 1990.

Year	No. of different vessels	Estimated effort (days)	Catch reported to NAFO (tons)
1984	0	0	0
1985	14	370	5 531
1986	15	380	5 770
1987	9	580	3 345
1988	11	560	2 868
1989	14	330	1 500 *
1990	9	225	2 000 *

* Estimated catch reported to NAFO.

TABLE 8. Groundfish catches (by species) in the in the NAFO Regulatory Area reported by the USA from 1984 to 1990.

Year	Estimated catch (tons)				Total
	Cod	Redfish	Flounder	Other	
1984	0	0	0	0	0
1985	84	85	5 362	0	5 531
1986	315	4	5 451	0	5 770
1987	217	0	3 128	0	3 345
1988	266	0	2 602	0	2 868
1989	0	0	1 500 ^a	0	1 500
1990	0	0	2 000 ^a	0	2 000

^a Estimated catch reported to NAFO.

TABLE 9. Mauritania fishing activity and catches in the NAFO Regulatory Area from 1984 to 1990.

Year	No. of different vessels	Estimated effort (days)	Estimated catch (tons)
1984	0	0	0
1985	0	0	0
1986	1	10	44
1987	0	0	0
1988	1	60	200
1989	1	50	212
1990	0	0	0

TABLE 10. Estimated groundfish catches (by species) in the NAFO Regulatory Area for Mauritania from 1984 to 1990.

Year	Estimated catch (tons)				Total
	Cod	Redfish	Flounder	Other	
1984	0	0	0	0	0
1985	0	0	0	0	0
1986	0	0	44	0	44
1987	0	0	0	0	0
1988	0	0	200	0	200
1989	0	0	212	0	212
1990	0	0	0	0	0

TABLE 11. Caymen Islands fishing activity in the NAFO Regulatory Area from 1984 to 1990.

Year	No. of different vessels	Estimated effort (days)	Estimated catch (tons)
1984	0	0	0
1985	1	90	2 000
1986	1	200	2 400
1987	1	270	5 300
1988	1	170	3 500
1989	1	210	3 000
1990	1	250	2 500

TABLE 12. Estimated groundfish catches (by species) in the NAFO Regulatory Area for the Caymen Islands from 1984 to 1990.

Year	Estimated catch (tons)				Total
	Cod	Redfish	Flounder	Other	
1984	0	0	0	0	0
1985	100	0	1 600	300	2 000
1986	100	0	2 300	0	2 400
1987	0	5 300	0	0	5 300
1988	0	3 500	0	0	3 500
1989	0	2 500	500	0	3 000
1990	0	600	1 900	0	2 500

TABLE 13. Korean fishing activity in the NAFO Regulatory Area from 1984 to 1990.

Year	No. of different vessels	Estimated effort (days)	Estimated catch (tons)
1984	1	240	4 900
1985	1	220	3 400
1986	1	210	3 200
1987	1	220	3 000
1988	3	130	2 100
1989	5	620	11 800
1990	6	1 000	17 200

TABLE 14. Estimated groundfish catches (by species) in the NAFO Regulatory Area for Korean from 1984 to 1990.

Year	Estimated catch (tons)				Total
	Cod	Redfish	Flounder	Other	
1984	300	0	4 600	0	4 900
1985	0	0	3 300	100	3 400
1986	100	0	3 100	0	3 200
1987	0	2 000	1 000	0	3 000
1988	0	1 800	200	0	2 000
1989	0	10 800	1 000	0	11 800
1990	5 900	7 700	3 400	200	17 200

TABLE 15. Panamanian fishing activity in the NAFO Regulatory Area from 1984 to 1990. (Includes four trawler vessels formerly registered in Mexico/Chile.)

Year	No. of different vessels	Estimated effort (days)	Estimated catch (tons)
1984	10	600	7 100
1985	14	1 050	15 700
1986	22	1 230	12 000
1987	16	1 570	18 900
1988	24	2 150	24 500
1989	24	1 850	14 500
1990	24	2 700	21 700

TABLE 16. Estimated groundfish catches (by species) in the NAFO Regulatory Area for Panama from 1984 to 1990. (Includes estimated catches of four pair trawler vessels registered in Mexico/Chile.)

Year	Estimated catch (tons)				Total
	Cod	Redfish	Flounder	Other	
1984	3 500	0	3 600	0	7 100
1985	7 000	400	8 100	200	15 700
1986	4 200	0	7 800	0	12 000
1987	5 300	13 600	0	0	18 900
1988	7 500	16 100	0	900	24 500
1989	5 700	6 500	1 400	900	14 500
1990	8 900	6 300	0	3 200	18 400

^a Excludes 3 300 tons of Greenland halibut taken in 1990.

Annex 5. Certificate of Harvest Origin, by the Canadian Delegation

Second Meeting of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)

Purpose

To gather information on catches of groundfish species regulated by NAFO and caught within the NAFO Regulatory Area by countries that are not members of NAFO and to identify those countries.

Process

The General Council of NAFO would pass a resolution which would record the agreement of all Contracting Parties to require that imports of specified fish and fish products derived from groundfish species regulated by NAFO (listed in Attachment A) be accompanied by either a certificate of harvest origin in the format appended to the resolution or a mark of equivalence in the format appended to the resolution.

Certificate of Harvest Origin

The Certificate of Harvest Origin shall state the following:

1. The fish was harvested:
 - a) outside the NAFO Regulatory Area; or
 - b) inside the NAFO Regulatory Area.
2. The flag state of the harvesting vessel(s).

A sample certificate of harvest origin is attached as Attachment C.

Mark of Equivalence

A NAFO Contracting Party may permit imports of fish and fish products of species listed in Attachment A to be accompanied or identified by a mark of equivalence (to be affixed to the Master Shipping Container), in lieu of a certificate of harvest origin, if the exporting country has provided written assurances that:

1. a) Its vessels do not fish in the NAFO Regulatory Area for the species listed in Attachment A; or
 - b) Its vessels fish in the NAFO Regulatory Area for the species listed in Attachment A and it is a NAFO member; and
2. Its imports of fish and fish products of the species listed in Attachment B have been accompanied by either a certificate of harvest origin or a mark of equivalence, a record of which is forwarded annually to the Executive Secretary of NAFO.

Contracting Parties which have provided for a mark of equivalence shall forward copies of written assurances received from countries which export fish or fish products of the species listed in

Attachment A to the Executive Secretary of NAFO. A summary of the information shall be distributed to all Contracting Parties annually by the Executive Secretary of NAFO.

Contracting Parties shall collect and compile statistics, in a format to be decided, on their imports of fish and fish products of the species listed in Attachment A which were accompanied by a certificate of harvest origin indicating that the fish was harvested in the NAFO Regulatory Area. Contracting Parties shall send these statistics to the Executive Secretary not later than 31 March of each year. The Executive Secretary shall distribute these statistics to all Contracting Parties.

Attachment A. Groundfish Species Managed by NAFO

Species	Scientific Name
Atlantic cod	<i>Gadus morhua</i>
Atlantic redfishes	<i>Sebastes</i> sp.
American plaice	<i>Hippoglossoides platessoides</i>
Witch flounder	<i>Glyptocephalus cynoglossus</i>
Yellowtail flounder	<i>Limanda ferruginea</i>

Attachment B. Specified Fish and Fish Products

Imports of specified fish and fish products derived from groundfish species regulated by NAFO shall include the following (from the Tariff Schedule of Canada, 1 January 1990):

03.02	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading No. 03.04
0302.29.10	Flounder
0302.29.90	Other
0302.50.10	Cod (<i>Gadus morhua</i>), Atlantic
0302.69.11	Ocean perch
03.03	Fish, frozen, excluding fish fillets and other fish meat of heading No. 03.04
0303.39.10	Flounder
0303.60.10	Cod (<i>Gadus morhua</i>), Atlantic
0303.79.15	Ocean perch
03.04	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen
0304.10	Fresh or chilled
	Fillets of flatfish
0304.10.12	Plaice
0304.10.13	Flounder
0304.10.21	Fillets of cod, Atlantic
0304.20	Frozen fillets
0304.20.24	Flounder
0304.20.26	Other, Atlantic
0304.20.41	Cod, Atlantic
0304.20.51	Ocean perch
0304.90	Other
0304.90.11	Cod, blocks and slabs: minced
0304.90.12	Cod, blocks and slabs: not minced
0304.90.70	Ocean perch, blocks and slabs
0304.90.91	Other, sea fish
03.05	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; fish meal fit for human consumption
0305.30	Fish fillets, dried, salted or in brine, but not smoked
0305.30.30	Cod
0305.30.90	Other
	Dried fish, whether or not salted but not smoked
0305.51.00	Cod (<i>Gadus morhua</i>)

0305.59.00	Other
0305.62.	Fish, Salted but not dried or smoked and fish in brine
0305.62.10	Cod (<i>Gadus morhua</i>)
	Green salted, wet salted
	Light salted
0305.62.21	Over 43% moisture content
0305.62.22	43% or less moisture content
	Heavy salted
0305.62.31	Over 45% but not over 50% moisture content
0305.62.32	Over 43% but not over 45% moisture content
0305.62.33	43% or less moisture content
0305.62.90	Other

Attachment C. A Sample Certificate of Harvest Origin

Exporter (Name, full address, country)

Consignee (Name, full address, country)

Place and date of shipment – Means of transport

Country of origin

Country of destination

Area of Harvest:

- A. Outside the Regulatory Area of the Northwest Atlantic Fisheries Organization (NAFO); or
- B. Inside the Regulatory Area of the Northwest Atlantic Fisheries Organization (NAFO).

(Description in coordinates available on request.)

Name and flag state of the vessel(s) that caught the fish, and the date(s) of the fishing trip on which the fish was caught.

Detailed Description of Goods

Quantity in tons

Product form

Declaration

To be signed by either a responsible government official from the harvesting nation or the master of the vessel(s) and stating: "I certify that the above information is complete, true and correct to the best of my knowledge and belief."

Annex 6. Japanese Proposal on Certificate of Harvest Origin, by Japanese Delegation

Second Meeting of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)

Each Contracting Party shall make every effort in conformity with its domestic rules and regulations to obtain information on the area of harvest whether the fish listed below was harvested inside or outside of NAFO Regulatory Area and on the country of origin as well as volume and value of fish import, and shall report collected information to the Executive Secretary of NAFO. The Executive Secretary shall distribute the information to all Contracting Parties.

cod, redfish, flatfish

Note: Information on fish (whether fish species or fish group, type of product) is under the discretion of each Contracting Party due to its import performance.

**Annex 7. Draft Recommendation to the General Council,
by the EEC Delegation**

**13th Annual NAFO Meeting
9-13th September 1991**

**THE STANDING COMMITTEE ON FISHING ACTIVITIES OF NON-CONTRACTING
PARTIES IN THE NAFO REGULATORY AREA – STACFAC**

- ◇ Recalling the Resolution on Non-NAFO Fishing activities adopted by the General Council at the 12th Annual Meeting of the Northwest Atlantic Fisheries Organization, resolving i.a. that
 - ◇ in full respect of the international obligations of Contracting Parties, further measures should be developed for consideration by the General Council at its 1991 annual meeting;
- ◇ Recalling the Terms of Reference for the Standing Committee, established by the General Council, resolving i.a. that the Committee will
 - ◇ obtain and compile all available information on the fishing activities of non-Contracting Parties in the Regulatory Area, including details on the type, flag and name of vessels and reported or estimated catches by species and area;
 - ◇ obtain and compile all available information on landings, and transshipments of fish caught in the Regulatory Area by non-Contracting Parties, including details on the name and flag of the vessels; the quantities by species landed, transshipped; and the countries and ports through which the product was shipped;
 - ◇ examine and assess all such options open to NAFO Contracting Parties including measures to control imports of fish caught by non-Contracting Party vessels in the Regulatory Area;
 - ◇ recommend to the General Council measures to resolve the problem,
- ◇ Recalling that according to Article 119.2 of the United Nations Convention on the Law of the Sea available catch and fishing effort statistics, and other data relevant to the conservation of fish stocks shall be contributed and exchanged on a regular basis through competent international organizations, whether subregional, regional or global, where appropriate and with participation of all States concerned;
- ◇ Considering that the Northwest Atlantic Fisheries Organization is the competent regional fisheries organization for the conservation and rational management of fish resources in the NAFO Regulatory Area,
- ◇ Recalling the GATT principles of non-discrimination, transparency and proportionality,

herewith, therefore, recommends to the General Council to consider for adoption, at the 1991 annual meeting of the Northwest Atlantic Fisheries Organization, the Landing Declaration issued with a view to obtaining statistical information on harvest origin, as set out in the Annex, to be transferred to the NAFO Executive Secretary.

EEC DRAFT
PRCJET CEE
STATISTICAL LANDING DECLARATION/DECLARATION STATISTIQUE DE DEBARQUEMENT (1)

1. Exporter (Name, full address, country) Exportateur (Nom, adresse complete, pays)	2. Number Numero	000
3. Consignee (Name, full address, country) Destinataire (Nom adresse complete, pays)	DECLARATION IN REGARD TO Atlantic cod (<i>Gadus morhua</i>) Atlantic redfish (<i>Sebastes</i> spp) American plaice (<i>Hippoglossoides platessoides</i>) Yellowtail flounder (<i>Limanda ferruginea</i>) Witch flounder (<i>Glyptocephalus cynoglossus</i>) (2) Issued with a view to obtaining statistical information on harvest origin	
	DECLARATION CONCERNANT La Morue Fraiche (<i>Atlantique</i>) (<i>Gadus morhua</i>) Sebaste (<i>Atlantique Nord</i>) (<i>Sebastes</i> spp) Plie canadienne (<i>Hippoglossoides platessoides</i>) Limande a quene jaune (<i>Limanda ferruginea</i>) Plie grise (<i>Glyptocephalus cynoglossus</i>) (2) Delivree en vue de l'obtention d'information statistique concernant l'origine de peche	
	4. Country of origin Pays d'origine	5. Country of destination Pays de destination
6. Place and date of catch/shipment/transshipment/ - name and flag of catch-/transport vessel(s) lieu et date de peche/d'embarquement/-de transbordement/ - ncm et pavillon du (des) navire(s) de peche/de transport	7. supplementary details Donnees supplementaires	
8. Marks and numbers - Number and kind of packages - DETAILED DESCRIPTION OF GOODS (3) Marques et numeros - nombre et nature des colis --- DESIGNATION DETAILIEE DES (3) MARCHANDISES	9. Quantity in tons Quantite en tons	
10. DECLARATION BY THE SKIPPER I the undersigned declare that in accordance with the entries in the logbook the consignment described above contains only Atlantic cod (<i>Gadus morhua</i>) Atlantic redfish (<i>Sebastes</i> spp) American plaice (<i>Hippoglossoides platessoides</i>) Yellowtail flounder (<i>Limanda ferruginea</i>) Witch flounder (<i>Glyptocephalus cynoglossus</i>) from the stocks of the Northwest Atlantic Ocean fished in the Regulatory Area of the Northwest Atlantic Fisheries Organization - NAFO. (2) DECLARATION DU CAPITAINE Je soussigne declare qu en accord avec les inscriptions dans le livre de bord l'envoi decrit ci-dessus contient exclusivement de la Morue Fraiche (<i>Atlantique</i>) (<i>Gadus morhua</i>) Sebaste, (<i>Atlantique Nord</i>) (<i>Sebastes</i> spp) Plie canadienne (<i>Hippoglossoides platessoides</i>) Limande a quene jaune (<i>Limanda ferruginea</i>) Witch flounder (<i>Glyptocephalus cynoglossus</i>) provenant des stocks de l'océan de l'Atlantique Nord-Ouest et capturee dans la Zone de Reglementation de l' Organisation de Peche de l' Atlantique du Nord-Ouest - OPANO. (2)		
11. SKIPPER (Name, full address, country) CAPITAINE (Nom, adresse complete, pays)	At/A..... on le (Signature)	

- (1) This landing Declaration has to be presented to the competent authorities upon landing Cette Declaration
Debarquement doit etre presentee aux autorites competentes lors du debarquement
- (2) Delete as appropriate
Biffer la mention inutile
- (3) - Fresh/Frozen (Harmonized System 0302-0303) Frais/Corgele (Systeme harmonize 0302-0303)
- Fillets/Filets - Meat/Chair - Salted/Sale

**Annex 8. Revised Draft Recommendation to the General
Council, by the EEC Delegation**

**13th Annual NAFO Meeting
9-13 September 1991**

**THE STANDING COMMITTEE ON FISHING ACTIVITIES OF NON-CONTRACTING
PARTIES IN THE NAFO REGULATORY AREA – STACFAC**

- ◇ Recalling the Resolution on non-NAFO Fishing activities adopted by the General Council at the 12th Annual Meeting of the Northwest Atlantic Fisheries Organization, resolving i.a. that
 - ◇ in full respect of the international obligations of Contracting Parties, further measures should be developed for consideration by the General Council at its 1991 annual meeting;
- ◇ Recalling the Terms of Reference for the Standing Committee, established by the General Council, resolving i.a. that the Committee will
 - ◇ obtain and compile all available information on the fishing activities of non-Contracting Parties in the Regulatory Area, including details on the type, flag and name of vessels and reported or estimated catches by species and area;
 - ◇ obtain and compile all available information on landings, and transshipments of fish caught in the Regulatory Area by non-Contracting Parties, including details on the name and flag of the vessels; the quantities by species landed, transshipped; and the countries and ports through which the product was shipped;
 - ◇ examine and assess all such options open to NAFO Contracting Parties including measures to control imports of fish caught by non-Contracting Party vessels in the Regulatory Area;
 - ◇ recommend to the General Council measures to resolve the problem,
- ◇ Recalling that according to Article 119.2 of the United Nations Convention on the Law of the Sea available catch and fishing effort statistics, and other data relevant to the conservation of fish stocks shall be contributed and exchanged on a regular basis through competent international organizations, whether subregional, regional or global, where appropriate and with participation of all States concerned;
- ◇ Considering that the Northwest Atlantic Fisheries Organization is the competent regional fisheries organization for the conservation and rational management of fish resources in the NAFO Regulatory Area,
- ◇ Recalling the GATT principles of non-discrimination, transparency and proportionality,

herewith, therefore, recommends to the General Council at its 13th Annual Meeting to give further consideration to methods of improving the provision of information on catches and landings of certain groundfish species by non-Contracting Parties in the NAFO Regulatory Area.

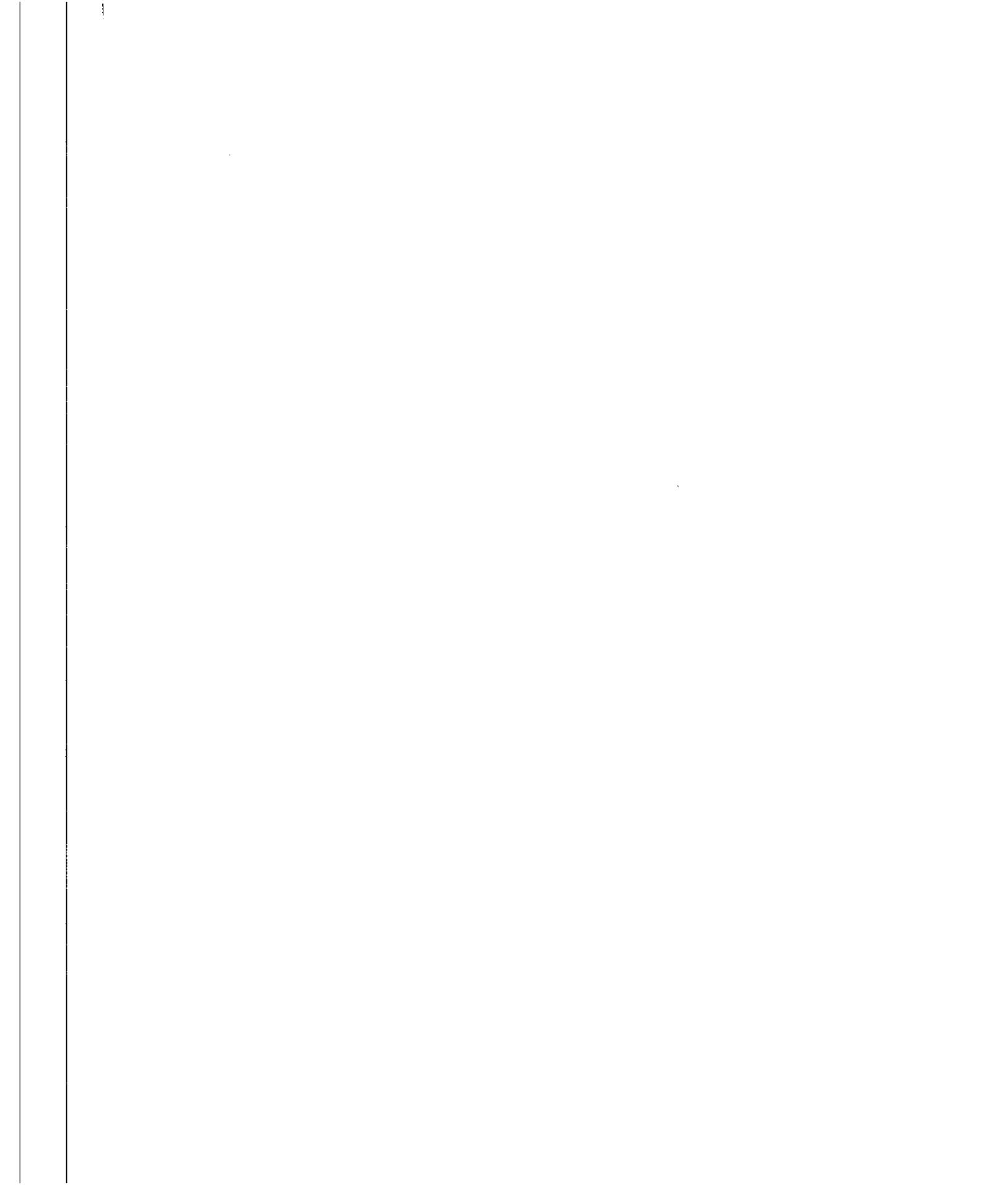
In so doing, the Council is also called upon to note the serious difficulties surrounding the adoption and the implementation of part of the measures and under consideration, as evidenced during the sessions of the STACFAC Working Group, taking into account in particular the international obligations which bind the Contracting Parties.

In the light of the successive diplomatic initiatives undertaken individually and jointly by NAFO Contracting Parties and the positive if partial results obtained therefrom, the Council will no doubt wish to assess whether further measures should be contemplated at this juncture.

PART IV

(pages 103-115)

**Report of the STACTIC Working Group
on Improvements to Inspection and Control
in the NAFO Regulatory Area, 3-5 July 1991**



Report of the STACTIC Working Group on Improvements to Inspection and Control in the NAFO Regulatory Area

Dartmouth, Nova Scotia, Canada, 3-5 July 1991

1. Opening Remarks

The Executive Secretary welcomed all delegates (Annex 1) to Dartmouth and hoped that we would have a fruitful meeting. He called for nominations for Chairman.

2. Appointment of Chairman/Rapporteur

P. Ogden (EEC) was appointed Chairman and R. Prier (Canada) was appointed Rapporteur.

3. Adoption of Agenda

The agenda was accepted as presented. (Annex 2)

4. Evaluation of Operation and Assessment of Effectiveness of the Hail System

The Chairman referred to Attachment 2 to GF/91-185, dated 29 April 1991 and requested comments from the delegations on the attachment and the effectiveness of the hail system. The Executive Secretary spoke on his Attachment 2 and requested confirmation of its acceptance. The delegate from Denmark (in respect of Faroe Islands) made a statement recommending the Contracting Parties support each other with the correct address for the hail report. The list of the addresses for this purpose was distributed by the NAFO Secretariat at the end of the meeting. Since hail reports have only been received from Japan, Denmark (in respect of Faroe Islands) and Cuba to-date on a voluntary basis prior to the hail system's tentative official acceptance on 27 July 1991, delegates were unable to comment on the ultimate effectiveness of the system. Most delegates raised concerns regarding the necessity to clarify how hails are to be addressed. The Canadian delegate requested clarification on the costs outlined in the Executive Secretary's Attachment 2 to the agenda. The Executive Secretary indicated these costs were based on the Canadian proposal which recommended all Contracting Parties forward hail reports to the Executive Secretary for retransmission to Contracting Parties with an inspection presence in the Area. The Chairman indicated that this was not the system agreed to in the October meeting in Brussels. It was recommended by the EEC that the costs outlined by the Executive Secretary should be discussed under item 7 and not this item. The Canadian delegate raised the concern that a system should be developed which will confirm Contracting Parties with an inspection presence in the Regulatory Area are in receipt of all hail reports. It was agreed after discussion that this could be accomplished by sequential numbering of all hail reports sent to each Contracting Party. With regard to how hail reports should be handled the following recommendation was accepted by the delegates:

Contracting Parties will ensure all hail reports transmitted by them will be sequentially numbered. The Contracting Parties will forward, within twenty-four (24) hours of receipt of these reports, whenever possible, the hail reports to Contracting Parties with an inspection presence in the Area and at the same time transmit the hail report to the Executive Secretary. The Executive Secretary will verify that all hail reports have been received by checking sequential numbering and verify any discrepancies with the Contracting Party concerned. The hail reports are to be treated in a confidential manner.

The delegates agreed on the EEC recommendation that to reduce the possibility of errors in reception of hail reports item one of the format for hail reports proposed by the Executive Secretary be amended to be ENTRY/MOVEMENT/EXIT (Annex 3).

In this context the Japanese delegation suggested its desirability of further discussion in future for the clarification of the hail system formats as Japanese fishing vessels have been reporting on a voluntarily basis from April in their own format that was circulated at the meeting (Annex 4). Any such clarification should include the interpretation of the position for each Entry, Departure, Movement reported under item 5 of the format.

5. Consideration of Aerial Surveillance as a Tool to Ensure Compliance with the Hail System

The Chairman suggested items 5 and 6 be addressed together. The EEC felt delegates be offered the opportunity to express their opinions on the principles associated with the use of aerial surveillance and therefore would recommend item 5 be addressed separately. This approach was accepted. Canada was requested to outline how they perceive aerial surveillance to be used in the Regulatory Area. They stated that aerial surveillance allows for more effective and efficient deployment of their entire resources assigned to conservation within the Regulatory Area. It also provides a capability to detect air detectable apparent infringements of vessels fishing in areas where they are not authorized. Air surveillance in principle allows a Contracting Party to build a more complete picture of activity in the Regulatory Area. The EEC agreed that aircraft could be an effective tool in these cases but stated aerial surveillance must be accepted into the Scheme in a structured way. The details of this structure is left to discussions within the Conservation and Enforcement Measures.

6. Review of Conservation and Enforcement Measures

Discussions concentrated around STACTIC Working Paper 91/4 – Comparative Working Draft of Canadian, EEC and Executive Secretary Proposals to Modify the NAFO Conservation and Enforcement Measures.

The decisions on the proposed amendments are outlined in Working Paper 91/4 (Revised) in the column headed "decisions by the STACTIC Working Group". The Working Paper will be presented to the Working Group at the next meeting.

The Chairman ruled on a point of procedure regarding the decisions within the Working Group as follows: agreement on issues should be reached by consensus, wherever possible; a vote could be taken at the request of a delegation where no progress is being made; returning to amendments already covered would not be recommended; opposing views could be reflected in the report. These were agreed on by all delegations present. Specifically, Canada agreed with the Chairman that it would be preferable to proceed on a basis of consensus. However, it is useful to voice the opinions on the amendments which Canada feels are substantive namely: page 5, 2a(iii) and page 9-10, 3(a) of STACTIC Working Paper 91/4.

After a lengthy discussion and various opinions expressed by delegates the Chairman proposed after he had discussed with all heads of delegations, that the Working Group concentrate on short-term issues such as hail reports and aerial surveillance amendments. Amendments which are considered to be appropriate to long-term measures, in particular the comprehensive review of the Conservation and Enforcement Measures be put off to later in the meeting or perhaps another meeting of the Working Group. The two Canadian substantive amendments be placed in square brackets for further discussion within this Working Group.

The final agreement was reached to defer the discussions on long-term issues to a further meeting with the understanding that the Working Group would proceed with a thorough discussion of Working Paper 91/4. The EEC referenced FC Doc. 91/1, page 5 which stated the short-term issues

referred basically to editorial amendments rather than substantive amendments. In view of time constraints, the Chairman recommended to proceed with the amendments to accommodate the hail reports and aerial surveillance.

The USSR presented a statement contained in STACTIC W.G. Working Paper 91/8 (Annex 5) with reference to their objection to the hail system and the marking of fishing vessels and gear. The Japanese delegate presented an amendment to paragraph 2 of page 15 in reference to the hail system as follows:

Within twenty-four (24) hours of receipt of these reports, whenever possible, competent authorities of each Contracting Party shall transmit the information contained therein to the NAFO Executive Secretary. The NAFO Executive Secretary shall transmit the information to other Contracting Parties with an inspection presence in the Regulatory Area as soon as possible.

The EEC stated there may be procedural problems in accepting this amendment to the hail system since the hail system proposed is still not binding on Contracting Parties. The Executive Secretary stated this will not be a problem because the amendment to the hail system will be put before the Fisheries Commission for approval at the annual meeting. The hail system becomes binding on all Contracting Parties, except those who have lodged an objection, tentatively 27 July 1991. Therefore, the proposed Japanese amendment would go through the normal procedures for approval and objection after approval by the Fisheries Commission at the annual meeting in September.

The Chairman opened discussion on Part IV Scheme of Joint International Inspection. The delegates agreed to work from the EEC draft Working Paper 91/5 and this Working Paper has been incorporated into Working Paper 91/4. As indicated earlier in this report the decisions on the proposed amendments are contained in the revised Working Paper 91/4. The amendments which have not been resolved within Working Paper 91/4 are starred (*).

Reference to Part IV paragraph 14 the EEC requested the Executive Secretary give thought to the accommodation of air surveillance in the annual report on the disposition of apparent infringements. It was decided that where a normal inspection is carried out at sea and a discrepancy is noted with regard to the hail system that before treating it as an apparent infringement and reporting in the normal way the inspectors must take into consideration all factors surrounding the incident.

The USSR for the record stated that they have lodged an objection to the hail system and would like to reserve the opportunity to make comments on Part IV at a later date because of references within Part IV to the hail system. Canada also would like to reserve the opportunity to make a statement on the hail system.

Decisions on amendments to Annexes are contained in Working Paper 91/4.

In reference to the Japanese amendment to paragraph 2 of the hail system Canada asked the Executive Secretary if the Secretariat will be able to handle the volume of messages in a timely manner. The Executive Secretary replied he envisaged no problem from the Secretariat once messages were received by the Secretariat. A decision on how to handle weekends and holidays will have to be addressed.

The EEC asked the delegates if implementation of the hail system can be delayed until the amendment proposed by the Japanese becomes binding. They are presently in process of passing legislation and making technical arrangements to handle messages. As a result of the amendment this would require legislation and technical changes within 6 months which are time consuming and

costly. The Executive Secretary stated in accordance with the Convention the hail system will become binding tentatively on 27 July 1991 and at that time enforceable.

The Executive Secretary presented his proposal for new formats of the Conservation and Enforcement Measures (STACTIC W.G. Working Paper 91/1) sent to Contracting Parties on 19 April 1991 (GF/91-175). One format shall be an official document for NAFO bodies consisting of official text. Second format shall be produced for the purpose of Inspectors manual for all inspection vessels in the Regulatory Area consisting of some additional items to the official text (quota tables, list of inspectors and inspection vessels, resolutions for regulations and enforcement in the Regulatory Area, etc.). The Working Group agreed to consider and recommend this issue to the Fisheries Commission at the Annual Meeting.

7. Consideration of the Time Frame of Implementation of the "Short-Term" Measures and of the Associated Costs for the NAFO Secretariat

STACTIC Working Paper 91/4 was revised and reviewed in accordance with approved amendments. The Executive Secretary is to prepare a cost for implementation of the hail system taking into consideration the Japanese amendment. The Executive Secretary is to report back to the Working Group at the annual meeting on his findings and be prepared to address any increased costs at the annual meeting of STACFAD.

8. Discussion on the Feasibility of the Implementation of the "Long-Term" Measures and its Legal, Practical and Financial Issues

Due to time constraints it was agreed to defer this item to a future meeting.

9. Elaboration of the Report to the Fisheries Commission on the Progress Made as the Result of the Two Meetings of the Working Group (Concrete Proposals, Recommendations)

The framework from which the Executive Secretary will prepare a draft text for consideration by the Working Group for presentation to the Fisheries Commission at the next annual meeting is outlined in Working Paper 91/14 (Revised) (Annex 6).

10. Time and Place of Next Meeting

The next meeting of this Working Group will be during the annual meeting in September 1991.

11. Other Matters

Delegates should give some consideration on how this Working Group will conduct the business of substantive issues. The Executive Secretary is to prepare guidelines on the conduct of the Working Group, ie, voting, etc.

12. Adjournment

The Chairman adjourned the meeting at 1615 hours.

Annex 1. List of Participants

STACTIC Working Group on Improvements to Inspection and Control in the NAFO Regulatory Area

Dartmouth, Nova Scotia, Canada, 3-5 July 1991

CANADA

Head of Delegation: R. J. Allain
Dept. of Fisheries and Oceans
200 Kent Street (1418)
Ottawa, Ontario K1A 0E6

- D. Chouinard, Department of External Affairs, Office of the Ambassador for Fisheries Conservation, 125 Sussex Drive,
Ottawa, Ontario K1A 0G2
- E. Mundell, International Directorate, Dept. of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario K1A 0E6
- R. J. Prier, Conservation and Protection Branch, Dept. of Fisheries and Oceans, P. O. Box 550, Halifax, Nova Scotia B3J
2S7
- L. A. Strowbridge, Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
- G. R. Traverse, Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1

DENMARK (in respect of the Faroe Islands)

Head of Delegation: K. P. Mortensen
Faroese Home Government
Maritime Administration
P. O. Box 87, Tinganes
110 Torshavn
Faroe Islands

EUROPEAN ECONOMIC COMMUNITY (EEC)

Head of Delegation: M. Newman
Commission of the European Communities
99 Rue Joseph II
1049 Brussels
Belgium

- N. P. F. Bollen, Ministry of Agriculture, Nature Management and Fisheries, Fisheries Dept., 73 Bezuidenhoutse- weg, P.
O. Box 20401, 2500 EK The Hague, Netherlands
- E. P. Brito, Director Geral das Pescas, Av. Brasilia, 1400 Lisboa, Portugal
- J. Carbery, Council of the European Communities, 170 Rue de la Loi, 1048 Brussels, Belgium
- G. T. Conrad, Regierungsdirektor, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Rochusstr. 1, 53 Bonn
1, Germany
- L. Teixeira da Costa, EEC Council of Ministers, 170 Rue de la Loi, 1048 Brussels, Belgium
- D. J. Dunkley, Commission of the European Communities, 99 Rue Joseph II, 7/24, 1049 Brussels, Belgium
- S. G. Ellson, Ministry of Agriculture, Fisheries & Food, Room 502, Nobel House, 17 Smith Square, London SW1P 2JR,
United Kingdom
- G. F. Kingston, Delegation of the Commission of the European Communities, 1110-350 Sparks Street, Ottawa, Ontario,
Canada K1R 7S8
- C. Marti, Secretaria General de Pesca Maritima, c/Ortega y Gasset, 57, Madrid, Spain
- P. J. Ogdén, Ministry of Agriculture, Fisheries & Food, Room 426, Nobel House, 17 Smith Square, London SW1P 2JR, United
Kingdom

A. Inocêncio-Pereira, Embassy of Portugal, 645 Island Park Drive, Ottawa, Ontario, Canada K1Y 0B8

J. Rodriguez, Secretaria General de Pesca Maritima, c/Ortega y Gasset, 57, Madrid, Spain

A. F. M. Teixeira, Inspeccão Geral das Pescas, Av. Brasilia, 1400 Lisboa, Portugal

A. H. Thomson, Commission of the European Communities, Directorate-General for External Relations, Div. I-A-2, Berl
3/78, 200 Rue de la Loi, 1049 Brussels, Belgium

JAPAN

Head of Delegation: T. Mori
Fisheries Agency
Government of Japan
1-2-1 Kasumigaseki
Chiyoda-ku, Tokyo

T. Hasegawa, Japan Fisheries Association, Suite 1101, Duke Tower, 5251 Duke St., Halifax, Nova Scotia, Canada B3J
1P6

H. Inoue, Marine Products Div., Nippon Suisan Kaisha, Ltd., Nippon Bldg., 6-2 Otemachi 2-Chome, Chiyoda-ku, Tokyo
100

M. Yoshida, Japan Deep Sea Trawlers Association, Yasuda Bldg., No. 601, 3-5 Kanda, Ogawa-cho, Chiyoda-ku, Tokyo

NORWAY

Head of Delegation: E. Ellingsen
Directorate of Fisheries
P. O. Box 185
5002 Bergen

UNION OF SOVIET SOCIALIST REPUBLICS (USSR)

Head of Delegation: V. Fedorenko
Welsford Place, Suite 2202-3
2074 Robie Street
Halifax, Nova Scotia
Canada B3K 5L3

A. Mikhailov, Welsford Place, Suite 2202-3, 2074 Robie St., Halifax, Nova Scotia, Canada B3K 5L3,

NAFO SECRETARIAT

L. I. Chepel, Executive Secretary
T. Amaratunga, Assistant Executive Secretary
B. Cruikshank, Senior Secretary

Annex 2. Agenda

STACTIC Working Group on Improvements to Inspection and Control in the NAFO Regulatory Area

Dartmouth, Nova Scotia, Canada, 3-5 July 1991

1. Appointment of Chairman
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Evaluation of operation and assessment of effectiveness of the hail system
5. Consideration of aerial surveillance as a tool to ensure compliance with the hail system
6. Review of the Conservation and Enforcement Measures
7. Consideration of the time frame of implementation of the "short-term" measures and of the associated costs for the NAFO Secretariat
8. Discussion on the feasibility of the implementation of the long-term measures and its legal, practical and financial issues
9. Elaboration of the report to the Fisheries Commission on the progress made as the result of the two meetings of the Working Group (concrete proposals, recommendations)
10. Time and Place of Next Meeting
11. Other Matters
12. Adjournment

Annex 3. Format for the Hail Reports

STACTIC Working Group on Improvements to Inspection and
Control in the NAFO Regulatory Area, Format for the Hail Reports

Dartmouth, Nova Scotia, Canada, 3-5 July 1991

1. HSR*/Entry, or Movement, or Exit
2. Nationality (Contracting Party)
3. Name of the vessel/side number/call sign
4. Date/time
5. Position (coordinates)
6. Division to be fished

*HSR - hail system report:

- Entry report (shall be made at least six (6) hours in advance of the vessel's entry)
 - Exit report
 - Movement report
- } shall be made prior to the vessel's exit from Regulatory Area or
entry into a Regulatory Area division

Annex 4. Format for Hail Reports Used by the Japanese Vessels

STACTIC Working Group on Improvements to Inspection and Control in the NAFO Regulatory Area

Dartmouth, Nova Scotia, Canada, 3-5 July 1991

1. Vessel Name	2. Registration Number	3. Call Sign	4. Nationality
Hokko-Maru No. 137	HK 1-935	7LIR	JAPAN
5. Geographical Position	6. Date of Entry/Exit (into/from Regulatory Area)	7. Time of Entry/Exit (into/from Regulatory Area (UTC))	8. Division to be fished (last division fished)
LAT.: 48-08N LONG.: 47-30W	16TH JUNE	02:00 UTC	3L

*NOTE: For each Entry/Movement/Exit separate sheets are used.

9. Date of Transmission: 13th June

10. Time of Transmission (UTC): 18:15 UTC

Annex 5. STACTIC Working Group on Improvements to Inspection and Control in the NAFO Regulatory Area, by the USSR Delegation

Dartmouth, Nova Scotia, Canada, 3-5 July 1991

As it is known the USSR had always been and is strictly adhered to conservation and rational management of fish resources in the NAFO Regulatory Area as well as to cooperation with all Contracting Parties in pursuing such conservation/management policy.

The Soviet Side adopted Guidelines for the Coordination and Optimization of Inspection and Control in the Regulatory Area (item 4.1, FC Doc. 91/1).

With regard to proposals contained in items 4.2 (Hail System) and 4.3 (Marking of Fishing Vessels and Gear) it has to be said that the USSR in principal is in favour of proposed measures for international control and enforcement in the Regulatory Area.

Having in mind however the necessity of assessing the effectiveness of the hail system and associated costs for the NAFO Secretariat the USSR was of the opinion that it would be premature to vote for item 4.2. As far as item 4.3 is concerned its content still requires additional clarification and implementation is directly connected with the time factor due to the size of USSR fishing fleet.

Because of the above and in accordance with Article XII.I of the Convention the USSR presented to the Executive Secretary its objections to proposals contained in items 4.2 and 4.3 of FC Doc. 91/1 and made reservation that these questions were to be considered again and adopted at the Annual Meeting in September 1991.

Annex 6. Draft Report for the Fisheries Commission

STACTIC Working Group on Improvements to Inspection and Control in the NAFO Regulatory Area

Dartmouth, Nova Scotia, Canada, 3-5 July 1991

The STACTIC Working Group on Improvements to Inspection and Control in the NAFO Regulatory Area at its meeting in Dartmouth from 3-5 July 1991 agreed to recommend to the Fisheries Commission certain amendments and revisions of Parts I, II, III and IV of the NAFO Conservation and Enforcement Measures as outlined in Document No. — attached hereto.

The Group examined suggestions made by the delegations of Denmark (in respect of Faroe Islands) and Japan as contained in STACTIC W.G. Working Papers 91/2 and 91/3, and agreed to recommend their adoption to the Fisheries Commission. The Working Group also recommends that the Fisheries Commission request advice from the Scientific Council as outlined in STACTIC W.G. Working Paper 91/6.

A number of other proposals to amend Parts I and II of the NAFO Conservation and Enforcement Measures require further discussion. The Working Group recommends to the Fisheries Commission that it be directed to meet during the course of the Annual Meeting in September 1991 to pursue its work on these proposals and to consider other possible amendments to the hail system.

The Executive Secretary was requested by the Working Group to examine and report to the Working Group on the cost of implementing the proposed amendments to the hail system. The Executive Secretary's report is to be provided thereafter to STACFAD.

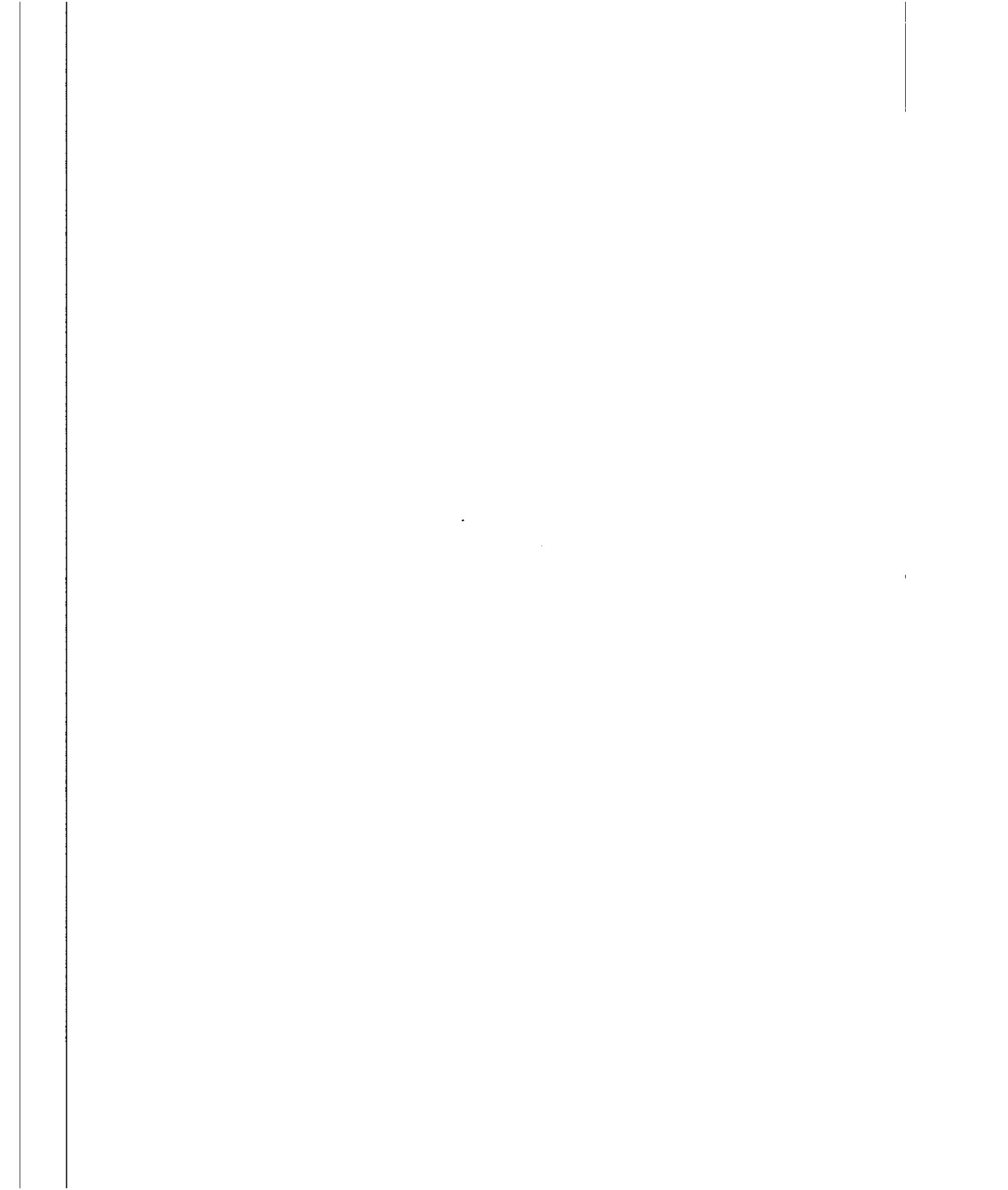
Time did not permit discussion of the long-term measures as contained in FC Doc. 90/9. The Working Group recommends to the Fisheries Commission that it be directed to begin examination of these measures.

PART V

(pages 117 to 192)

General Council Meeting, 13th Annual Meeting, 9-13 September 1991

- PART I. Report of the General Council – pages 119-148.
- PART II. Report of the Standing Committee on Finance and Administration (STACFAD) – pages 149-169.
- PART III. Report of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC) – pages 170-192.



General Council Meeting 13th Annual Meeting, 9–13 September 1991

PART I. Report of the General Council

Tuesday, 10 September (1020-1140 hours)

Friday, 13 September (1100-1500 hours)

1. Opening of the Meeting (items 1 to 5 of the Agenda)

- 1.1 The meeting was opened by the Chairman of the General Council, K. Hoydal (Denmark in respect of the Faroe Islands and Greenland) at 1020 hours on 10 September 1991.
- 1.2 The members of the General Council present were: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), European Economic Community (EEC), Japan, Norway, Poland, and the Union of Soviet Socialist Republics (USSR) (Annex 1).

The following Contracting Parties were absent: Bulgaria, Iceland, and Romania.

- 1.3 In the opening address (Annex 2) the Chairman expressed his optimism on a very significant increase in the degree of consensus on a number of issues and the scope of serious international cooperation. However, as the Chairman mentioned, NAFO still is facing very difficult problems, and important decisions have to be taken to stabilize the situation in the management of the stocks for which NAFO is responsible.
- 1.4 The Chairman opened the floor for the representatives of Contracting Parties wishing to make opening addresses before proceeding with the Agenda.

The representative of Canada indicated that the Canadian Delegation would like to make a statement under item 13 of the Agenda "Fishing activities in the Regulatory Area adverse to the objectives of the Convention (Article XIX of the Convention)" (Annex 3).
- 1.5 The meeting **accepted** the proposal by the Chairman to designate the Executive Secretary as Rapporteur of the meeting.
- 1.6 The Agenda was **adopted** as presented to the Meeting (Annex 4).
- 1.7 Under item 4 "Admission of Observers", the Chairman welcomed the USA observers who were present.
- 1.8 The General Council considered an application from Greenpeace International for an observer status at its meetings and **decided not to grant** such requested status, and to treat this request as those previously. The Executive Secretary should convey this decision to Greenpeace International along the same line as last year.
- 1.9 It was **decided** to deal with publicity in the traditional manner by preparing the press statement that describes the results of the meeting.

2. Supervision and Coordination of the Organizational, Administrative and Other Internal Affairs (items 6 to 11 of the Agenda)

- 2.1 The proceedings of the 12th Annual Meeting, September 1990 (GC Doc. 90/10, Revised) were **adopted as circulated** without any changes or amendments.

- 2.2 The Rules of Procedure of the General Council which include the Rules of Procedure for the new Standing Committee "STACFAC" were **adopted** as presented to the meeting in GC Working Paper 91/2 (Annex 5).
- 2.3 The clarification of the Rules of Procedure regarding the "seconding" of all motions presented to the meeting in the GC Working Paper 91/1 was discussed by the Contracting Parties during two plenary sessions.

At the second plenary Meeting on 13 September, after sufficient deliberations, all Contracting Parties agreed not to include formally the provision of "seconding" as mandatory requirement in the Rules of Procedure or in the Convention. However, the Executive Secretary was instructed to include such item in the Agenda of the next Annual Meeting and research further for additional explanations.

- 2.4 Items 8, 9 and 10 of the Agenda were delegated by the meeting to STACFAD for consideration and further report to the General Council.
- 2.5 At the second plenary meeting the Chairman of STACFAD, H. Koster (EEC), presented a final report (see Part II) on items 8 to 10 as follows:

STACFAD noted (item 8) that the former member of the General Council and the Fisheries Commission, German Democratic Republic (GDR), has ceased to be a Contracting Party to the Convention, as a result of the accession of the (ex) GDR to the Federal Republic of Germany, and the EEC has succeeded to the rights and obligations of the former German Democratic Republic under the Convention and within NAFO (the appropriate documents in GF/90-370 and GF/91-170 were presented to the Meeting).

One Contracting Party, Romania, is on the record of contributions to NAFO as "in arrears" (Financial Regulations, Rule 4.7) for more than 2 years, and in accordance with Article XVI.9 of the Convention this Contracting Party "shall not enjoy any right of casting votes and presenting objections under the Convention" at the present time.

The total number of members of the General Council is 11, and the total number of members of the Fisheries Commission is 9.

The NAFO Secretariat (item 9) continue to seek a solution for accommodation of Headquarters with appropriate Canadian officials. The results of any decision will be forwarded to STACFAD. The Executive Secretary shall provide STACFAD with actual costs and other related expenses for holding meetings outside of NAFO for estimation of most cost-effective option.

STACFAD **approved** the Administrative Report (item 10) for 1991 and noted preliminary statistics were used for calculations of billing to the Contracting Parties. STACFAD **recommends** that appropriate actions be taken to ensure the timely reports of catch statistics from Contracting Parties be presented to the NAFO Secretariat for these purposes.

- 2.6 The Chairman explained that item 11 – Election of Officers, Chairmen and Vice-Chairmen – should be **postponed** as usual to the end of the Meeting to give delegations the chance to discuss this issue among themselves. At the conclusion of the Meeting on 13 September, there were elections of a new Chairman and a Vice-Chairman. In accordance with the provisions of Article IV.2 of the Convention the Representative of Japan, K. Yonezawa, was

electd as the Chairman of the General Council, the President of the Organization, to serve for a term of two (2) years (1992-1993), and the Representative of Norway, **P. Gullestad**, was elected as the Vice-Chairman. This motion was moved by Canada and supported by the EEC and all delegations present.

3. Coordination of the External Relations (item 12 of the Agenda)

- 3.1 The Chairman stated that the issue of large-scale pelagic driftnet fishing was a subject of discussion at the last 12th Annual Meeting and asked the Executive Secretary to explain the status of the pending question to the meeting.
- 3.2 The Executive Secretary presented information of his communication to Under-Secretary of UN and Contracting Parties, which was **approved** by the meeting (Annex 6).
- 3.3 The Chairman summarized the positions of Contracting Parties that the Executive Secretary shall write to the UN informing of an endorsement by NAFO of the United Nations Resolution 45/197 (Annex 7) on large-scale pelagic driftnet fishing and asking, as the USSR Representative suggested, for clarification on the definition of "large-scale pelagic driftnet fishery".

4. Fishing Activities in the Regulatory Area Adverse to the Objectives of the Convention (Article XIX of the Convention) (items 13 to 15 of the Agenda)

- 4.1 The Chairman of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC), C. Southgate (EEC) presented during the first plenary session on 10 September, a draft report on two meetings of the Committee in 1991 (January, June) and stated that the Committee achieved some positive results. The Committee had considered the following three basic points:

The dispatches of diplomatic demarches from NAFO to the flag states of non-Contracting Parties fishing in the Regulatory Area;

Short-term measures for an introduction of a Certificate of Harvest Origin and/or a Landing Declaration; and,

Long-term trade measures to compel the non-Contracting Parties to cease their activities in the Regulatory Area.

The most important task now for the Committee is to elaborate the appropriate documents.

- 4.2 The reports of STACFAC (NAFO GC Doc. 91/1 and GC Doc. 91/2) were **adopted** by the General Council.
- 4.3 The representative of Canada presented a brief statement (Annex 3) on behalf of the Canadian delegation. He especially emphasized that fishing by non-Contracting Parties in the Regulatory Area is one of the many vital, urgent questions of NAFO. The establishment of a Standing Committee on non-Contracting Parties activity indicates that NAFO is a likely organization to deal with this problem.
- 4.4 Agenda items 14 and 15 were **postponed** for further presentation at the General Council of the STACFAC deliberations during this Annual Meeting.

- 4.5 The Chairman of STACFAC presented the final report (see Part III) on September 13 noting that activity by non-Contracting Parties in the Regulatory Area continues on a large scale, accounting for up to one-third of all catches in the Regulatory Area. The Committee proposed to continue its work as follows:

To assess the final results of the Aide-Memoires (for joint diplomatic demarches) dispatches to the non-Contracting Parties;

To determine the destination of fish products of non-Contracting Parties from the Regulatory Area; and,

To develop and approve a landing declaration system to collect data on landings of catches by non-Contracting Parties sighted fishing in the Regulatory Area.

- 4.6 The Committee presented GC Doc. 91/6 for approval and adoption by the General Council. The USSR representative with concurrence of the EEC and Canadian representatives proposed that the phrase in paragraph 4 of this document "...as soon as possible..." **be changed** to "Contracting Parties provide the NAFO Executive Secretary on annual basis as of first January 1992 statistics available to them on their imports...". This was clarified by the Canadian representative and the Chairman that the first reports be presented on the first of January 1992. The representative of Japan proposed to remove in paragraph 6 the phrase "pursuant to the relevant provisions of UNCLOS..." which was **accepted** by the General Council (Annex 8).
- 4.7 The General Council **adopted** with those changes the report of STACFAC and **approved** the recommendation of the Committee to hold the next meeting sometime during the first three months of the next year. The specific time will be negotiated later among the Contracting Parties.

5. Finance (items 16 to 20 of the Agenda)

- 5.1 Items 16-20 of the Agenda were forwarded to STACFAD for discussions in the Committee and presentation of recommendations to the General Council on Friday, 13 September 1991.
- 5.2 The Chairman of STACFAD, H. Koster (EEC) presented on 13 September the results of STACFAD meetings and report (see Part II), which **was adopted** unanimously by the General Council as presented on the provision that this budget does not contain the cost of financial implications of implementation of new measures for inspection and enforcement in the Regulatory Area. Such costs could be in the range of \$65,000-\$70,000 preliminary estimates and subject for further estimations through a consultant (s) and presentation to the Contracting Parties.
- 5.3 The delegate of Canada, **D. Gill**, was re-elected by STACFAD as the Chairperson of STACFAD for a second term (1992-93) and **H. Koster (EEC)** was elected as the Vice-Chairperson.

6. Closing of the Meeting (items 21 to 24 of the Agenda)

- 6.1 During the first plenary session of the General Council on 10 September the Agenda items 21 to 26 were **postponed** for discussion on 13 September.

- 6.2 The General Council agreed to hold the next meeting at Dartmouth, Nova Scotia (Canada) during the dates approved in the STACFAD Report.
- 6.3 The representative of Canada presented (under Agenda item 22) for consideration of Contracting Parties a draft Resolution "To Establish a new Scheme of Effective Joint International Enforcement" which called for a special NAFO meeting to be held before the end of June 1992.
- 6.4 The Chairman specified that delegations first should decide on the possibility of the proposed intersessional meeting before discussing the Canadian proposal in detail. The floor was opened for opinions.
- 6.5 The representatives of Contracting Parties (EEC, Denmark, USSR, Norway, Japan, Poland, Cuba) expressed their understanding of the Canadian concern for efficiency of the joint international inspection and control in the Regulatory Area as this is one of the major goals for all Contracting Parties.

The delegations concurred with the EEC views that NAFO should work further along the lines of existing and new rules in the Committees – STACTIC, STACFAD to implement what was already decided and to analyze the existing measures for their efficiency, operational problems, practicality and costs. The majority of delegations present expressed opinions that for the special meeting proposed by Canada a consensus of Contracting Parties would be the most appropriate way to achieve positive goals.

- 6.6 The Canadian representative agreed with views of delegations that more time was needed to consider this issue and noted that Canada will conduct bilateral discussions with the Contracting Parties to discuss its ideas for the special meeting and related problems. After these discussions, when the time is right and a positive attitude is there, Canada will ask for a special meeting.
- 6.7 The Chairman summarized the position of the representatives of Contracting Parties present that the General Council agreed with this approach.
- 6.8 The representative of Denmark (in respect of the Faroe Islands and Greenland) announced that he, as the Chairman of STACTIC, in view of discussions at the General Council and Fisheries Commission, proposed to arrange a STACTIC intersessional meeting in February 1992 and to invite this meeting to be held in Copenhagen, Denmark. This was agreed.
- 6.9 Under Agenda item 23 the Chairman presented a draft Press Statement reflecting the discussions and decisions made during the 13th Annual Meeting. This was approved by the meeting (see Annex 9).
- 6.10 The Chairman closed the 13th Annual Meeting of the General Council at 1500 hours on 13 September 1991.

Annex 1. List of Participants

13th Annual Meeting
Dartmouth, Nova Scotia, Canada, 9-13 September 1991

CANADA

Head of Delegation: B. Rawson, Deputy Minister
 Dept. of Fisheries and Oceans
 200 Kent Street
 Ottawa, Ontario K1A 0E6

Representatives

- B. Rawson (see address above)
 R. Cashin, Fishermen Food and Allied Workers, P. O. Box 10, St. John's, Newfoundland A1C 5H5

Alternate

- V. Rabinovitch, Assistant Deputy Minister, International Relations, Dept. of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario K1A 0E6

Advisers

- R. J. Allain, Director, Atlantic Operations Br., Dept. of Fisheries and Oceans, 200 Kent Street (1418), Ottawa, Ontario K1A 0E6
 C. J. Allen, Resource Allocation Br., Atlantic Fisheries, Dept. of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario K1A 0E6
 J. R. Angel, Regional Director, Fisheries and Habitat Management, Scotia Fundy, Dept. of Fisheries and Oceans, P. O. Box 550, Halifax, Nova Scotia B3J 2S7
 B. Applebaum, Director-General, Dept. of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario K1A 0E6
 B. E. Armstrong, Deputy Co-ordinator, Office of Ambassador for Fisheries Conservation, NEX/Dept. of External Affairs, 125 Sussex Dr., Ottawa, Ontario K1A 0G2
 D. B. Atkinson, Fisheries Research Br., Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
 J. S. Beckett, Director, Fisheries Research Branch, Dept. of Fisheries and Oceans, 200 Kent Street, 12th Floor, Ottawa, Ontario K1A 0E6
 N. Bellefontaine, Regional Director General, Scotia-Fundy Region, Dept. of Fisheries and Oceans, P. O. Box 550, Halifax, Nova Scotia B3J 2S7
 C. Bishop, Fisheries Research Br., Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5L1
 W. R. Bowering, Fishery Products International, 70 O'Leary Avenue, P. O. Box 550, St. John's, Newfoundland A1C 5L1
 W. B. Brodie, Fisheries Research Br., Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
 J. Carscadden, Fisheries Research Br., Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
 B. Chapman, President, Fisheries Association of Newfoundland and Labrador Ltd., P. O. Box 8900, St. John's, Newfoundland A1B 3R9
 H. Clarke, Executive Vice-President, Fishery Products Intl., 70 O'Leary Avenue, P. O. Box 550, St. John's, Newfoundland A1C 5L1
 L. J. Dean, Assistant Deputy Minister, Dept. of Fisheries, Gov't of Nfld-Labrador, P. O. Box 8700, St. John's, Newfoundland A1B 4J6
 D. Delcorde, International Fisheries Officer, Dept. of Fisheries and Oceans, 14-200 Kent Street, Ottawa, Ontario K1A 0E6
 A. Donohue, Dept. of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario K1A 0E6
 E. B. Dunne, Director General, Newfoundland Region, Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
 L. Forand, A/Director, Atlantic Div., International Directorate, Dept. of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario K1A 0E6

- A. R. A. Gherson, Ambassador for Fisheries Conservation, Dept. of External Affairs (NEX), 125 Sussex Drive, Ottawa, Ontario K1A 0G2
- J. B. Gough, Communications Br., Dept. of Fisheries and Oceans, P. O. Box 550, Halifax, Nova Scotia B3J 2S7
- J. E. Hache, Assistant Deputy Minister, Atlantic Fisheries, Dept. of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario K1A 0E6
- C. L. Jones, Senior Advisor, Foreign Fisheries, Dept. of Fisheries and Oceans, P. O. Box 550, Halifax, Nova Scotia B3J 2S7
- B. Knight, Assistant Secretary to Cabinet for Intergovernment Affairs, 5th Floor, Confederation Bldg., West Block, St. John's, Newfoundland
- A. A. Longard, Director, Marine Resources, N. S. Dept. of Fisheries, P. O. Box 2223, Halifax, Nova Scotia B3J 3C4
- J. A. Lugar, Executive Assistant, Seafood Producers Association of Nova Scotia, P. O. Box 991, Dartmouth, Nova Scotia B2Y 3Z6
- C. F. MacKinnon, Marine Advisor, Province of Nova Scotia, P. O. Box 2223, Halifax, Nova Scotia B3J 3C4
- S. B. MacPhee, Regional Science Dir., Scotia-Fundy Region, Dept. of Fisheries and Oceans, P. O. Box 1006, Dartmouth, N. S. B2Y 4A2
- P. McGuiness, Vice-President, Fisheries Council of Canada, 77 Metcalfe St., Suite 505, Ottawa, Ontario K1P 5L6
- B. Matthews, Opposition Fisheries Critic, Newfoundland and Labrador, 4 Sunset Crescent, Fortune, Newfoundland
- D. Miller, Fisheries Research Br., Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
- F. Mondo, New Brunswick Department of Fishery and Aquaculture, C.P. 488, Caraquet, New Brunswick E0B 1K0
- E. Mundell, International Directorate, Dept. of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario K1A 0E6
- W. M. Murphy, Mersey Seafoods Ltd., P. O. Box 1290, Liverpool, Nova Scotia B0T 1K0
- B. Nakashima, Fisheries Research Br., Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
- R. J. Prier, Director, Conservation and Protection, Dept. of Fisheries and Oceans, P. O. Box 550, Halifax, Nova Scotia B3J 2S7
- M. Rowe, Senior Policy Advisor, Office of the Minister of Fisheries, 200 Kent St., Ottawa, Ontario K1A 0E6
- M. Short, Director, Inshore Fishery, Fishermen Food and Allied Workers, Box 10, 2 Steer Cove, St. John's, Newfoundland
- R. Stirling, President, Seafood Producers Association of Nova Scotia, P. O. Box 991, Dartmouth, Nova Scotia B2Y 3Z6
- L. Strowbridge, Enforcement Coordinator (Offshore), Nfld. Region, Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
- G. Traverse, Director, Resource Management Div., Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
- D. Vardy, Deputy Minister of Fisheries, Government of Newfoundland, P. O. Box 8700, Confederation Bldg., St. John's, Newfoundland A1B 4J6
- G. C. Viscount, President, Canadian Saltfish Corporation, P. O. Box 9440, St. John's, Newfoundland A1A 2Y3
- D. E. Waldron, Marine Fish Division, Dept. of Fisheries and Oceans, P. O. Box 1006, Dartmouth, Nova Scotia B2Y 3Y9
- G. Winters, Fisheries Research Br., Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
- E. Wiseman, Fisheries Counsellor, Mission of Canada to the European Communities, 2 Avenue de Tervuren, 1040 Brussels, Belgium
- M. Yeadon, Executive V.P. Fleet Operations and Government Relations, National Sea Products, P. O. Box 2130, Halifax, Nova Scotia B3J 3B4

CUBA

Head of Delegation:

J. M. Benjamin
 Vice-Minister of Fisheries
 Ministerio de la Industria Pesquera
 Barlovento, Jaimanitas
 Municipio Playa
 Ciudad de la Havana

Representatives

- O. Muniz, Representative of the Cuban Fishing Fleet in Canada, c/o Pickford and Black Ltd., P. O. Box 1117, Halifax, Nova Scotia, Canada B3J 2X1

Advisers

R. Dominguez, Flota Cubana de Pesca, Ave. la Pesquera Esq. Mercado, Habana Vieja, Ciudad de la Habana

B. R. Garcia Moreno, International Organizations Specialist, Direccion de Relaciones Internacionales, Ministerio de la Industria Pesquera, Barlovento, Sta Fe, Playa, La Habana

DENMARK (in respect of Faroes and Greenland)

Head of Delegation: E. Lemche, Director
Groenlands Hjemmestyre
Pilestraede 52
Box 2151
1016 Copenhagen
Denmark

Representatives

E. Lemche (see address above)

H. Fischer, Ministry of Foreign Affairs, Asiatisk Plads 2, 1448 Kobenhaven, Denmark

Alternate

K. Hoydal, Director of Fisheries, Foroya Landsstyri, Box 64, 100 Torshavn, Faroe Islands

Advisers

H. Hovgaard, Greenland Fisheries Research Institute, Tagensvej 135, 2200, Kobenhaven N, Denmark

M. Olsen, Skaltavegur 30, 700, Klaksvik, Faroe Islands

J. Pedersen, Minister of Fisheries, Foroya Landsstyri, Box 64, 110 Torshavn, Faroe Islands

P. M. Pedersen, Greenland Seafishery Association, P. O. Box 310, 3900 Nuuk, Greenland

J. Solstein, Klaksvik, Faroe Islands

EUROPEAN ECONOMIC COMMUNITY (EEC)

Head of Delegation: A. Laurec
Director
Commission of the European Communities
Rue Joseph II 99
1049 Brussels
Belgium

Representative

A. Laurec (see address above)

Alternate

P. Hillenkamp, Acting Head of Unit, Commission of the European Communities, Rue Joseph II 99, 1049 Brussels, Belgium

Advisers

J. Lecomte, Ambassador, Delegation of the Commission of the European Communities, 350 Sparks St., Suite 1110, Ottawa, Ontario, Canada K1R 7S8

T. Abadia, Principal Administrator, Commission of European Communities, Rue de la Loi 200, 1049 Brussels, Belgium

- H. Koster, Administrator, Commission of the European Communities, Rue Joseph II 99, 1049 Brussels, Belgium
- M. Newman, Administrator Inspection and Control, Commission of the European Communities, Rue de la Loi 200, 1049 Brussels, Belgium
- D. J. Dunkley, Inspection and Control DG XIV, Commission of the European Communities, Rue Joseph II 99, 7/24, 1049 Brussels, Belgium
- G. F. Kingston, Senior Assistant, Delegation of the Commission of the EC, EC Delegation, 1110-350 Sparks St., Ottawa, Ontario, Canada K1R 7S8
- N. P. F. Bollen, Ministry of Agriculture, Nature Management and Fisheries, Fisheries Dept., Bezuidenhoutsweg 73, P.O. Box 20401, 2500 EK The Hague, Netherlands
- S. B. Kristensen, Principal Administrator, Council of the European Communities, Rue de la Loi 170, 1048 Brussels, Belgium
- J. Carbery, Legal Adviser, Council of the European Communities, Rue de la Loi 170, 1048 Brussels, Belgium
- M. Roitmann, Fisheries Counsellor, Danish EEC-Representation, 73 Rue D'Arlon, 1040 Brussels, Belgium
- H. Pott, Ministry for Agriculture, Rochusstr.7, 5300 Bonn 1, Germany
- P. Ernst, Institut für Hochseefischerei und Fischverarbeitung, An der Jaegerbaek 2, 251 Rostock-Marienehe, Germany
- R. Conde, Director General of Fisheries, Jose Ortega y Gasset 57, Madrid, Spain
- A. Tena, Director of Fisheries, Ministerio de Asuntos Exteriores, Pla. Provincia, 1, 28071 Madrid, Spain
- C. Soto Calvo, Subdirectora General de Relaciones, Pesqueras Internacionales, Jose Ortega y Gasset, 57, 28006 Madrid, Spain
- M. I. Aragon, Jefe de Seccion, Jose Ortega y Gasset, 57, Madrid, Spain
- G. P-Gandaras, Instituto de Invest. Marinas, Eduardo Cabello No. 6, Vigo, (Pontevedra), Spain
- H. Gonzalez Garcia, ANAVAR & AGARBA, Puerto Pesquero, Edificio Vendedores, Oficina 1-6, Apdo 1078, Vigo 36200, Spain
- M. Iriondo, President ARBAC, Bortalaborda 19, Pasajes de San Juan, Gipuzkoa, Apartado Correos No. 88, Pasajes, Spain
- J. L. Meseguer, Secretario General, Asociacion de Empresas de Pesca de Bacalado, Especies Afines y Asociadas (ARBAC), Enrique Larreta, 10-Madrid, 28036 Spain
- F. J. Rodriguez, Assistant Director, Cno. Jolastokieta 5, Herrera, San Sebastian 20017, Spain
- J. Rodriguez, Inspeccion, Secretaria General de Pesca Maritima, Ortega y Gasset, 57, Madrid, Spain
- A. Vazquez, Instituto de Investigaciones Marinas, Muelle de Bouzas, Vigo, Spain
- D. Silvestre, Charge de Mission, Direction des Peches Ministere de la Mer, 3 Place de Fontenoy, 75007 Paris, France
- Ph. Moguedet, IFREMER, B. P. 4240, 97500 Saint Pierre et Miquelon
- A. J. Parres, Delegee General, Union des Armateurs a la Peche de France, 59 Rue des Mathurins, 75008 Paris, France
- R. P. Brouwershaven, Ministry of Agriculture and Fisheries, P. O. Box 20401, The Hague, Netherlands
- E. P. deBrito, Director General for Fisheries, Direccao-Geral Pescas, Av. Brasilia, 1400 Lisboa, Portugal
- C. Albuquerque, Director de Servicos, Direccao Geral das Pescas, Av Brasilia, 1400 Lisboa, Portugal
- A. I. Pereira, First Secretary, Embassy of Portugal, 645 Island Park Drive, Ottawa, Ontario, Canada K1Y 0B8
- A. Avila de Melo, Instituto Nacional de Investigacao das Pescas, Av. Brasilia, 1400 Lisbon, Portugal
- M. L. Godinho, Instituto Nacional de Investigacao das Pescas, Av. Brasilia, 1400 Lisbon, Portugal
- C. A. Sousa Reis, President, Instituto Nacional de Investigacao das Pescas (INIP), Av. Brasilia, 1400 Lisboa, Portugal
- C. C. Southgate, Room 428, Nobel House, Ministry of Agriculture, Fisheries and Food, Smith Square, London SW1P 3HX, United Kingdom
- B. W. Jones, Sea Fisheries Laboratory, Lowestoft, Suffolk NR33 OHT, United Kingdom

JAPAN

Head of Delegation: K. Yonezawa
 c/o Fishery Division
 Economic Affairs Bureau
 Ministry of Foreign Affairs
 2-2-1 Kasumigaseki, Chiyoda-ku, Tokyo

Representatives

K. Yonezawa (see address above)

Advisers

T. Hasegawa, Japan Fisheries Association, Suite 1101, Duke Tower, 5251 Duke Street, Halifax, Nova Scotia, Canada B3J 1P6

H. Inoue, Japan Deep Sea Trawlers Association, 100 Otemachi, Chiyoda-ku, Tokyo

T. Kato, Japan Deep Sea Trawlers Association, 1-5-1 Marunou Chi, Chiyoda-ku, Tokyo 100

T. Mori, International Affairs Div., Fisheries Agency, Government of Japan, 1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo

A. Umezawa, Fishery Division, Ministry of Foreign Affairs, 2-2-1 Kasumigaseki, Chiyoda-ku, Tokyo

Y. Uozumi, National Research Institute of Far Seas Fisheries, 5-7-1 Orido, Shimizu City

M. Yoshida, Japan Deep Sea Trawlers Association, 601 Yasuda Bldg., 3-6 Kanda, Ogawa-cho, Chiyoda-ku, Tokyo

NORWAY

Head of Delegation: P. Gullestad
 Directorate of Fisheries
 P. O. Box 185
 5002 Bergen

Representatives

P. Gullestad (see address above)

POLAND

Head of Delegation: J. Stremlau, Consul
 Polish Trade Commissioner's Office
 3501 Avenue du Musee
 Montreal, Quebec
 Canada H3G 2C8

Representatives

J. Stremlau (see address above)

UNION OF SOVIET SOCIALIST REPUBLICS (USSR)

Head of Delegation: V. K. Zilanov
 Deputy Minister
 Ministry of Fisheries of the USSR
 12 Rozhdestvensky Boul.
 Moscow K-31, 103045

Representatives

V. K. Zilanov (see address above)

Alternates

V. Fedorenko, Representative of the USSR in Canada on Fisheries, 2074 Robie St., Suite 2202, Halifax, Nova Scotia, Canada B3K 5L3

V. Tsoukalov, Deputy Chief, Fisheries Resources Administration, Ministry of Fisheries, 12 Rozhdestvensky Boul., Moscow K-31, 103045

Advisers

A. A. Mikhailov, Assistant to the Representative of the USSR on Fisheries in Canada, 2074 Robie St., Suite 2202, Halifax, Nova Scotia, Canada B3K 5L3

Y. Riazantsev, All-Union Research Institute of Marine Fisheries and Oceanography (VNIRO), 17 V. Krasnosel-skaya, Moscow B-140, 107140

V. A. Rikhter, Atlantic Research Institute of Marine Fisheries and Oceanography (AtlantNIRO), 5 Dm. Donskoy St., Kaliningrad, 236000

V. P. Serebryakov, Head of Laboratory, VNIRO, 17 V. Krasnoselskaya, Moscow B-140, 107140

V. Solodovnik, Chief, Division of European Countries, USA, Canada, Australia and New Zealand, Ministry of Fisheries, 12 Rozhdestvensky Boul., Moscow K-31, 103045

F. M. Tzojanovski, Deputy General Director, Scientific Industrial Association "Sevzybpoisk", 7 Papanina St., Murmansk, 183012

OBSERVERS**UNITED STATES OF AMERICA**

S. Alexander, Consul, 910 Cogswell Tower, Scotia Square, Halifax, Nova Scotia, Canada B3J 3K1

J. L. Bailey, Foreign Affairs Specialist, Office of International Affairs, NMFS/NOAA/USA, 1335 East West Highway, Silver Spring, MD 20910

P. N. De Cola, US Dept. of State, OES/OFA, Rm. 5806, 2201 C St. N.W., Washington, DC 20520-7818

H. S. Tinkham, Senior Atlantic Fisheries Officer, US Dept. of State, OES/OFA, Rm 5806,, 2201 C St. N.W., Washington, DC 20520-7818

SECRETARIAT

L. I. Chepel, Executive Secretary

T. Amaratunga, Assistant Executive Secretary

W. H. Champion, Administrative Assistant

F. D. Keating, Finance and Publications Clerk-Steno

B. J. Cruikshank, Senior Secretary

D. C. A. Auby, Clerk-Typist

F. E. Perry, Documents and Mailing Clerk-Steno

G. Moulton, Senior Statistical Clerk

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B. Crawford, Clerk-Duplicator Operator

R. Myers, Clerk-Duplicator Operator

SECRETARIAT ASSISTANCE

C. McCormick, Secretary, Office of the Minister of Fisheries, 15th-200 Kent St., Ottawa, Ontario, Canada K1A 0E6

Annex 2. Address by the Chairman, K. Hoydal

**13th Annual Meeting
Dartmouth, Nova Scotia, Canada, 9-13 September 1991**

It is an honour for me to call the General Council at the 13th Annual Meeting to order and welcome all delegates from the Contracting Parties.

It is fair to say that the 12th Annual Meeting ended on a much happier note than the previous meetings. There was a very significant increase in the degree of consensus on a number of issues and the scope serious international cooperation was widened considerably. Particularly in agreement on quotas, improvement of inspection schemes and routines and handling of non-Member activity.

It is my hope that the tone of the 12th Annual Meeting will prevail and even be improved.

Having said that there was an improvement last year, I have to stress that we still are facing very difficult problems and although we hopefully have entered a path of cooperation, which ultimately can solve those problems, important decisions have to be taken to stabilize the situation in the management of the stocks for which NAFO has responsibility.

It could be said that the question NAFO has to address is: How can NAFO prove that the multilateral cooperation beyond the 200-mile limit can manage as efficiently as fisheries administrations of the Contracting Parties. We should not aim at anything less than what we demand from the management in our zones.

Annex 3. Effective International Enforcement, Statement by the Head of the Canadian Delegation

**13th Annual Meeting
Dartmouth, Nova Scotia, Canada, 9-13 September 1991**

Mr Chairman:

I would like to make a brief statement on behalf of the Canadian delegation.

The issue of fishing by non-Contracting Parties inside the Regulatory Area is of great concern to Canada. It is one of the many vital questions NAFO must address with some degree of urgency.

The fact that we now have a Standing Committee on eliminating non-Member fishing activity, a new working group on improving inspection and control in the Regulatory Area may appear to indicate that NAFO is a likely organization. But, Mr Chairman, as we sit here, the fish stocks for which NAFO is responsible are declining at an alarming rate. We are killing more fish than we should. The Scientific Council is telling us that too much of the catches are unrecorded. Too many fish are harvested too young. We know that if our fish die, our fishing communities will die with them. We know that if our fish die, NAFO will become irrelevant. We know that we must act to stop this trend and to reverse it.

Using these estimates, our scientists have estimated fishing mortalities. In most cases, they have advised precautionary TACs at the same level as those of last year. Uncertainty prevails. NAFO is in a holding pattern but in the meantime, the stocks are going down.

Mr Chairman, the Canadian delegation is deeply concerned about the state of the stocks in the Regulatory Area and about the inability of NAFO to implement effectively management measures necessary to the rebuilding and protection of those stocks. We propose to make a further statement on that matter at the Fisheries Commission this afternoon.

Thank you, Mr Chairman.

Annex 4. Agenda

**13th Annual Meeting
Dartmouth, Nova Scotia, Canada, 9-13 September 1991**

GENERAL COUNCIL

Opening Procedures

1. Opening by Chairman, K. Hoydal (Denmark in respect of the Faroes and Greenland)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Admission of Observers
5. Publicity

Supervision and Coordination of the Organizational, Administrative and other Internal Affairs

6. Approval of Proceedings of 12th Annual Meeting, September 1990 (See GC Doc. 90/10, Revised)
7. a) Approval and adoption of amendment to the Rules of Procedure (new Standing Committee-STACFAC; GC Working Paper 91/2)
b) Clarification of the Rules of Procedure regarding the "seconding" of all motions (GC Working Paper 91/1)
8. Review of Membership
 - a) General Council (GF/90-370, 91-171)
 - b) Fisheries Commission (GF/90-370, 91-171)
9. NAFO Headquarters accommodations for conducting of NAFO meetings (GC Working Paper 91/3)
10. Administrative Report
11. Election of Officers - Chairman and Vice-Chairman

Coordination of the External Relations

12. Request from the Under-Secretary General of the United Nations on information of large-scale pelagic driftnet fishing - Resolution 44/225 - of the General Assembly of the United Nations (GF/91-167, GF/91-251)

Fishing activities in the Regulatory Area adverse to the objectives of the Convention (Article XIX of the Convention)

13. Approval of Proceedings of First and Second Meetings of STACFAC (GC Doc. 91/1 and 91/2)
14. Practical implementation of the General Council Resolution on Non-NAFO Fishing Activities (GC Doc. 90/8; Reports of STACFAC)
15. Report of STACFAC

Finance

16. Auditor's Report
17. Meeting of the Pension Society
18. Staff Rules (GF/91-163; STACFAD Working Paper 91/1, 91/4)
19. Review of Meeting Dates and Date of Annual Meeting (Note 5)
20. Report of STACFAD

Closing Procedures

21. Time and Place of Next Meeting
22. Other Business
23. Press Statement
24. Adjournment

Notes to the General Council Agenda by the Executive Secretary

Note 1 (Revised) (item 7a of Agenda)

In accordance with Rule 5.4 of the Rules of Procedure for the General Council, the Standing Committee on Fishing Activities of non-Contracting Parties in the Regulatory Area (STACFAC) established its own Rules of Procedure (Attachment to Note 1). The majority of international organizations conduct their activities and define the basic objectives in their convention (constitutions) and by-laws, which in NAFO's case are the Rules of Procedures. There should be no other such equivalent documents to avoid confusion or disorder, unless any such additional documents are mentioned in the Convention. As STACFAC is a subsidiary body of the General Council, the Rules of Procedure adopted by the Standing Committee should be included in the Rules of Procedure for the General Council under the heading "Committees" in Rule 5. The new formulation of this Rule is presented in GC Working Paper 91/2. Furthermore, there are suggested changes in Rule 5.3 of the word "Chairman" (as it was in former Rule 5.2) for "a chairperson and a vice-chairperson", that will be consistent with STACFAC's Rules and correspond with a real situation in STACFAD. In this Committee the presiding officer is a chairperson and his/her substantial work requires support with vice-chairperson.

Note 2 (item 7b of Agenda)

The "seconding" of motions is a question from the 12th Annual Meeting which was raised by the Contracting Parties. A request for an inclusion into an agenda came from Canada (letter of November 1990). The NAFO Secretariat prepared its GC Working Paper 91/1 with the explanations of the motions and "seconding".

Note 3 (item 12 of Agenda)

The NAFO Secretariat received a request from the Under-Secretary-General of the United Nations for a report on large-scale pelagic driftnet fishing in the Northwest Atlantic (GF/91-167 of 12 April 1991, Attachment 1 to this note). A new Resolution was adopted by the General Assembly-45/197-on the basis of previous Resolution 44/225 (Attachment 2 to this note). The NAFO position was expressed at its 12th Annual Meeting and this position had been reconfirmed to the United Nations by the Executive Secretary in his letter dated 24 June 1991 (Attachment 3 to this note).

Note 4 (item 18 of Agenda)

The NAFO Staff Rules have already been on the NAFO Meeting Agendas and seriously considered for the last 6 years. The new draft NAFO Staff Rules (STACFAD Working Paper 91/1 of 10 April 1991) was forwarded to the Contracting Parties in accordance with the General Council decision (GC Doc. 90/10, Revised, item 43).

The majority of Rules in this draft formulated following the international practice developed by the international organizations with analogous duties and responsibilities for the sizable multinational tasks (such as ICES, NEAFC, CCAMLR) and following the NAFO Financial Regulations (Rule 6).

Bearing in mind the high level of international responsibility for the Organization, it is very important to establish and maintain the reasonably high level of incentives for its staff in accordance with the existing international practice.

Note 5 (item 19 of Agenda)

At the present time the conditions for conducting the Annual Meetings in the Halifax-Dartmouth area are becoming more complicated. The time for the Annual Meeting in September coincides with many local, national and international events in those cities, and this month appears as the busiest "equinox" of the year for these purposes.

The managers of a major chain of hotels in Halifax and Dartmouth advised NAFO that a minimum required time for a reservation of such events as NAFO meetings should be not less than 2-3 years in advance on a long-term basis.

Under such circumstances it is imperative that NAFO's meeting schedule should be firmly fixed for 3 years in advance. If any Contracting Party would like to invite the meeting to be held outside of Canada, such invitation should be presented to NAFO in advance not less than 2 years.

At this stage the Secretariat of NAFO negotiates a long-term arrangement for the Annual Meetings with Hilton Hotel in Halifax, which has all necessary facilities for conducting international meetings.

Annex 5. Rules of Procedure for the General Council

13th Annual Meeting
Dartmouth, Nova Scotia, Canada 9-13 September 1991

COMMITTEES

Rule 5

- 5.1 There shall be a **Standing Committee on Finance and Administration** consisting of at least five representatives, one from each of at least five Contracting Parties, who may be assisted by experts and advisers, and which will advise the General Council on:
- a) matters relating to the Secretariat;
 - b) the budget of the Organization;
 - c) the time and place of meetings of the Organization; and
 - d) publications of the Organization.
- 5.2 There shall be a **Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)** including one representative from each Contracting Party that wishes to participate, who may be assisted by experts and advisers, and which shall:
- a) obtain and compile all available information on the fishing activities of non-Contracting Parties in the Regulatory Area, including details on the type, flag and name of vessels and reported or estimated catches by species and area;
 - b) obtain and compile all available information on landings, and transshipments of fish caught in the Regulatory Area by non-Contracting Parties, including details on the name and flag of the vessels; the quantities by species landed, transshipped; and the countries and ports through which the product was shipped;
 - c) examine and assess all options open to NAFO Contracting Parties including measures to control imports of fish caught by non-Contracting Party vessels in the Regulatory Area and to prevent the reflagging of fishing vessels to fish under the flags of non-Contracting Parties; and
 - d) recommend to the General Council measures to resolve the problem.
- 5.3 The Committee shall elect from among its members, to serve for two (2) years, a chairperson and a vice-chairperson who shall be allowed a vote. The Executive Secretary shall be an *ex officio* member, without vote.
- 5.4 The General Council may establish such other subsidiary bodies as requested.
- 5.5 Except as provided in these Rules, each subsidiary body shall establish its own Rules of Procedure.

**Annex 6. Correspondence Pertaining to
UN Resolutions 44/225 and 45/197**

**13th Annual Meeting
Dartmouth, Nova Scotia, Canada, 9-13 September 1991**

12 April 1991

Dear Sir,

Subject: United Nations Resolution 44/225 on
large-scale pelagic driftnet fishing

On April 10 I received a letter from Mr. Satya N. Nandan, Under-Secretary-General of the United Nations, requesting a report by 31 July 1991 on large-scale pelagic driftnet fishing in accordance with the UN Resolution 44/225. The Contracting Parties discussed this Resolution at the last Annual Meeting (item 7 of the General Council agenda).

In accordance with the decision of the General Council, a response had been sent to the United Nations by the Executive Secretary (GF/90-324, October 12, 1990) confirming that:

1. Large-scale pelagic driftnet fishing is not presently practiced by NAFO Contracting Parties in the Convention Area.
2. NAFO endorsed the UN Resolution on large-scale pelagic driftnet fishing.

I assume that at present the above-mentioned position stands the same. Therefore, if Contracting Parties agree, I will send this reply to the United Nations by 31 June 1991.

Yours very truly,

Dr L. I. Chepel
Executive Secretary

24 June 1991

Mr. Satya N. Nandan
Under-Secretary-General
Special Representative of the
Secretary General for the Law
of the Sea
Office for Ocean Affairs and the
Law of the Sea
United Nations
N.Y. 10017
USA

Dear Mr. Nandan,

RE: Your letter dated 03 April 1991 on
large-scale pelagic driftnet fishing
General Assembly resolutions 44/225
and 45/197

The Contracting Parties of the Northwest Atlantic Fisheries Organization (NAFO) were informed on the adoption by the General Assembly UN of Resolution 45/197 and provided with the text of the Resolution.

At this stage the NAFO Secretariat does not possess any information related to large-scale pelagic driftnet fishing in the Convention Area of the Northwest Atlantic.

On behalf of NAFO I have the pleasure to reconfirm that the NAFO General Council at the 12th Annual Meeting in 1990 had:

1. Confirmed that large-scale pelagic driftnet fishing is not presently practiced by NAFO Contracting Parties in the Convention Area.
2. Endorsed the United Nations Resolution on large-scale pelagic driftnet fishing.

I wish to inform further that at the upcoming Annual Meeting of NAFO in September this issue will be considered again under the General Council Agenda.

Sincerely yours,

Dr L. I. Chepel
Executive Secretary

Annex 7. United Nations Resolution 45/197
 13th Annual Meeting
 Dartmouth, Nova Scotia, Canada, 9-13 September 1991

**UNITED
 NATIONS**

A



General Assembly

Distr.
 GENERAL

A/RES/45/197
 18 March 1991

Forty-fifth session
 Agenda item 79

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Second Committee (A/45/849/Add.1)]

45/197. Large-scale pelagic driftnet fishing and its impact on the living marine resources of the world's oceans and seas

The General Assembly,

Recalling its resolution 44/225 concerning large-scale pelagic driftnet fishing and its impact on the living marine resources of the world's oceans and seas, including enclosed and semi-enclosed seas, which was adopted by consensus on 22 December 1989,

Also recalling, in particular, that the General Assembly recommended that all members of the international community agree to certain measures specified in the operative paragraphs of resolution 44/225,

Further recalling the relevant principles elaborated in the United Nations Convention on the Law of the Sea, 1/ which are referred to in the seventh to tenth preambular paragraphs of resolution 44/225,

Commending the unilateral, regional and international efforts that have **been** undertaken by members of the international community and international organizations to implement and support the objectives of resolution 44/225,

1/Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

A/RES/45/197

Page 2

Noting that at the Twenty-first South Pacific Forum, held at Port Vila on 31 July and 1 August 1990, the Heads of Government reaffirmed their opposition to large-scale pelagic driftnet fishing, 2/ and taking note of the resolution on large-scale pelagic driftnet fishing in the South Pacific region, adopted by the South Pacific Conference at Noumea, New Caledonia, on 31 October 1990,

Welcoming the decision of a Member State to suspend driftnet operations in the South Pacific one year in advance of the date of cessation stipulated by the General Assembly, and the decision of other Member States to cease or suspend driftnet fishing,

Taking note of the Castries Declaration 3/ issued on 24 November 1989 at the sixteenth meeting of the Authority of the Organization of Eastern Caribbean States, in which the Authority resolved to establish a regional regime for the regulation and management of the pelagic resources in the Lesser Antilles region that would outlaw the use of driftnets and called upon other States in the region to co-operate in this regard, and noting the more recent developments in the wider Caribbean Community region,

Noting that there have been recent meetings related, inter alia, to the protection of fish and other living marine resources and the environment in the Mediterranean, including the Meeting of the Nine Western Mediterranean Countries on Dialogue and Co-operation in the Western Mediterranean, held at Rome on 10 October 1990, and the Meeting on the Mediterranean of the Conference on Security and Co-operation in Europe, held at Palma de Mallorca, Spain, from 24 September to 19 October 1990,

Noting also that the International North Pacific Fisheries Commission has concerned itself with large-scale pelagic driftnet fishing in the North Pacific Ocean, including the need to accumulate scientific knowledge, and has supported the full implementation of resolution 44/225,

Noting further that the International Whaling Commission, at its forty-second annual meeting, in July 1990, referred to the use of large-scale pelagic driftnets in many areas of the high seas, including important habitats for cetaceans encompassing feeding and breeding grounds and migratory pathways, and endorsed resolution 44/225,

Noting that, at its first session, the Preparatory Committee for the United Nations Conference on Environment and Development requested the Secretary-General of the Conference to prepare, for submission to the Preparatory Committee at its second session, a comprehensive report on, inter alia, the impact of large-scale harvesting, and new fishing technologies and fishing technologies incompatible with the sustainable management of living marine resources, taking into account resolution 44/225, 4/

2/ See A/45/456, annex.

3/ A/45/64, annex.

4/ A/45/46, annex I, decision 1/20, para. 1 (o).

Noting with appreciation the contribution to the report of the Secretary-General 5/ made by the Food and Agriculture Organization of the United Nations, by other appropriate organs, organizations and programmes of the United Nations system and by various regional and subregional fisheries organizations, in response to the request of the General Assembly in paragraph 6 of resolution 44/225,

Also noting with appreciation the contribution to the report of the Secretary-General made voluntarily by some members of the international community and by intergovernmental and non-governmental organizations,

Noting that some members of the international community have initiated co-operative efforts to obtain statistically sound data on the impact of large-scale pelagic driftnet fishing,

Expressing deep concern about reports of attempts to expand large-scale pelagic driftnet fishing on the high seas of the Atlantic Ocean by one fishing entity, in disregard of paragraph 4 (c) of resolution 44/225,

Expressing concern about reports of reflagging of vessels by some private fishing interests, which is contrary to the spirit and content of resolution 44/225,

1. Takes note with interest of the report of the Secretary-General 5/ and expresses its appreciation for his efforts:
2. Reaffirms its resolution 44/225, and calls for its full implementation by all members of the international community, in accordance with the measures and time-frame elaborated in paragraph 4 of that resolution concerning large-scale pelagic driftnet fishing on the high seas of all the world's oceans and seas, including enclosed and semi-enclosed seas;
3. Also reaffirms that it is important that all members of the international community take such measures as may be necessary to ensure compliance with paragraph 4 (c) of resolution 44/225;
4. Requests the specialized agencies and other appropriate organs, organizations and programmes of the United Nations system, as well as the various global, regional and subregional fishery organizations, to continue to study urgently large-scale pelagic driftnet fishing and its impact on living marine resources and to report their views to the Secretary-General, bearing in mind the dates set out in paragraphs 3 and 4 of resolution 44/225;

5/ A/45/663.

A/RES/45/197

Page 4

5. Requests the Secretary-General to bring the present resolution to the attention of all members of the international community, intergovernmental organizations, non-governmental organizations in consultative status with the Economic and Social Council and well-established scientific institutions with expertise in relation to living marine resources;

6. Also requests the Secretary-General to submit to the General Assembly at its forty-sixth session a report on the implementation of the present resolution.

71st plenary meeting
21 December 1990

Annex 8. Recommendation to the General Council

13th Annual Meeting
Dartmouth, Nova Scotia, Canada, 9-13 September 1991

THE STANDING COMMITTEE ON FISHING ACTIVITIES OF NON-CONTRACTING PARTIES IN THE NAFO REGULATORY AREA – STACFAC

Recalling the Resolution on non-NAFO Fishing Activities adopted by the General Council at the 12th Annual Meeting of the Northwest Atlantic Fisheries Organization, resolving i.a. that

- ◊ in full respect of the international obligations of Contracting Parties, further measures should be developed for consideration by the General Council at its 1991 annual meeting;

Recalling the Terms of Reference of the Standing Committee (STACFAC), established by the General Council “to examine options to cause non-Contracting Parties to withdraw from fishing activities contrary to NAFO Conservation Measures”;

Recalling the relevant provisions of the United Nations Convention on the Law of the Sea (UNCLOS) on the obligations of states with respect to conservation of the living resources of the high seas;

Recalling the provisions of the General Agreement on Tariffs and Trade (GATT), in particular the principles of non-discrimination, proportionality and transparency;

Considering that the Northwest Atlantic Fisheries Organization is the competent regional fisheries organization for the conservation and rational management of the fish resources in the NAFO Regulatory Area;

Expressing concern at the serious threat to conservation and rational stock management posed by increasing fishing activities of vessels flying the flag of countries that are not Contracting Parties of NAFO and to whom quotas in the NAFO Regulatory Area have not been assigned, and convinced that such non-Contracting Parties should cooperate in accordance with the principles contained in UNCLOS;

Bearing in mind the adverse effect of high levels of unreported catches by non-Contracting Parties for the assessment of stocks and the provision of management advice;

Noting with satisfaction the individual and joint diplomatic demarches to the aforementioned non-Contracting Parties engaged in fishing activities in the NAFO Regulatory Area undertaken by NAFO Contracting Parties and bearing in mind the positive responses received to date;

Taking into account the views expressed in STACFAC discussions;

Recommends to the General Council at its 13th Annual Meeting that:

1. Contracting Parties follow-up on the successive diplomatic initiatives undertaken individually and jointly with non-Contracting Parties seeking the necessary measures to prevent fishing contrary to NAFO Conservation Measures and shall report the results to STACFAC for consideration of possible further action;

2. The Executive Secretary shall continue his efforts to draw to the attention of non-Contracting Parties the negative impact of the fishing activities of their vessels in the Regulatory Area and the importance of providing NAFO with complete and accurate statistical catch reports;
3. Contracting Parties seek to collect data on fishing activities of vessels flying the flags of non-Contracting Parties in the NAFO Regulatory Area including catches and landings; Contracting Parties provide regular reports of these activities to the NAFO Executive Secretary; and the Executive Secretary shall distribute these reports to all Contracting Parties.
4. Contracting Parties provide the NAFO Executive Secretary on annual basis as of first January 1992 statistics available to them on their imports of groundfish species regulated by NAFO from non-Contracting Parties whose vessels fish in the NAFO Regulatory Area;
5. STACFAC shall examine where possible methods of improving the reporting of catches and landings from the NAFO Regulatory Area by non-Contracting Parties.
6. Contracting Parties shall investigate options open to them, in accordance with their legislation, to dissuade their nationals from engaging in fishing activities, in contravention of NAFO conservation decisions, in the NAFO Regulatory Area under non-Contracting Party flags and to discourage such activities where they are presently taking place.
7. STACFAC shall continue examination of a Landing Declaration system to collect data on landings of catches by non-Contracting Party vessels in the NAFO Regulatory Area and provide a report on possible implementation to the General Council in 1992.
8. STACFAC shall submit a comprehensive report to the General Council at the 14th Annual Meeting on the above provisions and on possible additional measures consistent with STACFAC's Terms of Reference for consideration.

Annex 9. Press Release

13th Annual Meeting Dartmouth, Nova Scotia, Canada, 9-13 September 1991

1. The 13th Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO) was held in Dartmouth, Nova Scotia, Canada during 9-13 September 1991, under the chairmanship of K. Hoydal (Denmark in respect of the Faroe Islands and Greenland), President of NAFO. The sessions of the General Council, the Scientific Council, and the Fisheries Commission and all subsidiary bodies were held at the Holiday Inn.
2. The delegations attending the meeting were from the following Contracting Parties: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), European Economic Community (EEC), Japan, Norway, Poland and the Union of Soviet Socialist Republics (USSR). Observers from the United States of America were present at the meeting.
3. The Scientific Council, under the chairmanship of B. W. Jones (EEC), provided the scientific assessment and recommendations pursuant to the Convention on the management of the fishing stock in the Convention Area. The Chairman of the Scientific Council reported to the Fisheries Commission on the questions pertaining to the scientific basis for the management and conservation of fishery resources within the Regulatory Area.
4. Under the umbrella of the Scientific Council there was a Symposium on "Changes in abundance and biology of Cod stocks and their possible causes". The Symposium was held at NAFO Headquarters in Dartmouth during 4-6 September. The Scientists from different Contracting Parties presented and discussed 24 reports and papers on the different topics of major changes in abundance of cod stocks and their biology in relation to environmental variability and as functions of the fisheries. The scientific presentation will be published in 1992 as the Scientific Council Studies which will contribute further to better understanding of the basic principles of the management of the cod stocks.
5. The Fisheries Commission, under the chairmanship of M. Yeadon (Canada) considered and took decisions on several important issues pertaining to the management and conservation of the fisheries resources in the Regulatory Area as follows:
On the basis of the scientific advice from the Scientific Council the Contracting Parties agreed on the Total Allowable catches and allocations in 1992 for the fishing stocks which are either entirely in the Regulatory Area or associated with the stocks within the 200-mile fishing zones. The TACs and allocations decided by the Commission are presented in the attached Quota Table.

On the basis of the deliberations and presentation of the Standing Committee on International Control (STACTIC) under the chairmanship of O. Muniz (Cuba), the Fisheries Commission adopted new proposals for international measures of control and enforcement within the Regulatory Area for the purpose of improvements on inspection and surveillance in the Regulatory Area. In a new Scheme of Joint International Inspection and Surveillance there are provisions for coordination of all "Hail System" reports on activity of the fishing vessels in the Regulatory Area via the NAFO Headquarters in Dartmouth and implementation of the aircraft surveillance.

6. The Contracting Parties agreed to continue the moratorium for 1992 on cod fishing by Contracting Parties in Division 3L outside the 200-mile Canadian Zone, in the continuation of the conservation measures for the purpose of the stock recuperation.
7. Upon the presentation of the Standing Committee on Finance and Administration (STACFAD), the General Council adopted the Organization's budget and accounts for 1992.
8. The new Standing Committee on Fishing Activities by non-Contracting Parties in the Regulatory Area (STACFAC), under the chairmanship of C. C. Southgate (EEC), examined important questions on the fishing by vessels of non-Contracting Parties and presented its report and recommendations to the General Council, which adopted further measures designed to curtail and eliminate such unregulated fishing in the Regulatory Area. The most important measures include; active diplomatic initiatives individually and jointly, intensive effort from the office of the Executive Secretary in communication with non-Contracting Parties, improvement in statistical information on non-Contracting Parties catches and on imports of ground-fish species from non-Contracting Parties whose vessels fish in the NAFO Regulatory Area.
9. The General Council endorsed the UN Resolution 45/197 on large-scale pelagic drift-net fishing and reconfirmed that such fishing is not presently practiced by NAFO Contracting Parties in the Convention Area.
10. Several elections took place for Chairmen and Vice-Chairmen of constituent and subsidiary bodies of the Organization, as follows:

Chairman of the General Council, President of the Organization	- K. Yonezawa (Japan)
Vice-Chairman of the General Council	- P. Gullestad (Norway)
Chairman of the Fisheries Commission	- E. Wiseman (Canada)
Vice-Chairman of the Fisheries Commission	- P. Hillenkamp (EEC)
Chairman of the Scientific Council	- V. P. Serebryakov (USSR)
Vice-Chairman of the Scientific Council	- H. Lassen (Denmark in respect of the of the Faroe Islands and Greenland)
Chairperson of the Standing Committee on Finance and Administration (STACFAD)	- D. Gill (Canada)
Vice-Chairman of the Standing Committee on Finance and Administration (STACFAD)	- H. Koster (EEC)
Chairman of the Standing Committee on International Control (STACTIC)	- E. Lemche (Denmark in respect of the Faroe Islands and Greenland)

NAFO Secretariat
 Dartmouth, Nova Scotia, Canada
 13 September 1991

QUOTA TABLE. Total allowable catches (TACs) and quotas (metric tons) for 1992 of particular stocks in Subareas 3 and 4 of the NAFO Convention Area. The values listed include quantities to be taken both inside and outside the 200-mile fisheries zone, where applicable.

Contracting Party	Cod		Redfish		American plaice		Yellowtail Div. 3LNO	Witch Div. 3NO	Capelin Div. 3NO	Squid (Illex) ^{2,3} Subareas 3+4
	Div. 3M	Div. 3NO	Div. 3M	Div. 3LN	Div. 3M	Div. 3LNO				
1. Bulgaria	-	-	645	-	-	-	-	-	-	500
2. Canada	100	6 484	1 075	5 964	150	25 425	6 825	3 000	800	N.S. ⁴
3. Cuba	480	-	3 762	1 372	-	-	-	-	750	2 250
4. Denmark (Faroe Islands and Greenland)	2 900	-	-	-	-	-	-	-	-	-
5. European Economic Community	6 465	5 016	6 665	476	350	328	140	-	750	N.S. ⁴
6. Iceland	-	-	-	-	-	-	-	-	-	-
7. Japan	-	-	860	-	-	-	-	-	2 800	2 250
8. Norway	1 200	-	-	-	-	-	-	-	9 000	-
9. Poland	500	-	-	-	-	-	-	-	900	1 000
10. USSR	1 270	1 624	29 777	6 104	1 000	-	-	1 950	15 000	5 000
11. Others	50	476	216	84	500	47	35	50	-	5 000
12. Special Reservation ¹	-	-	-	-	-	-	-	-	-	-
Total Allowable Catch	12 965	13 600	43 000	14 000	2 000	25 800	7 000	5 000	30 000	150 000 ⁵

¹ There are no Special Reservations for 1992.

² The opening date for the squid (*Illex*) fishery is 1 July.

³ Any quota listed for squid may be increased by a transfer from any "coastal state" as defined in Article 1, paragraph 3 of the NAFO Convention, provided that the TAC for squid is not exceeded. Transfers made to Contracting Parties conducting fisheries for squid in the Regulatory Area shall be reported to the Executive Secretary, and the report shall be made as promptly as possible.

⁴ Not specified because the allocation to these Contracting Parties are as yet undetermined, although their sum shall not exceed the difference between the total of allocations to other Contracting Parties and the TAC.

⁵ The TAC would remain at 150 000 tons subject to adjustment where warranted by scientific advice.

PART II. Report of the Standing Committee on Finance and Administration (STACFAD)

Monday, 9 September 1991 (1500-1835 hours)

Thursday, 12 September 1991 (0730-1000 hours)

Thursday, 12 September 1991 (1930-2000 hours)

Friday, 13 September 1991 (0800-0840 hours)

1. Opening of the Meeting

- 1.1 The Chairman of the NAFO General Council, K. Hoydal (Denmark in respect of the Faroe Islands and Greenland) opened the meeting and explained that the Chairperson of STACFAD was unable to attend this meeting and that the election of a new Chairperson was necessary.
- 1.2 It was proposed by the USSR and seconded by Canada that H. Koster (EEC) be elected Chairperson for this meeting. This was supported by all delegates.

2. Appointment of Rapporteur

Members of the Secretariat were requested to keep minutes of the meeting. The Executive Secretary hoped that during future meetings a Rapporteur could be nominated from one of the Contracting Parties bearing in mind that STACFAD decisions would have a direct financial implication for the NAFO Secretariat.

3. Adoption of Agenda

The provisional agenda was adopted as circulated to Contracting Parties (Annex 1).

4. Review of Membership

- 4.1 The Executive Secretary pointed out that under this item members of STACFAD were responsible for ensuring a sufficient number of Contracting Parties were represented in the Committee to form a quorum which is at least five representatives in accordance with the Rules of Procedure. He noted that under these Rules it is not the responsibility of STACFAD to review membership in the Organization. Six Contracting Parties (Canada, Cuba, EEC, Japan, Poland and USSR) (Annex 2) were represented at this meeting, enough for a quorum, permitting STACFAD to proceed with its mandate as contained in the NAFO financial regulations.
- 4.2 The Chairperson pointed out that the General Council had forwarded items 8, 9 and 10 from the General Council Agenda and item 8 is the Review of Membership in the General Council and the Fisheries Commission, which should be considered.
- 4.3 The Executive Secretary reported that the former German Democratic Republic is no longer a Contracting Party and Heads of Delegations were advised on 30 November 1990 (GF/90-370) and on 16 April 1991 (GF/91-171).

It was noted that Bulgaria, Romania and Iceland were not represented at this meeting. The Executive Secretary informed STACFAD that these Contracting Parties had received all meeting information and documents. He also pointed out that Romania's annual financial contribution to NAFO was more than 2 years in arrears and consequently Romania could have no vote.

- 4.4 The Chairperson noted that the members of the General Council total 11 Contracting Parties and the members of the Fisheries Commission total 9.
- 4.5 One Contracting Party (Romania) is on the record of its contributions to NAFO "...to be in arrears..." (Financial Regulations, Rule 4.7) for more than 2 years, and in accordance with Article XVI.9 of the Convention such Contracting Party "shall not enjoy any rights of casting votes and presenting objections under the Convention".

5. Auditors Report for 1990

- 5.1 The Executive Secretary informed STACFAD that the Auditors Report had been mailed to the Heads of Delegations on 22 February 1991 and no comments had been received on the Report. He pointed out that "Ireland" should be changed to read "Iceland" (page 3) and drew attention to the unfunded pension liability of approximately \$ 168,171.00.
- 5.2 Following a discussion of this matter STACFAD **recommended** that in order to avoid any possible cash flow problems the annual payment of approximately \$ 28,783.00 be continued until the unfunded pension liability is paid in full.
- 5.3 STACFAD **recommended** to the General Council that the Auditors Report for 1990 be adopted.

6. Meeting of the Pension Society

- 6.1 The Executive Secretary introduced STACFAD Working Paper 91/5, Report on the Meeting of the Pension Society. He reported that much progress had been made on pension benefits for members of the Secretariat and felt that attendance at future meetings of the Society would continue to be very beneficial. The next meeting will be held in Seattle, Washington, in May 1992 and it is planned to send two members of the Secretariat to this meeting.
- 6.2 The delegates agreed with the results of the Meeting of the Pension Society and future participation of the NAFO Secretariat.

7. Review of Accumulated Surplus Account

- 7.1 The Executive Secretary advised STACFAD that the estimated Accumulated Surplus at the end of 1991 would be \$ 235,205.00 (GC Doc. 91/4, Statement IV, page 8).
- 7.2 STACFAD **recommended** that the Accumulated Surplus should be maintained at \$ 75,000.00 and the balance of \$ 160,205.00 be used to reduce contributions of Contracting Parties for 1992.

8. Review of Cost Implications for the NAFO Secretariat of Long-term and Short-term Measures for International Control in the Regulatory Area

- 8.1 The Executive Secretary advised participants that information on this item was contained in FC Doc. 90/9 and STACFAD Working Paper 91/3 and pointed out that it might be premature to discuss this item in STACFAD until this item is reviewed in the Fisheries Commission and approved by the General Council. However, he felt it was necessary to advise STACFAD of possible costs.
- 8.2 Concerns were expressed by all members of STACFAD about the estimated financial implications of the hail system (\$ 65,000.00 to \$ 71,000.00), and following a lengthy discussion

STACFAD **recommended** to the General Council that a consultant be retained to assess the technical, human and financial resources that will be required by the NAFO Secretariat in 1992 to implement the inspection and control measures for international control in the Regulatory Area.

- 8.3 STACFAD draws the attention of the General Council to the probable cost implications of the inspection and control measures for the 1992 budget. Since these costs are not known the 1992 budget does not contain a provision for these financial implications.

9. NAFO Headquarters Accommodations for Conducting of NAFO Meetings

- 9.1 The Executive Secretary introduced GC Working Paper 91/3 which drew attention to the fact of insufficient office accommodation for NAFO meetings held in the NAFO Secretariat. He pointed out that one meeting to discuss possible expansion of NAFO Headquarters had been held with appropriate Canadian officials as the representatives of the host Country, just prior to this NAFO meeting and a further meeting will be held following the Annual Meeting to discuss this situation in more detail. The results of this meeting will be circulated to the members of STACFAD.
- 9.2 As at present time the host country Canada pays for all NAFO Headquarters accommodation, it is possible that there will be no additional costs to Contracting Parties, if the appropriate Canadian authorities are willing to contribute expansion of NAFO Headquarters.
- 9.3 STACFAD requests the Executive Secretary to provide actual costs of hotel and other related expenses of holding meetings outside NAFO Headquarters. If additional costs are involved for Contracting Parties, STACFAD will return to this question.

10. Administrative Report and Financial Statements for 1991 (as of 31 July 1991)

- 10.1 The Administrative Report (GC Doc. 91/4) was reviewed and attention was drawn to the amount of unpaid member contributions (Statement III, page 7). As of 31 July 1991, the amount owed by Contracting Parties was \$ 233,409.00.
- 10.2 The Executive Secretary reported that Cuba had paid their 1990 contribution (\$ 25,276.00), and Poland had paid their 1991 contribution (\$ 23,370.55). However, the amount still outstanding was \$ 184,762.45. The EEC advised STACFAD that their contribution of \$ 59,559.81 had been forwarded to the NAFO Secretariat.
- 10.3 The Executive Secretary pointed out that once again preliminary catch statistics were used when calculating the billing in Statement V (Annex 3).

STACFAD **recommended** that the General Council take appropriate action to insure the timely reporting of catch statistics from Contracting Parties.

11. Preliminary Budget Estimate for the Fiscal Year Ending 31 December 1992

- 11.1 STACFAD reviewed the preliminary budget estimate of \$ 903,000.00 a 4.42% increase over the approved budget for 1991 which is very close to the annual inflation rate in Canada.
- 11.2 STACFAD **recommended** to the General Council that the budget for the Organization of \$ 903,000.00 be adopted as presented for 1992 (Annex 4).

12. Preliminary Budget Forecast for the Fiscal Year Ending 31 December 1993

STACFAD noted that the preliminary budget forecast of \$ 944,000.00 for 1993 (Annex 5) would be reviewed in detail during the 14th Annual Meeting.

13. Billing Date for the Fiscal Year Ending 31 December 1992

The Executive Secretary had been requested by STACFAD to examine the billing procedures of other similar organizations. The Executive Secretary introduced STACFAD Working Paper 91/2 and following his explanation, STACFAD agreed to follow the procedure now used for the NAFO billing.

The proposed date of 15 February 1992 was agreed by STACFAD.

14. Adoption of Staff Rules

- 14.1 The Executive Secretary explained that STACFAD Working Paper 91/4 was distributed to all Contracting Parties and only Canada had responded with comments on Staff Rules and the cost implications. The Executive Secretary commented that cost implications of Staff Rules presented to Contracting Parties had already been reduced to a level below other similar international organizations and asked that the Staff Rules be approved and adopted in their present form as all the Rules contained in the Working Paper are in accordance with the existing international practice.
- 14.2 The EEC delegate suggested that Rule 10.1 concerning separation from service for the Executive Secretary should be changed from three (3) months to four (4) months written notice to the Organization. This change was agreed by STACFAD.
- 14.3 The Canadian delegate agreed with Staff Rules with the exception of Rule 7.1 concerning annual leave and Rule 10.4 concerning separation from service and noted that Staff Rules for Rule 7.1 and 10.4 should follow the guidelines established for the Public Service of Canada.
- 14.4 Following an exchange of ideas on Staff Rules the Chairperson asked Canada if it was possible to prepare a paper detailing the Canadian proposal. The Canadian proposal on Rule 7.1 and 10.4 was circulated and discussed in detail, and then adopted by STACFAD.
- 14.5 STACFAD agreed that the NAFO Staff Rules would become effective 1 January 1992 and points out that no additional costs will be incurred during the 1992 fiscal year. Costs related to Staff Rules are to be included in the detailed budget estimate for 1993 and circulated to Contracting Parties prior to the Fourteenth Annual Meeting.
- 14.6 STACFAD agreed to recommend to the General Council the adoption of NAFO Staff Rules as those presented in STACFAD Working Paper 91/1 with changes to Rules 7.1 and 10.4 and to Rule 10.1. (Annex 6)

15. Election of Officers

It was proposed by delegates that D. Gill (Canada) be re-elected Chairperson and H. Koster (EEC) be elected Vice-Chairperson. This was agreed unanimously.

16. Time and Place of 1992, 1993, 1994 Annual Meetings

The location of the 1992 Annual Meeting shall be in the Halifax-Dartmouth Area and the location of the 1993 and 1994 annual meetings would be in the area of Halifax-Dartmouth, if no

invitations to host the annual meetings were extended by a Contracting Party and accepted by the Organization.

1992	Scientific Council	8-18 September
	Fisheries Commission	14-18 September
	General Council	14-18 September
1993	Scientific Council	1-10 September
	Fisheries Commission	6-10 September
	General Council	6-10 September
1994	Scientific Council	14-23 September
	Fisheries Commission	19-23 September
	General Council	19-23 September

17. Other Business

There was no Other Business.

18. Adjournment

The Chairman adjourned the meeting at 0840 hours on 13 September 1991.

Annex 1. Agenda

Standing Committee on Finance and Administration (STACFAD)

1. Opening by the Chairman, H. Koster (EEC)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of Membership
5. Auditor's Report
6. Meeting of the Pension Society
7. Review of Accumulated Surplus Account
8. Review of Cost Implications for the NAFO Secretariat of Long-term and Short-term Measures for international control in the Regulatory Area (FC Doc. 90/9) (STACFAD Working Paper 91/3)
9. NAFO Headquarters accommodations for conducting of NAFO meetings (GC Working Paper 91/3)
10. Administrative Report and Financial Statements for 1991 (to July)
11. Preliminary Budget Estimate for the fiscal year ending 31 December 1992
12. Preliminary Budget Forecast for the fiscal year ending 31 December 1993
13. Billing date for the fiscal year ending 31 December 1992 (15 February 1992) (STACFAD Working Paper 91/2)
14. Adoption of Staff Rules (GF/91-163-STACFAD Working Paper 91/1, 91/4)
15. Election of Officers
16. Time and Place of 1992, 1993 and 1994 Annual Meetings
17. Other Business
18. Adjournment

Annex 2. List of Participants**Standing Committee on Finance and Administration (STACFAD)**

Name	Delegation
D. Delcorde	Canada
B. Garcia	Cuba
T. Abadia	EEC
H. Koster	EEC
A. Umezawa	Japan
J. Stremlau	Poland
V. Solodovnik	USSR
A. Mikhailov	USSR
L. Chepel	NAFO Secretariat
T. Amaratunga	NAFO Secretariat
F. Keating	NAFO Secretariat
H. Champion	NAFO Secretariat

Annex 3. Preliminary Calculation of Billing for 1992

STATEMENT V

Preliminary calculation of billing for Contracting Parties
against the proposed estimate of \$903,000.00 for the 1992
financial year (based on 11 Contracting Parties to NAFO)

Budget Estimate	\$ 903,000.00
Deduct: Amount from Accumulated Surplus Account	<u>160,205.00</u>
Funds required to meet 1992 Budget	<u>\$ 742,795.00</u>

60% of funds required =	\$ 445,677.00
10% of funds required =	74,279.50
30% of funds required =	222,838.50

Contracting Parties	Nominal Catches for 1989	% of Total Catch in the Convention Area	% of Total			Amount Billed
			10%	30%	60%	
Bulgaria	-	-	-	20,258.05	-	\$ 20,258.05
Canada	1,017,562	66.75	64,043.78	20,258.05	297,489.39	381,791.22
Cuba	24,102	1.58	-	20,258.05	7,041.70	27,299.75
Denmark (Faroes and Greenland) ^{1,2}	162,671	10.67	10,235.72	20,258.05	47,553.74	78,047.51
European Economic Community ^{1,2}	151,899	9.97	-	20,258.05	44,434.00	64,692.05
Iceland	-	-	-	20,258.05	-	20,258.05
Japan	9,025	0.59	-	20,258.05	2,629.49	22,887.54
Norway	4,803	0.32	-	20,258.05	1,426.17	21,684.22
Poland	9,132	0.60	-	20,258.05	2,674.06	22,932.11
Romania	-	-	-	20,258.05	-	20,258.05
Union of Soviet Socialist Republics	145,166	9.52	-	20,258.05	42,428.45	62,686.50
	<u>1,524,360</u>	<u>100.00</u>	<u>74,279.50</u>	<u>222,838.50</u>	<u>445,677.00</u>	<u>\$ 742,795.00</u>
Funds required to meet 1 January-31 December 1992 Administrative Budget						\$ 742,795.00

¹ Provisional Statistics used when calculating 1989 nominal catches.

² Faroes = 12, 143; Greenland = 150,528

Annex 4. Budget Estimate for 1992

	Approved Budget for 1991	Preliminary Budget Forecast for 1992	Budget Estimate for 1992	% (+ or -) compared to approved budget for 1991
1. Personal Services				
a) Salaries	\$ 560,000	\$ 596,000	\$ 562,000	+00.36%
b) Superannuation and Annuities	73,000	75,000	71,000	-2.74%
c) Additional Help	1,000	1,000	1,000	-
d) Group Medical and Insurance Plans	29,000	31,000	30,000	+3.45%
e) Termination Benefits	10,000	12,000	15,000	+50.00%
f) Accrued Vacation Pay	5,000	5,000	6,000	+20.00%
2. Travel	18,000	10,000	17,000 ^a	+112.50%
3. Transportation	1,000	1,000	1,000	
4. Communications	49,000	50,000	51,000	+04.09%
5. Publications	20,000	20,000	22,000	+10.00%
6. Other Contractual Services	45,000	47,000	47,000	+0.445%
7. Materials and Supplies	29,000	30,000	30,000	+3.45%
8. Equipment	5,000	5,000	5,000	-
9. Annual and Mid-Year Meetings	30,000	30,000	30,000	-
10. Computer Services	13,000	15,000	15,000	+15.39%
	878,000			
Less 1.5% Budgetary Restraint	13,170	928,000	903,000	+02.85%
Adjusted Total	864,830	928,000	903,000	+04.42%

^a Includes home leave to the USSR for Executive Secretary and his family; two persons to meeting of Directors and Executive Secretaries of the six International Commissions located in North America, re discussion of pension scheme for employees, May 1992, Seattle, Washington, USA.

Please Note: Other Possible Expenses in 1992.

- (a) Extension of NAFO Headquarters (re item 9 of General Council Agenda) GC Working Paper 91/3.
- (b) STACTIC Working Group request to examine the cost of implementing the proposed amendments to the hail system (STACFAD Working Paper 91/3).

Annex 5. Preliminary Budget Forecast for 1993

1.	Personal Services	
	a) Salaries	\$ 595,000
	b) Superannuation and Annuities	73,000
	c) Additional Help	1,000
	d) Group Medical and Insurance Plans	32,000
	e) Termination Benefits	18,000
	f) Accrued Vacation Pay	6,000
2.	Travel	8,000
3.	Transportation	1,000
4.	Communications	53,000
5.	Publications	24,000
6.	Other Contractual Services	49,000
7.	Materials and Supplies	32,000
8.	Equipment	5,000
9.	Annual and Mid-Year Meetings	30,000
10.	Computer Services	<u>17,000</u>
		<u>\$ 944,000</u>

Annex 6. NAFO Staff Rules

(Adopted by the General Council at the
13th Annual Meeting, 9-13 September 1991)

SECTION 1. SCOPE AND GENERAL PROVISIONS

Rule 1.1

These Staff Rules establish the fundamental principles of employment, regulate the working relationships and set out the rights and responsibilities of employees in the service of the Northwest Atlantic Fisheries Organization (hereinafter referred to as the "Organization").

Rule 1.2

The amount of leave with pay, sick leave credits and severance benefits credited to members of the Secretariat, at the time when these Staff Rules become effective, or at the time when those members become subject to them, shall be retained intact.

Rule 1.3

In these Rules:

- 1) "Staff members" are the permanent members of the staff of the Secretariat.
- 2) "Members of the Secretariat" are the Executive Secretary and the staff members.
- 3) "Employees" are all personnel hired or contracted by the Organization for service in the Secretariat.
- 4) "General Council", "Secretariat" and "Executive Secretary" are the entities defined in the text of the International Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, done at Ottawa, on 24 October 1978, hereinafter referred to as "the Convention".
- 5) "Regular Pension Scheme" is the pension plan of the International Fisheries Commissions Pension Society established by Canada and the United States for all employees of international fisheries commissions with headquarters in either of those two countries.
- 6) "Social Security Plans" are the life and long-term disability plans of the International Fisheries Commissions Pension Society, defined above.
- 7) "Separation from service" is the ending of employment for any reason whatsoever, as in lay-off, resignation, retirement, termination of appointment by either side or death

SECTION 2. DUTIES, OBLIGATIONS AND PRIVILEGES

Rule 2.1

Members of the Secretariat are international civil servants. Upon assuming their responsibilities they shall discharge their duties faithfully and conduct themselves in the best interests of the Organization.

Rule 2.2

Employees are not expected to renounce their national feelings nor political nor religious convictions while working for the Secretariat. They are however expected to conduct themselves in a manner consistent with the international nature of the Organization. They must always exercise loyalty, discretion and tact in the performance of their duties and shall avoid actions, statements and public activities which might be detrimental to the Organization and its aims.

Rule 2.3

All employees are responsible to the Executive Secretary in the fulfilment of their duties, and shall not accept directions or instructions from any authority other than the Executive Secretary. In the case of the Executive Secretary, the Chairman of the General Council shall give such directions to the Executive Secretary as will ensure that the business of the Organization is carried out efficiently and in accordance with its decisions.

Rule 2.4

Authorization for the release of information for official purposes shall lie with the Organization or the Executive Secretary, as the Convention may require. Otherwise employees should abstain from releasing information they possess by reason of their position.

Rule 2.5

Employees shall not be restricted in engaging in other employment outside the hours they are required to work for NAFO as long as this work does not represent a conflict of interest with their position in the Organization.

Rule 2.6

No member of the Secretariat may be actively associated in the management of a business, industry or other enterprise, or have a financial interest therein if, as a result of the official position held in the Secretariat, that person may benefit from such association or interest. Ownership of non-controlling stock in a company shall not be considered to constitute a financial interest in the meaning of this Rule.

Rule 2.7

All members of the Secretariat shall reside in the area where the headquarters of the Organization is located.

Rule 2.8

Members of the Secretariat shall enjoy the privileges and immunities to which they are deemed to be entitled as a consequence of the NAFO Convention and pursuant to the Northwest Atlantic Fisheries Organization Privileges and Immunities Order (Order-in-Council P.C. 1980-132, 11 January 1980), or under any agreement signed between the Organization and the Contracting Party concerned.

Rule 2.9

The Executive Secretary is empowered to delegate to any staff member those duties considered necessary to achieve the most efficient operation of the Secretariat.

SECTION 3. CLASSIFICATION OF MEMBERS OF THE SECRETARIAT

Rule 3.1

Members of the Secretariat shall be classified in either of two (2) categories:

a) *Professional Category*

Positions of high responsibility of a managerial, or scientific nature. These posts will be filled by appropriately qualified professionals, preferably with university qualifications or the equivalent. Staff members in this category will be recruited internationally among citizens of Contracting Parties of the Organization.

b) *General Services Category*

Positions of auxiliary administrative and technical nature. Clerical, secretarial and other office personnel. Such staff members shall be recruited from Canada.

SECTION 4. RECRUITMENT AND APPOINTMENT

Rule 4.1

In accordance with Article XV.2 of the Convention, the General Council shall appoint the Executive Secretary and shall establish tenure, remuneration and other conditions and entitlements as appropriate, within the principles of these Rules.

Rule 4.2

In accordance with Article XV.3 of the Convention, the Executive Secretary shall appoint all staff members.

Rule 4.3

Staff members are generally appointed under a probation period of six (6) months. During the probation period either party may terminate the appointment upon written notice of one (1) month, or a shorter period if mutually agreed.

Rule 4.4

Upon appointment at the start of the probation period, each staff member shall receive a letter of appointment stating:

- a) nature of the appointment, specifying the duties of the position and its title;
- b) date of appointment, coinciding with the beginning of the probation period;
- c) period of the appointment, either on a fixed term or a continuing basis, from the beginning of the probation period;
- d) category, level, initial salary, scale of increments and any allowances;

- e) any special terms and conditions which may be applicable; and
- f) that the appointment is subject to the Staff Rules.

Upon receipt of the letter of appointment and on or before the end of the period of probation, staff members shall indicate in writing that they are familiar with the terms of the appointment as specified and with the Staff Rules, and that all conditions are acceptable.

Rule 4.5

As a condition of the appointment, staff members must be willing to submit to a medical examination and present a resulting certificate stating that they have no medical conditions which might prevent them from performing their duties, or which might endanger the health of others; they may be required to undergo further medical examination from time-to-time at the expense of the Organization.

SECTION 5. HOURS OF WORK AND PAY PERIODS

Rule 5.1

The normal working week shall consist of thirty seven and one-half (37-1/2) hours, Monday through Friday.

The Executive Secretary shall establish the detailed working hours, and may alter them for the benefit of the Secretariat, as circumstances may require.

Rule 5.2

The Organization will pay the members of the Secretariat twice a month, the reference days as pay days being the fifteenth (15th) day and the last day of each month. Members of the Secretariat will be given their pay cheques two (2) banking days before the pay days.

SECTION 6. SALARIES, ALLOWANCES AND OTHER REMUNERATION

Rule 6.1

The scale of salaries, allowances and any other relevant conditions of employment for members of the Secretariat shall be established and will reflect the salary levels, allowances and conditions pertaining to similarly employed persons occupying similar positions in the public sector of the host country, subject to the NAFO Financial Regulations. The Executive Secretary shall be responsible for the determination of the appropriate public sector analogues in order to establish this parity, which will be submitted to approval of the Organization at its next annual meeting.

Rule 6.2

Salaries, allowances and other remuneration shall be paid in the national currency of the host country.

Rule 6.3

The starting salary shall be that established according to the principles of Rule 6.1, commencing at Step 1. The members of the Secretariat will receive a step increase for each year of service based on the principle of the public sector of the host country, as long as the staff members performance

has been considered satisfactory by the Executive Secretary, subject to the approval of the Organization at its next annual meeting.

Rule 6.4

Any change in job classification for staff members may be provisionally authorized by the Executive Secretary through consultation with STACFAD, subject to ratification by the Organization at its next annual meeting.

Rule 6.5

Members of the Secretariat shall not qualify for overtime pay. When, at the request of the Executive Secretary, staff members are required to work more than thirty seven and one-half (37-1/2) hours per week, or outside the detailed normal working hours or days, this will be compensated with leave equivalent to the hours of overtime worked. The Executive Secretary will determine the correspondent equivalent leave based on the principles for payment of overtime by the public sector of the host country.

Rule 6.6

The Organization will pay for justified hospitality and representation expenses incurred by the Executive Secretary, after promptly documented claims for the corresponding expenses have been submitted. Exceptionally the Executive Secretary might authorize the Assistant Executive Secretary or any other member of the staff to participate in this type of activity and the corresponding expenses will be limited to the amounts and circumstances the Executive Secretary will define.

SECTION 7. LEAVE AND HOLIDAYS

A. Annual Leave

Rule 7.1

Members of the Secretariat shall be entitled to annual leave with pay at the following rates:

- a) one and one-quarter (1-1/4) days for each calendar month until the month in which the anniversary of the employee's eighth (8th) year of continuous employment occurs;
- b) one and two-thirds (1-2/3) days for each calendar month commencing with the month in which the employee's eighth (8th) anniversary of continuous employment occurs;
- c) two and one-twelfth (2-1/12) days for each calendar month commencing with the month in which the employee's nineteenth (19th) anniversary of continuous employment occurs;
- d) two and one-half (2-1/2) days for each calendar month, commencing with the month in which the employee's thirtieth (30th) anniversary of continuous employment occurs;
- e) For the purposes of leave entitlements in accordance with these staff rules, an employee of the Professional Category (Rule 3.1(a)) may receive credit for continuous years of service prior to joining NAFO in federal or provincial governments (and international equivalencies), and years of service in other international organizations as agreed by a signed contract between the employee and NAFO;

- f) the Executive Secretary will determine the acceptability of past years experience of an employee in the General Services Category (Rule 3.1(b)).

Rule 7.2

Annual leave shall be authorized by the Executive Secretary who, insofar as possible, shall bear in mind the personal circumstances, needs and preferences of staff members. Nevertheless the leave period shall not cause disruption of normal Secretariat operations and consequently leave shall be subject to the exigencies of the Organization.

Rule 7.3

Members of the Secretariat are expected to take all their annual leave during the year in which it accrues. When in any year a staff member has not been granted all of their accrued annual leave, a maximum of twenty-five (25) work days of the unused accrued leave may be carried over to the following year.

Rule 7.4

Annual leave in anticipation of future days to be accrued shall be at the discretion of the Executive Secretary.

Rule 7.5

Members of the Secretariat while on probation are not to be granted annual leave, although they shall accrue such a leave from the beginning of their appointment.

B. Official Holidays

Rule 7.6

Members of the Secretariat shall be entitled to the paid holidays traditionally celebrated in the location of the headquarters of the Organization. Such official holidays shall be announced by the Executive Secretary at the beginning of the year. If any of these dates fall on a Saturday or a Sunday, the holiday shall be observed on another day, to be set by the Executive Secretary, subject to service needs and, if possible, staff preference.

C. Sick Leave

Rule 7.7

Members of the Secretariat shall earn sick leave credits at the rate of one and one-half (1-1/2) days for each calendar month during which they worked for at least ten (10) days.

Rule 7.8

No member of the Secretariat shall be granted sick leave for a period of more than three (3) consecutive days, and more than a total of seven (7) working days in any calendar year without producing a medical certificate. A staff member shall not, whilst on sick leave, leave the area of the Organization without the prior approval of the Executive Secretary.

Rule 7.9

Members of the Secretariat shall be granted sick leave with pay when they are unable to perform their duties because of illness or injury provided that:

- i) they satisfy the Executive Secretary of their condition,
- ii) they have the necessary leave credits.

Rule 7.10

When a staff member has insufficient or no credits to cover the granting of sick leave with pay, sick leave with pay may, at the discretion of the Executive Secretary, be granted for a period of up to fifteen (15) working days, subject to the deduction of such advanced leave from any sick leave credits subsequently earned, and, in the event of termination of employment for reasons other than death or lay-off, subject to the recovery of the advance, from any monies owed the staff member. No deduction and no recovery of the advance are to be effected if the sick leave is considered the result of injury on duty, in which case the advance sick leave credits to a maximum of six (6) months could be provided at the discretion of the Executive Secretary.

Rule 7.11

Accidents at work must be reported immediately to the Executive Secretary.

D. Marriage Leave

Rule 7.12

After the completion of one (1) year continuous employment, and provided that ten (10) days notice is given, any member of the Secretariat has the right to be granted five (5) days leave with pay for the purpose of getting married.

E. Maternity Leave

Rule 7.13

Members of the Secretariat who have completed their probation period before confinement shall be entitled to maternity leave for a period of sixteen (16) weeks. The timing of this leave shall depend on medical advice. During this period she shall continue to receive full pay and corresponding allowances, including accrual of annual leave, provided she continues to remain in the Organization's employment for a period of at least six (6) months after returning to work. Should she fail to return to work for the required six (6) month period, she shall be indebted to the Organization for the amounts received as maternity leave pay and allowances.

F. Other Leave

Rule 7.14

The Executive Secretary is empowered to grant requests by a staff member for leave with pay in cases of bereavement or exceptional family related responsibilities. In the case of death of an immediate family member the period of leave with pay shall normally be five (5) working days.

Rule 7.15

At the discretion of the Executive Secretary leave may be granted with or without pay for purposes other than those specified in these Rules.

G. Application for Leave

Rule 7.16

As far in advance of the leave period as possible, a form titled Application for Leave is to be completed by each staff member, initialized when approved by the supervisor and the Executive Secretary, and passed to the Administrative Assistant for recording purposes.

H. Irregular Leave or Absence

Rule 7.17

Any leave or absence not acceptable within the terms of these Rules shall be deducted from the annual leave and its payment will be at the discretion of the Executive Secretary.

SECTION 8. SOCIAL SECURITY

Rule 8.1

It shall be a condition of employment that members of the Secretariat join the Regular Pension Scheme and the Social Security Plans set up by the Organization covering life and disability insurances.

Rule 8.2

It shall be a condition of employment that members of the Secretariat, who have been advised, under the terms of Rule 8.1, that they cannot comply with provision of the Regular Pension Scheme and/or Social Security Plans, make appropriate personal arrangements to cover, as necessary, retirement, medical and hospital, life and disability insurances, which shall be initiated as early as possible and duly documented before the end of the first year of employment. Costs to the member of the Secretariat of achieving this coverage shall be met by the Organization in accordance with such rules as it may prescribe, provided that such costs contributed by the Organization shall not exceed fourteen per cent (14%) of the total of the salary and salary-related allowances of the member concerned. Costs in excess of this figure shall be the responsibility of that member.

SECTION 9. TRAVEL AND TRANSPORTATION

Rule 9.1

All official travel shall require previous authorization by the Executive Secretary.

Rule 9.2

With regard to official travel, members of the Secretariat shall be entitled to a travel allowance, payable in advance for travel expenses, accommodation, daily living expenses, and any other type of expenses necessarily incurred by reason of travel.

Rule 9.3

Economy Class shall be utilized, wherever feasible, for air travel. Business Class shall be used on the authority of the Executive Secretary only. Exceptionally, when no reasonable alternative is available the Executive Secretary may approve the use of First Class. For land travel outside Canada First Class may be utilized on discretion of the Executive Secretary.

Rule 9.4

On completion of travel, the staff member shall submit, normally within 15 days, for the approval by the Executive Secretary, a detailed claim of expenses with, where reasonably possible, proof of expenditure.

Rule 9.5

Under the control of the Executive Secretary, members of the Secretariat who, in the course of their duties, are requested to use private motor vehicles for official travel or transportation purposes, shall be entitled to receive reimbursement of the costs involved in line with those available to the public sector of the host country. The costs associated with normal daily travel to and from place of work shall not be reimbursed.

Rule 9.6

On taking up an appointment, members of the Secretariat not residing within commuting distance, shall be eligible for:

- a) payment of travel expenses for arrival at post for the member and family from the place of residence to the location of the headquarters of the Organization;
- b) a "subsistence allowance" calculated on the basis of the relocation rules in force in the public sector of the host country;
- c) payment of removal costs including the shipment of personal effects and household goods from the place of residence to the location of the headquarters of the Organization, subject to a maximum volume of 40 cubic meters or one international standard shipping container;
- d) payment or reimbursement of sundry other expenses related to relocation, including insurance of goods in transit and excess baggage charges, on the basis of the relevant relocation rules in force in the public sector of the host country.
- e) Payments to staff members shall be subject to prior approval by the Executive Secretary.

Rule 9.7

After eighteen (18) months of service, and if the member of the Secretariat is recruited internationally, from outside Canada, the Organization shall pay, in accordance with Regulations 9.3 and 9.4, travel expenses for the member and family to visit the home country on annual leave. This payment to include economy air fare, meal allowance, hotel accommodation and transportation costs to airports and stations while in travel status. Following this, home leave and its travel expenses shall be granted at two (2) year intervals provided that:

- a) family who benefit from this grant have resided in the host country for at least six (6) months prior to travel;
- b) It is understood that the member of the Secretariat will return to continue rendering services for a minimum additional period of six (6) months, or, unless otherwise authorized by the Organization, the accounts paid for his or her travel expenses will have to be returned.

SECTION 10. SEPARATION FROM SERVICE*Rule 10.1*

Staff members may separate from service by giving four (4) weeks notice in writing to the Executive Secretary.

The Executive Secretary may separate from service by giving at least four (4) months written notice to the Organization.

Rule 10.2

The Executive Secretary may terminate the appointment of a staff member by giving three (3) months written notice, when that termination is due to restructuring of the Organization or of any of its constituent bodies, or if the Organization would decide to cease its functions. If at any time the Executive Secretary considers that the staff member does not give satisfactory service or fails to comply with the duties and obligations set out in these Rules, appointment of the staff member may be terminated upon written notice of one (1) month in advance.

Rule 10.3

The effective date of separation is the first working day after the date of termination of the notice period, except in the event of death of a member of the Secretariat, when it is the day after death and on that date all salary and related emoluments shall cease.

Rule 10.4

- a) In the event of separation for service with the Secretariat, staff members shall be compensated an indemnity equivalent to the rate of two (2) weeks current salary for every year of service, free of all deductions, limited to a maximum of 40 weeks;
- b) For the purposes of entitlements in accordance with these staff rules, an employee of the Professional Category (Rule 3.1(a)) may receive credit for continuous years of service prior to joining NAFO in federal or provincial governments (and international equivalencies) and in other international organizations as agreed by a signed contract between the employee and NAFO;
- c) the Executive Secretary will determine the acceptability of past years experience of an employee in the General Services Category (Rule 3.1(b)).

Rule 10.5

On separation from service, a member of the Secretariat shall be entitled to the following:

- a) payment of travel expenses from the place of residence for arrival at the former residence, for the member and family;
- b) payment of removal costs, including the shipment of personal effects and household goods from the place of residence to the former residence, subject to a maximum volume of forty (40) cubic meters or one (1) international shipping container;
- c) payment of reimbursement of sundry other expenses related to relocation, including insurance of goods in transit and excess baggage charges subject to the relevant rules and criteria applicable on appointment of the same member of the Secretariat;
- d) payments to staff members shall be subject to prior approval by the Organization on the recommendation of the Executive Secretary.

Rule 10.6

Upon separation, accrued unused annual leave shall be paid to any member of the Secretariat at the rate of the current salary at the time of separation but this monetary compensation will not be paid for more than a maximum of twenty-five (25) days plus the leave accrued during the year of separation. In case of death this money will be paid to the member's estate. In the event of termination of employment for reasons other than death or lay-off, the Organization will recover from the member of the Secretariat an amount equivalent to any unearned annual leave taken by that member, in anticipation of future days to be accrued.

Rule 10.7

In case of death of a member of the Secretariat, the Organization shall pay shipment of the remains from place of death to a place designated by the next of kin, limiting the payment of costs to those that correspond to shipping them to the deceased member's home for purposes of home leave or to the place from which personal effects or household goods were shipped.

Rule 10.8

In case of death, the family of a deceased member of the Secretariat shall be entitled to the payments specified in Rule 10.5 except that this right shall lapse if the travel is not undertaken within the six (6) months of the date of the member's death, except if a reasonable extension of that period of time is approved.

SECTION 11. TEMPORARY PERSONNEL*Rule 11.1*

The Executive Secretary may hire temporary personnel as necessary, by utilizing whenever possible, persons residing in the area in which the headquarters of the Organization are located.

SECTION 12. APPLICATION AND AMENDMENT OF STAFF RULES*Rule 12.1*

Any doubts concerning the interpretation or application of these Rules shall be resolved by the Executive Secretary unless it applies to the Executive Secretary in which case the General Council shall be consulted. The Executive Secretary shall submit to approval by the General Council at its next meeting any resolution taken previously under the terms of this Rule.

Rule 12.2

All matters not foreseen in these Staff Rules shall be brought to the attention of the Organization by the Executive Secretary.

Rule 12.3

Any changes in these Staff Rules must be approved by the General Council in accordance with its Rules of Procedure, on the advice of STACFAD.

PART III. Report of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)

1. Opening of the Meeting

- 1.1 The Third Meeting of the Standing Committee on Fishing Activities of non-Contracting Parties in the Regulatory Area (STACFAC) was opened in Dartmouth, Nova Scotia, Canada on 9 September 1991 under the chairmanship of Mr. C. C. Southgate (EEC).
- 1.2 The following Contracting Parties were present: Canada, Denmark (in respect of the Faroe Islands and Greenland), European Economic Community (EEC), Japan, Norway, Poland and the Union of Soviet Socialist Republics (USSR). (Annex 1)

The USA representatives were present as observers.

- 1.3 The Chairman welcomed the delegates to the meeting and asked for the nomination of a rapporteur.

2. Appointment of Rapporteur

- 2.1 A. Donohue (Canada) was appointed rapporteur.

3. Adoption of Agenda

- 3.1 The agenda was adopted as presented. (Annex 2)

4. Review of Annual Information (1990 and First Half of 1991) on Activities of Vessels of Non-Contracting Parties in the Regulatory Area

- 4.1 The Canadian representative noted that Canada had tabled a paper on this subject in June and will make the revised version which will include updated information on 1991 activity available to representatives.
- 4.2 The representative of the EEC informed that the information would be provided to representatives.
- 4.3 The item was adjourned after these reports had been received by representatives (Annexes 3 and 4).

5. Review of Annual Information (1990 and First Half of 1991) on Landings and Transshipment of Fish Caught in the Regulatory Area by Non-Contracting Parties

- 5.1 The Canadian representative explained that since the establishment of STACFAC it had been difficult to obtain such information. She stated that Canada's goal under this item was to discuss recommendations for establishing a standardized reporting system. Such a system could, for example, involve distributing the names of vessels of non-Contracting Parties sighted fishing in the Regulatory Area to Contracting Parties with a view to determining whether such vessels regularly call at the ports located in the territories of Contracting Parties. Canada intended to propose a recommendation to this effect under Agenda item 7.
- 5.2 The EEC representative stated that there was no standard procedure for gathering statistical information and that while statistics reveal landings they provide no indication as to the

location the landed fish were caught. The EEC did not believe it useful to enter into obligations the Contracting Parties could not fulfil.

5.3 The delegates agreed to consider this issue in future, however at this stage they cannot be committed to any fulfilment.

6. Review of Other Effective Measures by Contracting Parties to Reduce the Benefits of any Fishing Contrary to the NAFO Conservation Measures, Including Communication Through Diplomatic Channels

6.1 The EEC representative reported that the EEC had delivered a joint demarche to Panama and Venezuela in the presence of Canada, Denmark (in respect of the Faroes and Greenland) and Norway to underscore the NAFO character of the joint diplomatic approach. He believed that such joint approaches were of greatest benefit since they were completed in the time between bilateral approaches and the Annual Meeting. He reported positive reactions from interlocutors who signified their awareness of the problems. A positive written reply had been received from Venezuela to the EEC's bilateral approach. However, vessels of these countries were still being sighted in the Regulatory Area. Panama had responded that it would explore the possibility of introducing legislation similar to that implementing the requirement to comply with NASCO decisions. However, the Panamanian diplomatic representative accredited to the EEC had been concerned that the legal situation might be more difficult in respect of NAFO than had been the case in respect of NASCO.

6.2 The representative of Canada reported that Canada had agreed to coordinate three joint demarches. Canada's Ambassador in Rome (also accredited to Malta) had written to the Maltese authorities and a Canadian representative subsequently met with them. The Maltese authorities informed him that in order to be registered in Malta a vessel application must be accompanied by a "no objection" letter from the Fisheries Ministry and that this requirement constituted a basis for controlling activities of Maltese flag vessels. The Canadian representative reported that despite the name of the vessel having been reported to Maltese authorities, it had continued to operate in the Regulatory Area as recently as July 1991. Canada was expecting a written reply to its demarche. To address the problem of vessels from St. Vincent and the Grenadines, the Canadian Ambassador for Fisheries Conservation had met with a representative for East Caribbean States in the presence of representatives from Cuba, Denmark, Japan, the EEC and the USSR. The East Caribbean representative had stated he was not familiar with the issue of flags of convenience but would bring concerns to the attention of the appropriate authorities. The Canadian High Commission in Bridgetown was writing a follow-up letter and the Ambassador would personally contact St. Vincent authorities on his next official call to the island. With respect to the Cayman Islands, the Canadian representative reported that the issue had been raised with the Foreign and Commonwealth Office (FCO) of the UK which reported that the one vessel concerned had been deregistered last year. Canada had subsequently learned the vessel concerned had re-registered in Panama. Canada suggested that it would be useful if the Caymans and other potential flag states of non-Contracting Parties instituted a provision in their system of registration, along the lines of Malta's system, to prevent fishing in the Regulatory Area. With respect to Panama, in bilateral consultations following the EEC demarche, Panamanian authorities had indicated that there may not be serious legal obstacles to dealing with offending vessels. Follow up with Panama was required.

6.3 The representative for the USSR reported that the USSR had delivered an Aide Memoire to the USA Embassy in Moscow.

- 6.4 The Japanese representative reported that the Japanese Embassy in Seoul had delivered a demarche to Korean authorities during the preceding week but he had not, to date, received a report on the meeting.
- 6.5 The Canadian representative stated that demarches were useful to help non-Contracting Parties coordinate their own actions needed to establish appropriate controls. Canada would follow up with Panama. Cayman Islands authorities should be asked to bring in measures to prevent registration there of vessels fishing in the Regulatory area.
- 6.6 The EEC representative endorsed the statement by the Canadian representative. He believed that the demarches had exceeded expectations and made non-Contracting Parties aware of problems. But no instant or even short term results could be expected and follow up would be needed.
- 6.7 The Chairman indicated that discussion under Agenda item 7 should include concrete suggestions to prevent recurrence as well as for ending the existing problem.

6.a) Certificate of Harvest Origin

- 6.a).1 The Canadian representative noted that there had been extensive discussion of this item at two previous meetings and recognized the complexity of its proposal and the fact that it might impose an excessive administrative burden on some Contracting Parties. Canada was prepared to consider the EEC proposal or an amended version if it was more acceptable. As Canada understood it, under the EEC proposal, a declaration would be required to accompany all landings of fish species regulated by NAFO by non-Contracting Parties whose vessels have been sighted in the Regulatory Area. Canada would be prepared to provide to NAFO a list of vessels of non-Contracting Parties sighted in the NAFO Regulatory Area, and vessels from those countries would be required to provide a mandatory landing declaration. Failure to provide such a document would not prevent imports from entering the market but could trigger other penalties consistent with Article VIII of the GATT. Canada asked committee members to consider this proposal in order to help monitor trade in fish caught in the Regulatory Area.
- 6.a).2 The EEC representative stated that the EEC proposal was strictly limited to the purpose of obtaining statistical information. Under no circumstances, the non-delivery of the Landing Declaration could have the consequence of preventing imports into the Contracting Parties territory or any other trade related measures. This principle was to be agreed by all Contracting Parties. The proposal was seen as being obligatory on all non-Contracting Parties. The EEC was, however, prepared to discuss the Japanese proposal which would not be obligatory. The EEC representative suggested an amendment to the penultimate line of the EEC working paper (STACFAC Working Paper 91/17) as follows: "...harvest origin from **non-Contracting Parties fishing in the NAFO Regulatory Area**, as set out in the Annex, to be transferred by the **competent authorities of the Contracting Parties** to the NAFO Executive Secretary." (New text in bold type). The word "fraiche" in Section 3 of the attached draft Statistical Landing Declaration was deleted.

The EEC representative added that if a formal proposal was finally adopted, the decision on the implementation of such measure should be deferred in order to first wait for the results of the various diplomatic demarches and their follow-up.

- 6.a).3 The Chairman queried whether the three proposals should be discussed bilaterally.

- 6.a).4 The Canadian representative suggested the decision should become part of the Report under Agenda item 7.
- 6.a).5 The Danish representative supported agreement on the EEC proposal.
- 6.a).6 The Japanese representative spoke against the Canadian proposal but said that the Contracting Parties should take all possible domestic steps to collect the necessary statistics. Reply was deferred to Canada's question as to whether Japan had domestic legislation to gather the necessary statistics on fish caught in the NAFO Regulatory Area (as opposed to those caught in other areas).
- 6.a).7 The Chairman's suggestion that discussion on the three draft proposals resume under Agenda item 7 was accepted.

**6.b) Trade Related Measures Concerning Fish Harvested Inconsistent
with NAFO Conservation Measures**

- 6.b).1 Canada referred delegates to its paper tabled in January 1991 and asked that the Item be retained on the agenda and that Contracting Parties continue to give it their consideration.
- 6.b).2 The delegations agreed to further considerations during elaboration of the Report to the General Council and in future meetings.

7. Elaboration of the Report, Including Concrete Recommendations to the General Council

- 7.1 The Chairman reminded representatives that three items had been carried over for discussion under this item: follow up action to demarches, proposals for a standardized reporting system on landings and transshipments and documents to accompany landings from non-Contracting Parties.
- 7.2 The Canadian representative indicated Canada was prepared to provide draft recommendations to the General Council. These would highlight the useful work of the committee and make recommendations for its future work. It was important for STACFAC to continue to meet in order to deal with the issue of flags of convenience and reflagged vessels. The Canadian delegation was working on domestic measures in support of provisions of the United Nations Convention on the Law of the Sea which could be used to require states to prevent their nationals from fishing on vessels of non-Contracting Parties in the Regulatory Area. It would be useful to continue to work on these issues.
- 7.3. In response to the Chairman's comment that the issue of reflagging required further discussion, the EEC representative stated that the reflagging issue required work on the basic legal elements. The EEC believed that national measures based upon the United Nations Convention on the Law of the Sea, aiming at implementing international obligations in this respect could be the most promising and should be pursued. At the same time this was a universal problem not limited to NAFO requiring an international approach. He appealed to the Contracting Parties to follow closely international efforts in the United Nations and the FAO to agree on an appropriate framework to resolve the problem.
- 7.4 Canada introduced and explained its amendments to the EEC draft recommendation on the statistical landing declaration (STACFAC Working Paper 91/24).

- 7.5 The Japanese representative said transshipment posed a potential impediment to getting the signature of the Master on the statistical landing declaration.
- 7.6 The Canadian representative explained that it was not necessary to have the signature of the Master that lands the fish, but it would be up to that Master to ensure proper documentation.
- 7.7 The EEC representative provided general comments on STACFAC Working Paper 91/24 stating that it was appropriate to allow for "leeway for national authorities" to implement. However, it was perhaps also appropriate to delay implementation to await the outcome of ongoing initiatives such as the joint diplomatic demarches. He proposed that the landing declaration could be adopted "in principle" to be implemented only if no positive response was received from non-Contracting Parties to current initiatives.
- 7.8 The representative of Canada opposed a delay on this basis, preferring initiatives proceed in parallel, since there would be start-up delays in any event and modest deadlines could be set.
- 7.9 The Canadian representative proposed that a question could be included for masters of cargo vessels to be filled in as appropriate. She also suggested that the system could be improved if contracting parties would circulate a list of vessels known to them to be engaged in this trade or in transshipment.
- 7.10 The EEC representative suggested that the original document could accompany the shipment to its destination. Non-Contracting Parties could be asked to request their vessels to carry and file forms. In his view these issues demonstrated the complexity and impediments to implementation.
- 7.11 At Canada's request the Chairman canvassed the views of representatives on willingness of Contracting Parties to continue work on the statistical landing declaration with implementation within a reasonable time. The EEC, Denmark (in respect of the Faroe Islands and Greenland) and Poland signified their agreement.
- 7.12 In response to a question from the USA observer as to whether the declaration would be required of vessels of non-Contracting Parties that already provide catch information to NAFO, the Chairman indicated that this would require further consideration. He then concluded that there was agreement in principle to proceed with the recommendation for a landing declaration.
- 7.13 Discussion commenced on the Canadian draft Recommendation to the General Council (STACFAC Working Paper 91/23).
- 7.14 The Canadian representative introduced the paper explaining it was based on the June EEC draft. She considered the issue of reflagging to be particularly important. Canada would undertake to provide the names of vessels of non-Contracting Parties sighted in the NAFO Regulatory Area to the Executive Secretary who would transmit to Contracting

Parties who would alert their port authorities to record and document the movements of and activities of such vessels in their ports. This would not impose an onerous burden due to the relatively small number of vessels and ubiquitous computerized record keeping.

- 7.15 The EEC representative commented on the Canadian draft. He considered paragraph 4 unnecessary and reserved views on transshipment. He thought that distinguishing between imports in accordance with paragraph 6 could cause problems of GATT incompatibility. With respect to paragraph 8, he thought vessels had a basic right to reflag and the proposal had in any case not been evaluated by EEC experts. He objected to paragraph 9 as proposing a trade related measure.
- 7.16 The representative of Denmark (in respect of the Faroe Islands and Greenland) generally welcomed the Canadian initiative but could not agree to endorse anything that could amount to trade discrimination.
- 7.17 The Canadian representative explained that paragraph 6 was not intended to distinguish in order to control but merely to obtain the statistical breakdown between two categories. The paragraph could be reworded to retain meaning yet delete the word "distinguish". Paragraph 8 was intended merely to encourage Contracting Parties to investigate options and to help them "refine their thinking". Paragraph 9 fell within the express mandate of STACFAC and Canada wished to retain the option.
- 7.18 Discussion moved to STACFAC Working Paper 91/25 -Draft Recommendation to the General Council, prepared by the EEC. The EEC representative introduced its paper explaining it retained all essential elements.
- 7.19 The representative of Denmark (in respect of the Faroe Islands and Greenland) welcomed the paper as a serious step forward and hoped progress could be made by agreement. He said Denmark rejected "overly bureaucratic" or GATT inconsistent measures.
- 7.20 The Japanese representative opposed textual references to UNCLOS, since the instrument was not in force.
- 7.21 The Canadian representative stated that some changes that had been made to the text by the EEC were fundamental issues to Canada. She commented that the Contracting Parties had certain obligations that were reflected in UNCLOS and references to that instrument had precedent in previous Resolutions and in the mandate of STACFAC. Referring to the final paragraph on the first page of Working Paper 91/25, she noted that consistent with the terms of reference and the mandate of STACFAC non-Contracting Parties should withdraw from the Regulatory Area. Commenting on paragraph 6, she stated that Contracting Parties had to ensure that their nationals did nothing to undermine NAFO. Even if Contracting Parties had no measures available to them at present, the recommendation should reflect a commitment to explore ways of bringing such measures to bear. She noted the importance to Canada of paragraph 7 of STACFAC Working Paper 91/23. In paragraph 3, Canada preferred "seek to" in place of "endeavour"; in paragraph 4, the addition of "regulated by NAFO" after "groundfish species" at the beginning of the fourth line would help to better define the undertaking; paragraph 5 should be deleted since STACFAC's objective was to persuade non-Contracting Parties to withdraw from the NAFO Regulatory Area rather than to establish a permanent catch reporting mechanism. With those modifications, she believed the basis for an agreed text existed.

- 7.22 The Japanese representative commented that with the exception of redfish, Japan had no way of distinguishing where fish species were caught.
- 7.23 Discussion ensued on retaining the reference to UNCLOS with the EEC representative commenting that UNCLOS was customary international law on which national legislation could be based. The reference in his view, should therefore be retained.
- 7.24 Discussion shifted to the call in the EEC draft Recommendation for non-Contracting Parties to "participate in NAFO conservation measures". The Chairman commented that this implied a desire to encourage non-Contracting Parties to join NAFO. The EEC representative stated that the objective was to end fishing in the NAFO Regulatory Area by non-Contracting Parties but until this occurs, in the interim they should be asked to abide by NAFO conservation measures. The Canadian representative was of the view that "should participate" was too loose a term and that in her view, a call for respect for NAFO conservation measures was implied in the preambular reference to UNCLOS.
- 7.25 Minor amendments to operative paragraphs 1, 3, 4 and 5 of the text in STACFAC Working Paper 91/25 were approved and it was agreed that the preambular paragraph referring to the UNCLOS provisions would be retained. Discussions focused on preambular paragraph 6 and operative paragraphs 6 and 8 of the EEC text and 7, 8 and 9 of the Canadian text. (STACFAC Working Paper 91/23)
- 7.26 Following discussion of various approaches, the language, as reflected in the final text, was **agreed**, with the following specification:
- On operative paragraph 6 of the EEC text the Canadian representative **registered** the need to consider specific measures that would prevent these activities of Contracting Party nationals but accepted the proposed amended language as reflected in the final text.
- The operative paragraph 7 of the Canadian text would be included subject to an amendment to address the timing of "possible" implementation of a Landing Declaration system.
- In response to concerns registered by the EEC and Denmark (in respect of the Faroe Islands and Greenland) with respect to consideration of trade measures, and to a Japanese suggestion, the Canadian representative agreed not to include its operative paragraph 9, subject again to the reference to STACFAC's Terms of Reference in the final operative paragraph.
- 7.27 The Recommendation to report to the General Council was then approved by consensus (Annex 5).

8. Time and Place of the Next Meeting

- 8.1 The delegations **noted** that there are many questions left to discuss before the Annual Meeting and it was **agreed** unanimously to ask the General Council for authorization of an intersessional meeting of STACFAC early in 1992.
- 8.2 The exact time of the such meeting will be negotiated through the Executive Secretary with the Heads of Delegations.

9. Other Matters

There were no questions raised under this item of the Agenda.

10. Adjournment

The meeting was adjourned at 1130 hours on 13 September 1991.

Annex 1. List of Heads of Delegations

Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)

Name	Delegation
L. Forand	Canada
B. Garcia Moreno	Cuba
H. Fischer	Denmark (in respect of the Faroe Islands and Greenland)
P. Hillenkamp	EEC
T. Mori	Japan
P. Gullestad	Norway
J. Stremlau	Poland
V. Fedorenko	USSR

Annex 2. Agenda

Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)

1. Opening by the Chairman, C. C. Southgate (EEC)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of annual information (1990 and first half of 1991) on activities of non-Contracting Parties vessels in the Regulatory Area
5. Review of annual information (1990 and first half of 1991) on landings and transshipment of fish caught in the Regulatory Area by non-Contracting Parties
6. Review of other effective measures by Contracting Parties to reduce the benefits of any fishing contrary to the NAFO Conservation Measures, including communication through diplomatic channels
 - a) Certificate of Harvest Origin (proposals of delegations at Second STACFAC Meeting, 3-4 June 1991, Dartmouth, N.S.)
 - b) Trade related measures concerning fish harvested inconsistent with NAFO conservation measures.
7. Elaboration of the Report, including concrete recommendations, to the General Council
8. Time and Place of Next Meeting
9. Other Matters
10. Adjournment

Annex 3. Non-Contracting Parties Fishing Activity in the NAFO Regulatory Area, by the Canadian Delegation

Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)

1.0 Introduction

This report examines the activities of NAFO non-Contracting Parties vessels that fish groundfish species in the NAFO Regulatory Area. The report attempts to distinguish between "non-Contracting Parties vessels", such as those from Korea or the USA and re-flagged vessels, generally crewed by western Europeans.

The information sources for this report are Canadian air surveillance and courtesy boardings¹ conducted by Canadian officials on non-member vessels. Catch reports to NAFO are used in the case of USA vessels.

2.0 Fleet Profile

During the 1985-91 period, approximately 200 NAFO Contracting Parties vessels fished groundfish in the Regulatory Area on an annual basis. By comparison, the annual presence of non-member vessels has increased from 11 in 1984 to 35-45 for the 1985-91 period. Table 1 provides a full summary of groundfish vessels for the 1985-91 period.

TABLE 1. Number of vessels fishing for groundfish in the NAFO Regulatory Area from 1985 to 1991.

	Year						
	1985	1986	1987	1988	1989	1990	1991 ^a
Contracting Parties - Total	191	196	182	179	198	231^b	220^b
Caymen Islands	1	1	1	1	1	1	0
Honduras	0	0	0	0	0	0	1
Korea	1	1	1	3	5	6 ^c	4
Mauritania	0	1	0	1	1	0	0
Malta	0	0	0	0	1	1	0
Morocco	0	0	0	0	0	0	1
Panama (Korean-crewed)	4	3	4	5	5	2	2
Panama (European-crewed)	4	5	8	15	19	22	21
St. Vincents	0	0	0	1	1	1	1
USA	14	15	9	11	14	9	0
Mexico/Chile	6	4	6	4	0	0	0
Venezuela	0	0	0	0	0	2	2
Non-Contracting Parties - Total	30	30	29	41	47	44	32
TOTAL	221	226	211	220	245	275	252

^a Preliminary data to 31 August 1991.

^b Thirteen (13) Norwegian vessels and nine (9) Norwegian vessels fished exclusively for capelin in 1990 and 1991 respectively.

^c May include squid fishing vessel registered in Taiwan (Hes Wen No. 1).

¹ Non-Contracting Parties vessels are not subject to NAFO Conservation and Enforcement Measures and, therefore, are not required to permit NAFO inspectors onboard.

To 31 August, the 1991 non-Contracting Parties fleets included 23 vessels crewed by Western Europeans (6 pair trawlers, 11 single trawlers), 8 crewed by Koreans and 1 Moroccan-registered vessel whose crew nationality is unknown. No USA groundfish vessels¹ have been sighted to date in the NAFO Regulatory Area.

Table 2 provides a list of non-Contracting Parties vessels and crew nationalities that have fished in the NAFO Regulatory Area in 1991 (to 31 August):

TABLE 2. Non-Contracting Parties vessels and crew nationalities that fished in the NAFO Regulatory Area during 1991.

Western European	Korean	Moroccan
Colombo III – Panama	Marsopla – Panama	Morocco Ain Chanech –
Colombo IV – Panama	Hao Quang # 3 – Korea	Morocco – unknown
Colombo V – Panama	Golden Venture – Korea	
Colombo VI – Panama	Puk Yang II – Korea	
Colombo VII – Panama	Sam Won Ho – Korea	
Colombo VIII – Panama	Peonia # 9 – Panama	
Anita I – Panama	Great Splendor – St. Vincent's	
Elly I – Panama	Danica – Honduras	
Alpes II – Panama		
Leone, Panama		
Santa Joana – Panama		
Espadarte – Panama		
Porto Santo – Panama		
Pescamex III – Panama		
Pescamex IV – Panama		
Amazones – Panama		
Cidade de Aveiro – Panama		
Classic Belair – Panama		
Rio Gabriel – Panama		
Leone III – Panama		
Pescagel – Venezuela		
Bacanova – Venezuela		

3.0 Catch Statistics

3.1 Method of determining catch statistics

In the absence of catch reports to NAFO, the catch statistics for each non-Contracting Party are obtained primarily from logbooks/verbal conversations with masters during courtesy boardings combined with an estimate for non-boarded periods. Estimated statistics represent a "best estimate" of vessel activity and catches. A brief step by step method to determine catches for non-Contracting Parties vessels follows:

- 1) Courtesy boarding and sighting data are obtained.
- 2) Sighting information which is covered by courtesy boardings is omitted.

¹ Prior to 1985, there were no observations of USA groundfish vessels in the NAFO Regulatory Area. Since 1985, an average of 12 USA vessels have frequented the NAFO Regulatory Area annually. This average is believed accurate. However, due to the nature of fishing trips (4-6 days in the NAFO Regulatory Area) and air surveillance deployment strategies, it is conceivable that the average could be higher.

- 3) Days on ground are counted between sightings that are less than 30 days apart and totalled. Where a vessel is sighted greater than 30 days apart, seven days is attributed to the vessel for each sighting.
- 4) The known days when vessels are not in the Regulatory Area (eg port visits, etc.) are counted and subtracted from days on ground.
- 5) The final figure obtained is then reduced by 15% to account for bad weather, steaming, mechanical breakdown, etc.
- 6) The final days on ground are totalled for each nation.
- 7) Courtesy boarding data for each nation is analyzed to determine the major fisheries engaged in, as well as to determine catch rates.
- 8) The percentage of time (based on courtesy boarding) spent engaging in each fishery is applied to the total estimated days for each nation.
- 9) As a result, an estimate of catch by species for each nation is obtained.
- 10) This estimated catch and effort is added to the courtesy boarding data to obtain a combined total catch for each nation/fishery.

3.2 Overview - 1990

During 1990, 275 groundfish vessels from 15 nations fished in the NAFO Regulatory Area¹. Eight of these nations are NAFO members and accounted for 231 vessels. Seven (7) non-Contracting Parties accounted for the remaining 44 groundfish vessels.

In 1990, it is estimated that non-Contracting Parties caught 46 800 tons of groundfish consisting of 15 400 tons of cod, 19 400 tons of redfish, 5 300 tons of flounder, 3 300 tons of Greenland halibut and 3 400 tons of various other species. Table 3 and 4 gives a breakdown of catch for each non-Contracting Party which fished in the NAFO Regulatory Area in 1990.

TABLE 3. Groundfish catches of non-Contracting Parties in the NAFO Regulatory Area in 1990.

Non-Contracting Parties	No. of vessels	Effort (days)	Catch (tons)	C/R
Caymen Islands	1	250	2 500	10.0
Korea	6	1 000	17 200	17.1
Malta	1	200	1 500	7.5
Panama	24	2 700	21 700	8.0
St. Vincents	1	200	3 300	16.5
Venezuela	2	50	600	12.0
USA	9	20	0 ^a	0
Total	44	4 420	46 800	10.6

^a 27 tons reported to NAFO.

¹ Thirteen (13) Norwegian vessels fished exclusively for capelin.

TABLE 4. Groundfish catches (by species) of non-Contracting Parties in the NAFO Regulatory Area in 1990.

Non-Contracting Party	Estimated catch (tons)					Total
	Cod	Redfish	Flounder	Greenland halibut	Other	
Caymen Islands	0	600	1 900	0	0	2 500
Korea	5 900	7 700	3 400	0	200	17 200
Malta	0	1 500	0	0	0	1 500
Panama	8 900	6 300	0	3 300	3 200	21 700
St. Vincents	0	3 300	0	0	0	3 300
Venezuela	600	0	0	0	0	600
USA	0	0	0	0	0	0*
Total	15 400	19 400	5 300	3 300	3 400	46 800

* Twenty seven (27) tons reported to NAFO.

Explanatory Notes:

Catch information is generally provided verbally by master(s) and, therefore, the separation of catches on a divisional basis cannot be completed accurately. In 1990, it is believed that all (95%) flounder catches were taken in Div. 3N and 3O, cod catches were primarily (60-70%) from Div. 3M, 3N and 3O, Greenland halibut catches were primarily (90%) from Div. 3L and redfish catches were split between Div. 3M, 3N and 3O.

The catch estimate procedure is completed on the basis of registered nation/vessels not crew nationality; therefore, the division of catches by crew nationality cannot be completed accurately. In 1990, it is believed that most cod (60%) catches, all Greenland halibut catches and a portion (33%) of redfish catches were taken by vessels crewed from Western Europe with the remaining catches taken by vessels crewed from Korea or USA.

3.3 Catch overview - 1984-90

Since 1984, there has been an increase in the amount of effort by all nations fishing in the NAFO Regulatory Area. In 1984, the total effort by all nations was 8 820 days, whereas the seven year average (1984-90) stands at 16 809 days per year.

Non-Contracting Parties activity has increased dramatically from 840 days in 1984 to 4 420 days in 1990. This is reflected by an increase in Korean-crewed vessels and registry transfers by Western European vessels.

The average yearly total of groundfish catch of all species by all nations fishing in the NAFO Regulatory Area during the 1984 - 90 period was approximately 187 500¹.

Non-Contracting Parties catches have increased dramatically from 12 000 tons in 1984 to 30 000 tons in 1987 and 46 800 tons in 1990.

From 1984 to 1990 non-Contracting Parties used an average of 33 fishing vessels per year in the NAFO Regulatory Area. These vessels fished for an average of 2 582 days catching approximately 29 000 tons of groundfish, an average catch per day of 11 tons (Table 5). The fishing effort for non-Contracting Parties has increased significantly in every year since 1984. Except for 1986 the estimated groundfish catches have also increased.

¹ Excludes 27 300 tons of capelin taken in 1990.

The yearly average of 28 800 tons of groundfish caught by non-members consisted of a yearly average of 7 129 tons of cod, 12 624 tons of redfish, 7 714 tons of flounder, 472 tons of Greenland halibut, 871 tons of various "other" species (Table 6). Cod and redfish catches for non-Contracting Parties have increased since 1986. Estimated catches of flounder have decreased since 1986. Greenland halibut was taken in significant quantities for the first time in 1990.

TABLE 5. Fishing activity of non-Contracting Parties fishing in the NAFO Regulatory Area from 1984 to 1990.

Year	No. of different vessels	Estimated effort (days)	Estimated catch (tons)
1984	11	840	12 000
1985	30	1 730	23 500
1986	30	2 030	19 300
1987	29	2 640	29 400
1988	41	3 130	35 200
1989	47	3 290	35 400
1990	44	4 420	46 800

TABLE 6. Groundfish catches (by species) of non-Contracting Parties in the NAFO Regulatory Area from 1984 to 1990.

Year	Estimated catch (tons)					Total
	Cod	Redfish	Flounder	Greenland halibut	Other	
1984	3 800	0	8 200	0	0	12 000
1985	7 100	500	15 300	0	600	23 500
1986	4 500	0	14 600	0	200	19 300
1987	5 400	20 900	3 100	0	0	29 400
1988	7 800	23 500	3 000	0	900	35 200
1989	5 900	24 000	4 500	0	900	35 400
1990	15 400	19 400	5 300	3 300	400	46 800

3.3.1 St. Vincents (Korean crew)

A St. Vincent's registered fishing vessel fished in the NAFO Regulatory Area in 1988, 1989, 1990 catching 400 tons (16 days), 3,525 tons (187 days) and 3,300 tons (200 days) of groundfish respectively.

3.3.2 USA

From 1984 to 1990 an average of ten USA vessels per year fished in the Regulatory Area. These vessels averaged 320 fishing days and 2,785 tons of groundfish (primarily flounder species) per year over the seven years. Appendix I outlines USA fishing activity for 1984-90.

3.3.3 Mauritania (European crew)

One Mauritanian vessel operated in the NAFO Regulatory Area during 1986, 1988 and 1989. Tables 7 and 8 outlines Mauritanian fishing activity since 1984.

3.3.4 Cayman Islands (Korean crew)

From 1984 to 1990 one vessel (Marsopla) fished in the Regulatory Area. Tables 11 and 12 outlines Caymen Islands fishing activity for 1984-90 period.

3.3.5 Korea

During the years 1984 to 1987 one Korean vessel fished the NAFO Regulatory Area while in 1988 three vessels participated and in 1989 and 1990 Korean activity increased to 5 and 6 vessels respectively. Tables 13 and 14 outlines the Korean fishing activity for 1984-90.

3.3.6 Panama (West European and Korean crews)

During the years 1984 to 1990 an average of eighteen Panamanian registered vessels per year fished in the NAFO Regulatory Area. The number of vessels has risen from a low of ten in 1984 to a high of twenty-four in 1988, 1989 and 1990. Panamanian flag vessels averaged 16,342 tons of groundfish in almost 1600 fishing days for each of the past seven years. Tables 15 and 16 outlines Panamanian fishing activity for 1984-90.

3.3.7 Malta (Korean Crew)

In 1989 and 1990, one Maltese vessel was observed fishing in the NAFO Regulatory Area. It is estimated that this vessel caught 711 tons of groundfish in 45 days during 1989 and 1,500 tons of groundfish during 200 days in 1990.

3.3.8 Venezuela (Western European)

In 1990, one Venezuelan pair trawler (Bascanova/Pescagel) was observed fishing in the NAFO Regulatory Area. It is estimated that this vessel caught 600 tons of cod in 50 days.

TABLE 7. USA fishing activity in the NAFO Regulatory Area from 1984 to 1990.

Year	No. of <i>different</i> vessels	Estimated effort (days)	Catch reported to NAFO (tons)
1984	0	0	0
1985	14	370	5 531
1986	15	380	5 770
1987	9	580	3 345
1988	11	560	2 868
1989	14	330	1 956
1990	9	20	27

TABLE 8. Groundfish catches (by species) in the NAFO Regulatory Area reported by the USA from 1984 to 1990.

Year	Estimated catch (tons)				Total
	Cod	Redfish	Flounder	Other	
1984	0	0	0	0	0
1985	84	85	5 362	0	5 531
1986	315	4	5 451	0	5 770
1987	217	0	3 128	0	3 345
1988	266	0	2 602	0	2 868
1989	111	0	1 749	96	1 956
1990	0	0	0	0	27

TABLE 9. Mauritania fishing activity and catches in the NAFO Regulatory Area from 1984 to 1990.

Year	No. of different vessels	Estimated effort (days)	Estimated catch (tons)
1984	0	0	0
1985	0	0	0
1986	1	10	44
1987	0	0	0
1988	1	60	200
1989	1	50	212
1990	0	0	0

TABLE 10. Estimated groundfish catches (by species) in the NAFO Regulatory Area for Mauritania from 1984 to 1990.

Year	Estimated catch (tons)				Total
	Cod	Redfish	Flounder	Other	
1984	0	0	0	0	0
1985	0	0	0	0	0
1986	0	0	44	0	44
1987	0	0	0	0	0
1988	0	0	200	0	200
1989	0	0	212	0	212
1990	0	0	0	0	0

TABLE 11. Caymen Islands fishing activity in the NAFO Regulatory Area from 1984 to 1990.

Year	No. of different vessels	Estimated effort (days)	Estimated catch (tons)
1984	0	0	0
1985	1	90	2 000
1986	1	200	2 400
1987	1	270	5 300
1988	1	170	3 500
1989	1	210	3 000
1990	1	250	2 500

TABLE 12. Estimated groundfish catches (by species) in the NAFO Regulatory Area for the Caymen Islands from 1984 to 1990.

Year	Estimated catch (tons)				Total
	Cod	Redfish	Flounder	Other	
1984	0	0	0	0	0
1985	100	0	1 600	300	2 000
1986	100	0	2 300	0	2 400
1987	0	5 300	0	0	5 300
1988	0	3 500	0	0	3 500
1989	0	2 500	500	0	3 000
1990	0	600	1 900	0	2 500

TABLE 13. Korean fishing activity in the NAFO Regulatory Area from 1984 to 1990.

Year	No. of different vessels	Estimated effort (days)	Estimated catch (tons)
1984	1	240	4 900
1985	1	220	3 400
1986	1	210	3 200
1987	1	220	3 000
1988	3	130	2 100
1989	5	620	11 800
1990	6	1 000	17 200

TABLE 14. Estimated groundfish catches (by species) in the NAFO Regulatory Area for Korean from 1984 to 1990.

Year	Estimated catch (tons)				Total
	Cod	Redfish	Flounder	Other	
1984	300	0	4 600	0	4 900
1985	0	0	3 300	100	3 400
1986	100	0	3 100	0	3 200
1987	0	2 000	1 000	0	3 000
1988	0	1 800	200	0	2 000
1989	0	10 800	1 000	0	11 800
1990	5 900	7 700	3 400	200	17 200

TABLE 15. Panamanian fishing activity in the NAFO Regulatory Area from 1984 to 1990. (Includes four trawler vessels formerly registered in Mexico/Chile.)

Year	No. of different vessels	Estimated effort (days)	Estimated catch (tons)
1984	10	600	7 100
1985	14	1 050	15 700
1986	12	1 230	12 000
1987	16	1 570	18 900
1988	24	2 150	24 500
1989	24	1 850	14 500
1990	24	2 700	21 700

TABLE 16. Estimated groundfish catches (by species) in the NAFO Regulatory Area for Panama from 1984 to 1990. (Includes estimated catches of four pair trawler vessels formerly registered in Mexico/Chile.)

Year	Estimated catch (tons)					Total
	Cod	Redfish	Flounder	Greenland halibut	Other	
1984	3 500	0	3 600	0	0	7 100
1985	7 000	400	8 100	0	200	15 700
1986	4 200	0	7 800	0	0	12 000
1987	5 300	13 600	0	0	0	18 900
1988	7 500	16 100	0	0	900	24 500
1989	5 700	6 500	1 400	0	900	14 500
1990	8 900	6 300	0	3 300	3 200	21 700

**Annex 4. Non-Contracting Parties Fishing Activity (Sightings) in the
NAFO Regulatory Area in 1991, by the EEC Delegation**

**Standing Committee on Fishing Activities of Non-Contracting Parties
in the Regulatory Area (STACFAC)**

Vessel	NAFO Division and Date			Times sighted
	3M	3L	3NO	
		Panama		
Colombo V		8/5	1/7	2
Colombo VI	23/5-26/5	8/6-5/6		4
Espadarte	23/6-26/6			2
Cidade de Aveira	26/5	28/5-17/6	28/6-31/7	5
Elly	26/5-18/6-20/6	16/6-5/6-6/7-20/7		7
Alpes II	23/8	8/6-16/6		3
Classic Bell Air	23/7-19/8	8/6	11/8	4
Anita	18/6-20/6	5/6-6/7		4
Pescamex IV	18/6-20/6-7/7 20/8-23/8	20/7-8/8		7
Pescamex III	20/6-7/7 20/8-23/8	20/7-8/8		6
Santa Joana	23/7		26/7-1/8-10/8	4
		Korea		
Great Splendor (Korea/Bahama?)	22/8		27/7-28/7 29/7-3/7	5
San Wan Ho			8/6-2/7	2
Golden Venture			8/6-2/7-4/7	3
Marsopla			8/6-2/7	2
Pun Yang			27/7	1
Ha Quang			28/7	1
Ha Quang 3	22/8			1
		Morocco		
Ain Chanek			2/7	1
		Venezuela		
Bacanova	26/5-26/7	10/6-5/6 13/7-20/7	12/8-14/8 16/8	9
Pescagel	26/7	5/6-10/6 13/7-20/7	12/8-14/8 16/8	8
		Honduras		
Danica	11/6-18/6		26/7	3
		Vanuatu		
Kaneshima			4/7	1

Non-Contracting Party vessels observed in the NAFO Regulatory Area by "Ernst Haeckel" and "Firthjof": 4/5-25/8-1991.. (Panama 12, Korea 7, Morocco 1, Venezuela 2, Honduras 1, Vanuatu 1, Total = 24).

Annex 5. Recommendation to the General Council

13th Annual NAFO Meeting
Dartmouth, Nova Scotia, Canada, 9-13 September 1991

THE STANDING COMMITTEE ON FISHING ACTIVITIES OF NON-CONTRACTING PARTIES IN THE NAFO REGULATORY AREA - STACFAC

Recalling the Resolution on non-NAFO Fishing Activities adopted by the General Council at the 12th Annual Meeting of the Northwest Atlantic Fisheries Organization, resolving i.a. that

- ◇ in full respect of the international obligations of Contracting Parties, further measures should be developed for consideration by the General Council at its 1991 annual meeting;

Recalling the Terms of Reference of the Standing Committee (STACFAC), established by the General Council "to examine options to cause non-Contracting Parties to withdraw from fishing activities contrary to NAFO Conservation Measures";

Recalling the relevant provisions of the United Nations Convention on the Law of the Sea (UNCLOS) on the obligations of states with respect to conservation of the living resources of the high seas;

Recalling the provisions of the General Agreement on Tariffs and Trade (GATT), in particular the principles of non-discrimination, proportionality and transparency;

Considering that the Northwest Atlantic Fisheries Organization is the competent regional fisheries organization for the conservation and rational management of the fish resources in the NAFO Regulatory Area;

Expressing concern at the serious threat to conservation and rational stock management posed by increasing fishing activities of vessels flying the flag of countries that are not Contracting Parties of NAFO and to whom quotas in the NAFO Regulatory Area have not been assigned, and convinced that such non-Contracting Parties should cooperate in accordance with the principles contained in UNCLOS;

Bearing in mind the adverse effect of high levels of unreported catches by non-Contracting Parties for the assessment of stocks and the provision of management advice;

Noting with satisfaction the individual and joint diplomatic demarches to the aforementioned non-Contracting Parties engaged in fishing activities in the NAFO Regulatory Area undertaken by NAFO Contracting Parties and bearing in mind the positive responses received to date;

Taking into account the views expressed in STACFAC discussions;

Recommends to the General Council at its 13th Annual Meeting that:

1. Contracting Parties follow-up on the successive diplomatic initiatives undertaken individually and jointly with non-Contracting Parties seeking the necessary measures to prevent fishing contrary to NAFO Conservation Measures and shall report the results to STACFAC for consideration of possible further action;

2. The Executive Secretary shall continue his efforts to draw to the attention of non-Contracting Parties the negative impact of the fishing activities of their vessels in the Regulatory Area and the importance of providing NAFO with complete and accurate statistical catch reports;
3. Contracting Parties seek to collect data on fishing activities of vessels flying the flags of non-Contracting Parties in the NAFO Regulatory Area including catches and landings; Contracting Parties provide regular reports of these activities to the NAFO Executive Secretary; and the Executive Secretary shall distribute these reports to all Contracting Parties.
- 4*. Contracting Parties provide the NAFO Executive Secretary as soon as possible but not later than 1 January 1992, and thereafter on a yearly basis, statistics on their imports of groundfish species regulated by NAFO from non-Contracting Parties whose vessels fish in the NAFO Regulatory Area;
5. STACFAC shall examine where possible methods of improving the reporting of catches and landings from the NAFO Regulatory Area by non-Contracting Parties.
- 6*. Pursuant to the relevant provisions of UNCLOS, Contracting Parties shall investigate options open to them, in accordance with their legislation, to dissuade their nationals from engaging in fishing activities, in contravention of NAFO conservation decisions, in the NAFO Regulatory Area under non-Contracting Party flags and to discourage such activities where they are presently taking place.
7. STACFAC shall continue examination of a Landing Declaration system to collect data on landings of catches by non-Contracting Party vessels in the NAFO Regulatory Area and provide a report on possible implementation to the General Council in 1992.
8. STACFAC shall submit a comprehensive report to the General Council at the 14th Annual Meeting on the above provisions and on possible additional measures consistent with STACFAC's Terms of Reference for consideration.

*Note: These recommendations were modified in accordance with decision of the General Council (paragraph 4.6 of the General Council Report).

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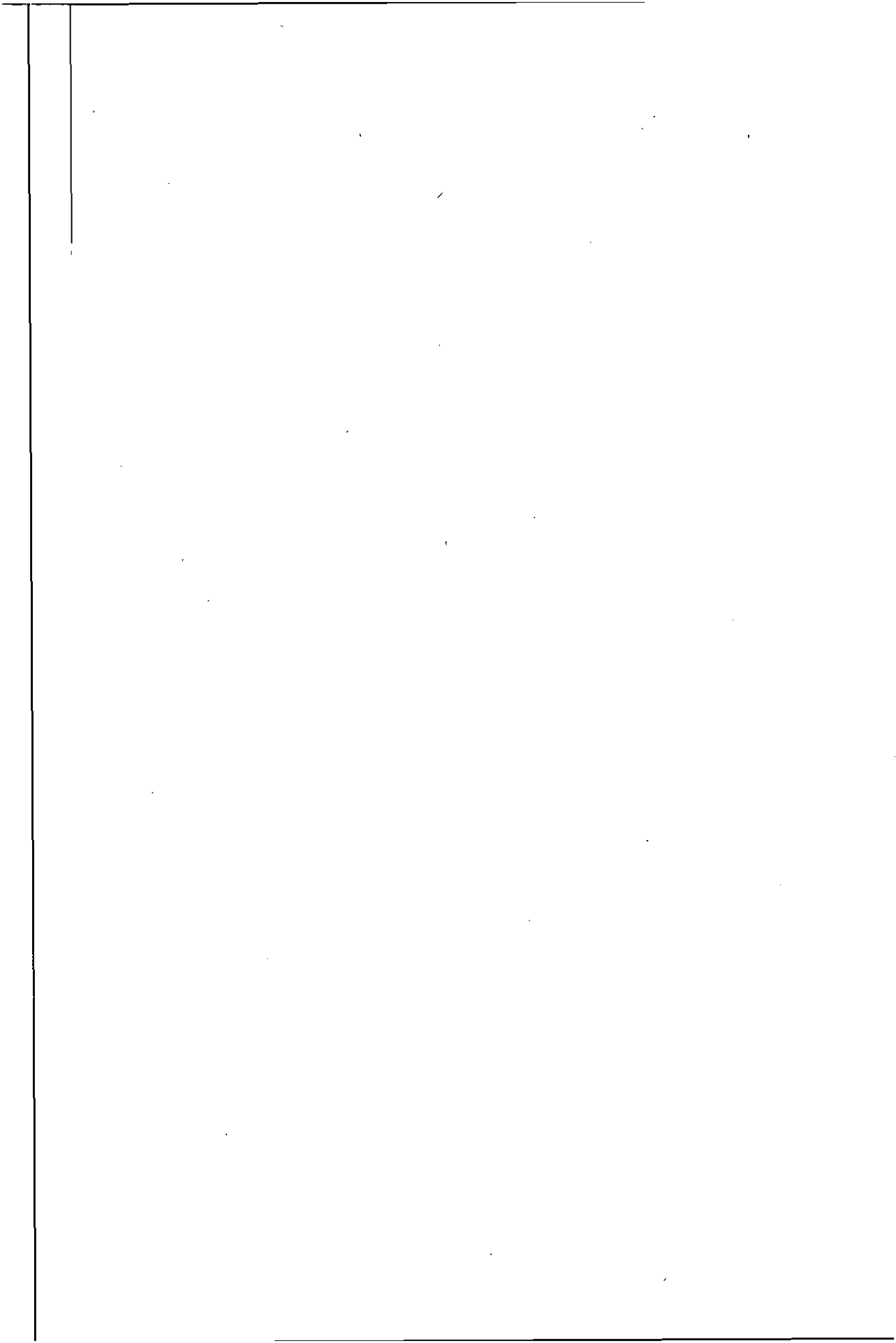
PART VI

(pages 193 to 241)

Fisheries Commission Meeting, 13th Annual Meeting, 9-13 September 1991

PART I. Report of the Fisheries Commission – pages 195-231

PART II. Report of the Standing Committee on International Control
(STACTIC) – pages 232-241



Fisheries Commission Meeting 13th Annual Meeting, September 1991

PART I. Report of the Fisheries Commission

Tuesday, 10 September (1330-1700 hours)

Wednesday, 11 September (0900-1700 hours)

Thursday, 12 September (0900-1700 hours)

Friday, 13 September (0915-1300 hours)

1. Opening of the Meeting (items 1 to 5 of the Agenda)

- 1.1 The 13th Annual Meeting of the Fisheries Commission was opened by O. Muniz (Cuba), Chairman of STACTIC, at 1345 hours, 10 September 1991 at the Holiday Inn, Dartmouth, Nova Scotia.
- 1.2 The members of the Fisheries Commission present were: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), European Economic Community (EEC), Japan, Norway, Poland and the Union of Soviet Socialist Republics (USSR) (Annex 1).
- 1.3 Mr Muniz explained that in the absence of J. Zygmanski (Poland), Chairman of the Fisheries Commission, and G. Etchegarry (Canada), Vice-Chairman, in accordance with the Rules of Procedure he was assuming the Chair to preside over the election of an interim Chairman to conduct the meeting to its conclusion.
- 1.4 The representative of Canada explained that the previous Vice-Chairman was no longer a NAFO Commissioner. Canada therefore proposed M. Yeadon, a NAFO Commissioner of Canada, as interim Chairman. The proposal was **adopted** unanimously.
- 1.5 The Chairman called the meeting to order.
- 1.6 A. Donohue (Canada) was **appointed** Rapporteur.
- 1.7 For the Agenda, Canada proposed the addition of a new item 18: **Formulation of Request to the Scientific Council for Scientific Advice on the Management of Fish Stocks in 1993**. Denmark asked that item 19 be moved up for discussion before item 15. Both proposals were accepted and item 19 was renumbered as item 15. *Following Agenda items were re-numbered accordingly. The agenda was adopted as amended (Annex 2).*
- 1.8 The Chairman welcomed the Observers from the USA.
- 1.9 The meeting **adopted** the Chairman's proposal to follow the usual practice of a media blackout for the duration of the meeting with a Press Release being released at the end of the week. The Press Release and Quota Table for 1992 are attached herewith at Annex 7.

2. Administration (items 6 to 9 of the Agenda)

- 2.1 The Report of the 12th Annual Meeting, September 1990 (FC Doc. 90/12, Revised) was **adopted** as circulated.
- 2.2 The Chairman noted that the Fisheries Commission had been advised that the GDR had ceased to be a Contracting Party to the Convention and the EEC had succeeded to former

(ex) GDR's rights and obligations under the NAFO Convention. The change brought total membership of the Fisheries Commission to nine and quorum to six.

- 2.3 Procedures for election of Officers were postponed until the end of the meeting. On 13 September the meeting unanimously elected **E. Wiseman (Canada)** and **P. Hillenkamp (EEC)** as Chairman and Vice-Chairman of the Fisheries Commission, respectively.
- 2.4 Decision on clarification of the rules of procedure regarding the seconding of motions was referred to the General Council.

3. Commission Proposals (items 10 and 11 of the Agenda)

- 3.1 The Chairman noted that the consolidation of Status of Proposals had been updated to July 1991 and circulated. The document was adopted as circulated.
- 3.2 The Chairman noted that during the past year a STACTIC Working Group on Inspection and Control had been established, and invited the Chairman of STACTIC, Mr Muniz (Cuba) to report on its work.
- 3.3 The Chairman of STACTIC presented the following documents: FC Doc. 91/1, FC Doc. 91/2, Reports of the two Meetings of the Working Group, held in Brussels and Dartmouth, respectively; FC Working Paper 91/1 which reflects the amendments adopted by the Working Group for Fisheries Commission approval; STACTIC W.G. Working Paper 91/17, draft report to the Fisheries Commission; and FC Doc. 90/9, Mandate of the Working Group on Improvements to Inspection and Control in the Regulatory Area.
- 3.4 Further he explained in detail the Report of the STACTIC Working Group on Improvements to Inspection and Control in the Regulatory Area to the Fisheries Commission (STACTIC W.G. Working Paper 91/17). The full text of this report is in the STACTIC Report in Part II. He asked the Fisheries Commission for directions on how the Working Group should proceed and on its relationship to STACTIC.
- 3.5 Denmark (in respect of the Faroe Islands and Greenland), Canada and the EEC indicated their acceptance of the presentation. There being no further comments, the Chairman thanked STACTIC for its work and declared documents FC Doc. 91/1, 91/2, STACTIC W.G. Working Paper 91/17 and FC Working Paper 91/1 **adopted** subject that STACTIC continue the work of the Working Group as outlined in STACTIC W.G. Working Paper 91/17.
- 3.6 The Representative of the USSR commented that while the USSR was prepared to continue to work in STACTIC it reserved its position on the Report of the STACTIC Working Group.

4. International Control (items 12 to 14 of the Agenda)

- 4.1 The Chairman indicated that item Annual Return of Infringements was to be discussed in STACTIC and would be considered in the Fisheries Commission at the conclusion of deliberations of that body.
- 4.2 The Chairman indicated that the item Fishing Vessel Registration was to be discussed in STACTIC and would be considered in the Fisheries Commission at the conclusion of deliberations of the STACTIC Report.
- 4.3 Discussion under item Report of STACTIC was deferred to later in the week at the end of the meeting.

- 4.4 The Canadian representative made a statement on Effective International Controls in which he focussed on the problems facing NAFO as an institution and as a practical fisheries organization. He drew attention to NAFO's failure to prevent overfishing and severe stock declines and to scientists' inability to perform proper stock assessments as a result of misreporting by fleets from Contracting Parties and lack of reporting by non-Contracting Parties vessels fishing in the Regulatory Area. He pointed out that three commitments were required on the part of all NAFO Contracting Parties: first, they must adopt sustainable development as the approach; second, NAFO decisions must be accepted and NAFO reinforced as an institution; third, effective control of fleets. The Canadian representative concluded his remarks by stating that Canada's objective at the meeting was to make NAFO an effective international organization (Annex 3).
- 4.5 The representative of Denmark (in respect of the Faroe Islands and Greenland) agreed with the Canadian statement and stated all fish managers had the same objectives within their own zones. NAFO should consider how quickly it could achieve its long-term objectives but had to initially achieve short-term objectives. Problems could only be solved in a spirit of cooperation.
- 4.6 At the end of the meeting, the Chairman of STACTIC delivered the Report on the deliberations of STACTIC. He reminded delegates of his report on the work of the STACTIC Working Group (STACTIC W.G. Working Paper 91/17 and FC Doc. 91/1, 91/2). The Working Group had agreed on amendments to the NAFO Conservation and Enforcement Measures to provide for a hail system. Additional amendments to the NAFO Conservation and Enforcement Measures were underlined in FC Doc. 91/7 and outlined in STACTIC Report (see Part II).
- 4.7 As it was reported, STACTIC had considered additional amendments to the NAFO Conservation and Enforcement Measures, and some of those had been deferred to the next meeting of STACTIC. Among these was Canada's proposal to amend the hail system to incorporate a catch reporting feature (STACTIC Working Paper 91/4).
- 4.8 Following discussion on the use in FC Doc. 91/7 of terminology that does not correspond to that used in the NAFO Convention, the representative for Denmark (in respect of Faroe Islands and Greenland), seconded by the representative for Canada, moved adoption of the Report of STACTIC and the recommended amendments to the Conservation and Enforcement Measures (FC Doc. 91/7 and STACTIC Report). The motion was adopted.
- 4.9 The representative of the USSR asked that his objection be noted and that the USSR would lodge a formal objection to the air surveillance amendments. **Noted.**
- 4.10 The EEC representative called for consideration on their amendments in STACTIC Working Paper 91/5 to the hail system explaining the EEC fishermen had implemented the present hail system on the understanding that the amendment proposed by the EEC would be incorporated as soon as possible.
- 4.11 The delegates expressed their views as follows: the representative of Denmark (in respect of the Faroe Islands and Greenland) with concurrence of the Norwegian representative noted it was premature to change the hail system at this stage; however, other features could be explored.

- 4.12 The EEC representative moved his proposal (STACTIC Working Paper 91/5) to vote first for paragraphs (a), (b), and (d) as amendments to the hail system. The proposal seconded by Canada and supported by Norway was **adopted** unanimously.
- 4.13 The EEC representative asked for a separate vote for paragraph (c) (STACTIC Working Paper 91/5) which reads: "For the application of the hail system, the Div. 3N and 3O shall be considered as one division." He explained that it referred to a distinct stock. The Canadian representative indicated that the meeting had three choices: drop the line, maintain the status quo or do the same for the line between 3N and 3O as was done for the line between 3L and 3N.

The result of the vote: For: 2 (EEC, Poland), No: 5, Abstain: 1 (USSR): **defeated**.

- 4.14 The Canadian representative proposed that the line between Division 3N and 3O be treated in the same way as the line between 3L and 3N in the amendment just adopted in respect of paragraph (d) (STACTIC Working Paper 91/5; item 4.12 of this Report) so as to establish a 10 mile corridor on each side of the line between divisions 3N and 3O and provide for hails every 24 hours. The proposal was **adopted** unanimously.
- 4.15 The adopted amendments of the EEC and Canadian proposals were incorporated in the text of the hail system (Annex 4) for further presentation to the Contracting Parties in accordance with the provisions of Article XII.1 of the Convention.
- 4.16 Canada proposed a mandatory review of the hail system at the next meeting of NAFO, including an examination of the cost effectiveness in terms of conservation measures and implementation of the amendments and of other ways to improve the hail system.
- 4.17 The EEC supported this proposal which it considered reflected its support for effective conservation measures and for limiting costs to fishermen. The EEC proposed that the Scientific Council consider whether effective scientific assessment required reporting catches by precise division along divisional lines for each stock. **Noted**.

5. Transfer of Quotas Between Contracting Parties

- 5.1 The representative of Denmark (in respect of the Faroe Islands and Greenland) said that Greenland and the Faroes are small entities that have only one quota between them. Fishing opportunities in the Regulatory Area were restricted by low TACs and quotas. There appeared to be a fixed method for distributing quotas on the basis of historic fishing rights. This resulted in permanent denial of quotas to those without them. Denmark was suggesting that the "Others Quota" could be used to provide additional quotas to Contracting Parties with low quotas if it was increased to a reasonable size. He referred to the practice of quota swaps between Parties with large quotas which occurred without reference to the needs of other Contracting Parties. This practice was unfair and difficult for Denmark to live with.
- He suggested that to help a small country like Greenland the size of the "Others Quota" should be increased. He suggested that discussion on the issue could be deferred to an appropriate opportunity later.
- 5.2 The EEC representative commented that this was a complex issue and the views of Contracting Parties would need to be sought.
- 5.3 Canada indicated its agreement with the EEC reaction. Discussion was **deferred**.

6. Conservation

Summary of scientific advice by the Scientific Council (item 16 of the Agenda)

- 6.1 The Chairperson introduced this item by drawing attention to the detailed assessment – SCS Doc. 91/19, available since late June, and the Executive Summary which was distributed just prior to the meeting. The Chairperson congratulated the Chairman of the Scientific Council for an excellent Executive Summary.
- 6.2 In prefacing his substantive remarks, the Chairman of the Scientific Council, B. Jones (EEC), explained that the Scientific Council had met at NAFO Headquarters 5-19 June 1991. Its Report (SCS Doc. 91/19) included stock summary sheets on pages 3-21. Additional detailed stock assessments were contained in the Report of the Standing Committee on Fishery Science at Appendix I. The assessments included responses to questions posed by the coastal states as well those requested by the Fisheries Commission. Appendix II was the Report of the Standing Committee on Research and Co-ordination and Appendix III was the Report of the Standing Committee on Publications. The assessment for the capelin stock in Div. 3L had to be postponed to the present meeting and would be reported separately.
- 6.3 Continuing his introductory remarks, Mr Jones noted that the Scientific Council had welcomed as the new Chairman of the Scientific Council V. P. Serebryakov of the USSR.
- 6.4 The Chairman of the Scientific Council answered the questions of the Fisheries Commission at its last meeting on the following subjects: cod in Div. 2J and 3KL; flounder in Div. 3LNO; witch flounder in Div. 3NO; squid in Subareas 3 and 4; capelin in Div. 3NO. He then commented on individual stock assessments under the following headings: 3M cod, 3NO cod, 3M redfish, 3LN redfish, 3M American plaice, 3LNO American plaice, 3NO witch flounder, 3LNO yellowtail flounder; 3NO capelin and squid in Subareas 3 and 4.
- 6.5 The representative of Denmark (in respect of the Faroe Islands and Greenland) echoed the Chairperson in complimenting the Scientific Council on the innovative Executive Summary. Referring to the table on page 33 of the full Report showing estimates of unreported catches, he suggested future reports begin with this type of table.
- 6.6 The EEC representative joined in the compliments on the Executive Summary but regretted the way advice was formulated and expressed the following concerns: except for one stock, the Scientific Report did not offer options based upon different fishing mortalities; the absence of criteria for the choice of a recommended TAC, protection of the spawning biomass, prevention of recruitment failure, yield-per-recruit etc.; these omissions made it difficult, if not impossible, to build dialogue between managers and the Scientific Council; it is of paramount importance that for each stock, the management body be offered a range of options including a review of potential biological and ecological consequences; uncertainty affecting the assessments and the resulting recommendations of single numbers which could be severely misleading. The EEC delegation welcomed the forthcoming special workshop on calibration techniques and comparative methods. He urged the Scientific Council to take its findings into account, and requested the Scientific Council provide the next annual NAFO meeting with a series of management options, including the risks associated with each option, for all NAFO managed stocks. The EEC accepted partial responsibility for the unsatisfactory situation described in the report. It was an urgent priority to obtain data on the various stocks. The EEC would redouble its efforts to provide all available information.

- 6.7 The Canadian representative agreed that the lack of analytical analyses was distressing. He pointed out that this was caused by absence of adequate data on which to base such assessments. The lack of these analyses potentially masked bad news concerning the health of the stocks.
- 6.8 The Chairman of the Scientific Council said the Council also regretted its inability to provide a range of management options for each stock. The Scientific Council would examine the possibility of applying different methods for performing analytical analyses in accordance with the suggestion of the EEC representative. Unreported landings were not biologically sampled. Another difficulty was late availability of data, reducing the time available for performing assessments and contributing to the lack of evaluation by other assessment methods.
- 6.9 The Chairman of the Scientific Council provided a summary of his earlier description of the state of each stock and answered questions on the following stocks in items 17 and 18 of the Agenda:

3M Cod

- 6.10 The EEC representative asked whether the low abundance of cod in Div. 3M was attributable to high fishing mortality or partly to migration. The Chairman replied that while migration patterns were being studied, the main cause of the decline in the stock was heavy exploitation over the last few years.
- 6.11 The representative of Denmark (in respect of the Faroe Islands and Greenland) asked that the Scientific Council examine the age and size composition of fish caught by each type of fishing gear. The Chairman of the Scientific Council reiterated that due to the very high level of unreported catches sampling had been drastically low and information very limited. He promised to consult his colleagues and report.
- 6.12 The Canadian representative posed questions in relation to the comment in the summary sheet that the spawning stock biomass in 1990 was at the lowest limit of its critical size. He inquired as to the source of the information on which the Scientific Council based its estimates of unreported catches of 39 000 tons in 1989 and 30 000 tons in 1990 and who made those unreported catches. Mr Jones, expressing concern for protecting confidential sources, said he could not reply.
- 6.13 A short discussion followed Canada's request for a general breakdown of countries not reporting their catches. The representative of Denmark, supported by the EEC, thought this was an inspection and control problem that should be referred to STACTIC. The representative of Canada agreed and said that there was a need to understand the high fishing mortality and its implications in light of the biomass being at the lowest limit of its critical size.
- 6.14 The Chairman of the Scientific Council commented that catches of young fish were high which reduced the recruitment of abundant year-classes to the spawning stock. The representative of Denmark (in respect of Faroe Islands and Greenland) commented that there appeared to be a correlation between low spawning biomass and improved abundance. The Chairman replied that management strategy should aim at reducing pressure on new year classes to ensure their survival long enough to provide an economically viable fishery. Scientists could not at the moment find a clear relationship between spawning stock size and subsequent recruitment. The fishery had developed into an opportunist fishery which exploited year-classes as soon as they recruited to the fishery. Scientists were worried about

the size of the spawning stock despite the fact that small stock sizes could produce good year-classes. If the fishery was exploited in this way threatening stability, there was a risk that spawning stock biomass would be endangered.

- 6.15 The USSR representative asked which of divergent results of biomass surveys conducted by different vessels was accurate. He also sought confirmation that the current fishery was exploiting the 1985 and 1986 year-classes. The Chairman of the Scientific Council could not state which of the surveys was the most accurate but all confirmed a downward trend in the biomass, and confirmed the accuracy of the statement concerning the 1985 and 1986 year-classes. In response to further questions by the USSR representative, the Chairman stated that surveys did not consider the effect of environmental factors on biomass.
- 6.16 In response to a question from the EEC representative, the Chairman confirmed that commercial catch data was helpful but that the proportion sampled depended on the relationship of actual landings to the TACs and quotas. Even with reliable catch and biological sampling data, it would take a number of years to develop a series of data that could form the basis of analytical assessments of this stock. In the meantime, scientists would continue to depend on research vessel survey data and other available biological data such as that from tagging experiments conducted in the area.
- 6.17 In response to questions from the representative of Canada, the Chairman of the Scientific Council explained that the sampling data that had been received related only to the reported portion of total catches and agreed that the lower the biomass, the greater the risk to survival of the stock.
- 6.18 Stating that while the risk to the spawning biomass could not be ignored but should not be exaggerated, the EEC representative asked whether the stock could withstand moderate exploitation. The Chairman explained that if the fishery was managed at levels of fishing mortality that result in a small spawning biomass, the overall biomass would remain low. High levels of fishing mortality would result in a "pulse fishery" which was difficult to manage and inefficient.
- 6.19 In ensuing discussion, the EEC representative commented that reopening the fishery would result in more effective sampling since legal catches would be available. The Chairman of the Scientific Council pointed out that sampling data from a directed fishery was available for the first time in 1991. It had not yet been analyzed. He undertook to review the actual level of sampling. The EEC representative called for the use of rational fishing patterns and for measures to prevent the use of gear that catches too many small fish.
- 6.20 At the conclusion of the discussion on 3M cod, the Norwegian representative summation was that better surveillance and control, especially aerial surveillance, was needed to end massive unreported catches. For halting disproportionately high catches of small fish, minimum fish size in addition to mesh size requirements could be helpful. He asked the Scientific Council to advise on the appropriate mesh size to maximize yield per recruit.

3M Redfish

- 6.21 Discussion opened with Canada's request for an explanation of the reduction in the recommended TAC from 43 000 tons in 1991 to 35 000 tons in 1992. The Chairman explained that the advice for 1991 was based on the assumption that catches in 1990 would not exceed the recommended TAC of less than 50 000 tons. Actual catches in 1990

amounted to 83 000 tons indicating the reduction in the recommended TAC. In response to questions from the USSR representative, he explained that the Scientific Council was confident in the accuracy of its estimate of catches of 83 000 tons including approximately 16 000 tons of unreported catches.

- 6.22 The Canadian representative pointed out that for 5 years catches had exceeded TACs and unless reduced, there was risk of long-term reduction of the size of the stock. In discussion concerning accuracy of the biomass estimate, the Chairman explained that the margin of error meant that the actual biomass could be higher or lower but there was a clear and sharp downward trend.
- 6.23 The EEC representative was disappointed that a range of management options from $F_{0.1}$ to F_{max} was not provided. Conceding the need to reduce catches, he requested an assessment of the risks associated with a gradual rather than immediate reduction of TACs to the $F_{0.1}$ level. The Chairman of the Scientific Council answered that the stock could not sustain the high catches of recent years – most of the risk was from catches in excess of the TAC – but if TACs were respected, he could not say that fishing at above $F_{0.1}$ would be disastrous. Nevertheless, catches should be reduced to help the stock stabilize and recover. Reducing catches would speed up recovery. The TAC should be set in line with management objectives for recovery of the stock. The Canadian representative called for adoption of exploitation rates providing for stability of the stock. The EEC representative stated that while the current exploitation rate had reduced the biomass, there was no evidence this exploitation rate was unsustainable.

3M American Plaice

- 6.24 In response to an inquiry by the EEC representative, the Chairman of the Scientific Council stated that he thought the apparent reduction in catches in 1990 was due to effort being diverted to other fisheries. The representative of Canada drew attention to the "Special Note" in the "summary sheet" indicating that age composition data was required from commercial catches. He hoped the data would be available to assist in the preparation of the scientific assessment for 1992.

3NO Cod

- 6.25 The representative of Canada noted that the Scientific Council was only able to provide a general indication of mortality. With catches exceeding the TAC every year, biomass had declined to the lowest level observed. In this context why was the Scientific Council recommending the status quo? A more conservative TAC was needed.
- 6.26 The Chairman explained that the Scientific Council had recommended that the TAC "not exceed" 13 600 tons. He agreed that the condition of the stock was not good; the biomass was low; there was a need to rebuild the stock with lower catch levels leading to faster recovery.
- 6.27 In response to an inquiry by the EEC and Canadian representatives, the Chairman explained that an analytical assessment was not possible in 1991 due to unacceptably high uncertainty resulting from unreported catches.
- 6.28 In response to a question from the USSR representative, the Chairman said that recommended TACs were reduced in the late 1980's in response to falling biomass which had been on the increase in the early 1980's. In response to an inquiry from the EEC representative, he said that the index of abundance provided by Canadian and USSR research was more reliable than that for redfish in Div. 3M and was being handled in the same way.

- 6.29 In response to an inquiry by the representative of Denmark (in respect of Faroe Islands and Greenland) about the size composition of fish caught by different gear types, the Chairman of the Scientific Council noted that detailed size reports were available in the national research reports of Portugal and the Faroe Islands with some data for Spain available in SCR Doc. 91/78. Generally, longliners take larger fish than those taken by trawlers. No information was available for gillnets but catches were being sampled and size composition information should be available to the Scientific Council in June 1992.
- 6.30 He also elaborated the earlier reply concerning improved sampling of cod in 1991. While sampling had improved, the main obstacle was still the absence of sampling of illegal catch which data would be needed to construct length and age compositions that would be representative of the total catch.
- 6.31 In response to another question, he said that using the current legal mesh size of 130 mm it is possible that up to 50% of 45 cm cod would be retained. He thought the mean selection size and current legal mesh size were appropriate for cod in this area.

3LN Redfish

- 6.32 The Chairman of the Scientific Council then resumed the summary advice beginning with 3LN redfish. There were no questions on this stock.
- 6.33 He then noted an error on page 21 of the Executive Summary. The label on the right-hand axis of the graph at the bottom of the page should have read "abundance in millions" not "billions".

3LNO American Plaice

- 6.34 In response to a question from the Canadian representative concerning the use of an "effective mesh size" as low as 60 mm, particularly in the Spanish fishery of this stock, the Chairman of the Scientific Council explained that "effective mesh size" referred to the actual mesh size corresponding to the size of the fish being caught in large quantities. An effective mesh size lower than the actual size being used could be achieved by rigging or other techniques. Using a small effective mesh size causes high mortality, reduces yield per recruit and eliminates fish before they recruit to the spawning biomass.
- 6.35 In response to a question by the EEC representative, the Chairman of the Scientific Council indicated that a range of management options were not offered because an analytical assessment was not possible due to the high level of unreported and therefore unsampled catches. The representative of Denmark (in respect of Faroe Islands and Greenland) suggested that management measures for this stock should include control of exploitation patterns in addition to TAC. In this regard, the EEC representative suggested the Scientific Council be asked to provide a range of technical options.
- 6.36 The Scientific Council did not provide an explanation to the question of the Canadian representative, as to whether higher reported catches of wolffish and skate were a result of higher incidental catches of these species in other fisheries or arose from new fisheries directed for these two species. The Canadian representative also sought the opinion of the Scientific Council on whether large amounts of small flounder were being caught incidentally in fisheries directed for skate and wolffish and if so, whether use of a small mesh size was appropriate when directing for skate and wolffish. The Chairman thought the small flatfish were being caught in a fishery directed for flatfish. In his view, there was no need to use a

smaller mesh size when fishing skate and wolffish than what is legal for flatfish. Supporting Canada's request for more information, the EEC representative requested an analysis of technical interactions among fisheries for different species.

Later in the Meeting the Scientific Council noted that only one country directed fisheries for skate and there was no justification for using a mesh size smaller than 130 mm.

3LNO Yellowtail Flounder

6.37 The Chairman of the Scientific Council referred to an error in the Executive Summary at page 25, Graph C, the right hand axis, "250 million", should have read "150 million".

6.38 At Canada's request the meeting noted the high level of catches of yellowtail flounder in 3LNO by South Korea (6 000 tons in 1990) the highest value in the 9 years that this country has been in the fishery. It was also noted that while South Korean catches were estimated to be 42% of the total catch, there was no sampling data available.

3LNO Witch Flounder

6.39 In response to a Canadian inquiry, the Chairman of the Scientific Council indicated that to be able to perform a satisfactory evaluation research vessels should sample the deeper waters that are exploited by the commercial fishery. There was no further discussion.

3LNO Capelin

6.40 The Canadian representative noted that the advice for this stock would be reviewed and there was a need to be prudent. The Chairman confirmed that the Scientific Council was advising that a decision on the TAC should be deferred, if possible, until that additional report was available. In response to a question from the USSR representative, he indicated that acoustic survey findings of the reduction in estimated biomass from the estimate of a similar survey conducted in the previous year on 3L capelin were unexpected and quite unexplained. There had been unusual environmental conditions in the area in the current year but it was not known whether these were the cause of the apparent decline in abundance in 3L. The scientists of the Scientific Council believed that capelin stocks in the two areas were not completely independent, with "some degree of interchange between the two areas", and proposed to review the 3NO assessment at the same time as that for 3L. The USSR representative disagreed that there was a sufficient nexus between the two capelin stocks to warrant deferral of advice on 3NO capelin, and stated there were no scientific grounds for failing to set the TAC. His question as to whether the stock could withstand a 20% exploitation rate was referred for review to the Scientific Council.

Later in the Meeting the reply was: in the absence of a proper assessment, the Council could not evaluate the effect of a 20% exploitation rate.

3+4 Squid

6.41 There was no discussion on this fishery. The recommended TAC remained 150 000 tons.

2J3KL Cod

6.42 The EEC representative reiterated his request for a Scientific Council Assessment of 2J3KL cod for the following reasons: it was a straddling stock; all parties fishing the stock should have

access to the same information; a dynamic analysis should review fisheries both inside and outside 200 miles. He commented that some observers might find it difficult to understand how, with only 5% of the stock outside 200 miles, it could be overfished. The representative of Canada pointed out that requests for future work by the Scientific Council would be dealt with under other Agenda item.

7. Conservation

Management measures for fish stocks in the Regulatory Area (items 17 and 18 of the Agenda)

Discussion on these items began with **informal proposals** for each stock in accordance with the listing in items 17 and 18 of the Agenda.

- 7.1 For **3M Cod** the Danish, EEC and USSR representatives suggested a TAC at the 1991 level and the addition of technical measures to regulate excessive catches of small fish. A minimum fish size of 40-45 cm was suggested with appropriate inspection and control measures. To avoid by-catches of juvenile fish, the USSR proposed limiting the fishery to longlining gear.
- 7.2 The Canadian representative noted that the scientific advice indicated the stock would improve only if fishing ceased. Convincing justification was required for departure from scientific advice. It was essential to publicly demonstrate that control measures would be genuinely more effective than in 1991. He was concerned about requiring a minimum fish size which could encourage discards. He suggested that an international observer program was needed to protect this stock.
- 7.3 The representative of Denmark (in respect of Faroe Islands and Greenland) countered that while the scientists had it right, the stock was not threatened. He suggested a licensing system to limit the number of vessels fishing this stock. The EEC representative pointed to progress in controlling catches. It was the success of these measures that would permit the stock to be fished in 1992.
- 7.4 The USSR representative could not agree to an extension of the moratorium into 1992 since he expected the 1985 year-class to replenish the 1991 spawning biomass and the 1986 year-class to replenish the 1992 spawning biomass.
- 7.5 For **3M Redfish** the USSR representative suggested that the Scientific advice for this stock was too conservative; the 1991 TAC was more appropriate with appropriate measures such as seasonal fishing to reduce the incidence of juvenile by-catch.
- 7.6 The EEC representative favoured a reduced exploitation rate which could be achieved by strict adherence to the TAC, set at the 1991 level. He thought that reducing the TAC would provide an undue advantage to non-Contracting Parties vessels fishing this stock.
- 7.7 For **3M American Plaice** the USSR suggested that the advice of the Scientific Council be accepted and the EEC thought a moderate increase would be welcome to offset the reduced TACs of other stocks.

Informal discussions then moved to management measures for fish stocks overlapping national fishing limits.

- 7.8 For **3NO Cod** the EEC and Canada suggested that the TAC be set at 13 600 tons with Canada adding that additional control measures and sampling or monitoring were needed.

- 7.9 For 3LN Redfish the USSR supported fishing this stock at F_{max} , while Canada favoured more sampling and a TAC set at the 1991 level but properly enforced.
- 7.10 For 3LNO American Plaice Canada suggested a TAC of 25 800 tons and reminded the meeting of the need to reduce catches of young fish below the minimum recommended size.
- 7.11 For 3LNO Yellowtail Flounder Canada proposed a TAC of 7 000 tons but warned that the stock would continue to decline unless effective controls were implemented.
- 7.12 For 3NO Witch Flounder Canada proposed a TAC of 5 000 tons but pointed to the need for more detailed biological information especially for deep water.
- 7.13 For 3NO Capelin the USSR submitted that there was no scientific justification for recommending a 10% exploitation rate. While the USSR would accept a TAC at the 1991 level, it was asking the Scientific Council for advice on whether the stock could withstand a higher exploitation rate. The Chairman of the Scientific Council said the advice would be available following the meeting of the Scientific Council in February or March 1992. With EEC support, Norway proposed a TAC of 30 000 tons, subject to review after the Scientific advice was received. The USSR noted that the revision could be upward or downward.
- 7.14 For 3+4 Squid Canada suggested the TAC continue to be set at 150 000 tons.

The meeting adjourned at 1030 hours and resumed at 1130 hours to consider **formal proposals** for 1992. All votes were held by the formula "affirmative (for), against, abstain", as presented hereafter.

3M Cod

- 7.15 Denmark (in respect of the Faroe Islands and Greenland), seconded by the USSR, proposed a TAC of 12 965 tons with a minimum legal length of 40 cm. The USSR proposed that longlining gear could be used. The EEC supported the proposal, noting that longlines were not excluded and asked that the Scientific Council recommend ways to improve fishing patterns.
- 7.16 Canada said consideration should be given to imposing controls on discards of small fish and to whether such discards should count against quotas. Discussion ensued. It was suggested that control of legal size limits should be referred to STACTIC for review and that the scientists take this problem into account when sampling. The EEC suggested that in view of the need to reduce catches of undersized fish, catches of small fish should be retained and reported instead of discarded.
- 7.17 Canada reiterated its position that the TAC be established at a level no higher than recommended in the scientific advice.
- 7.18 The vote on the Danish proposal of a TAC of 12 965 tons and a minimum fish size of 40 cm; for = 7, against = 1 (Canada), abstain = 0; **carried**.

The meeting adjourned at 1200 hours and resumed at 1352 hours with a statement by Canada.

- 7.19 The Canadian representative reviewed the achievements of NAFO against its objectives. He said that the decline of stocks was likely to continue and quotas would continue to be reduced.

He reviewed the role of NAFO in controlling fishing activity, the use of the objection procedure and said it was unfair that the EEC set its own quotas of certain stocks. In his view, lack of control was the biggest threat to NAFO as was the increasing effort of non-Contracting Party fleets. Canadian fisheries had decreased by 50% from levels of 5 years previous. He cited the estimated figures by which TACs had been overfished and the commensurate figures by which Canadian fisheries had been reduced with accompanying destructive effect on Canadian fishing communities. He concluded that NAFO was not the success it could be and the negative consequences of this affected all Parties fishing in the Regulatory Area. He called for a re-examination of NAFO, bearing in mind the future of families dependent on the fisheries. He quoted from the speech of the Spanish Fisheries Minister at La Toja, Spain, on the need for effective management and control. He said NAFO's next steps were critical, the existence of NAFO depended on them. A process for reform was needed and to this end, he was proposing a special meeting to consider appropriate measures (Annex 5).

After a brief intermission the meeting resumed with a statement by the EEC representative.

- 7.20 The EEC representative suggested that the statement by the Canadian delegate reflected domestic problems and considerations and that the meeting was not an appropriate forum to air them. He felt that it ignored the serious efforts that the EEC had made to deal with problems facing NAFO and that differences of view between Canada and the EEC should be dealt with bilaterally. In his view the remarks were out of order and disrupted the agenda to which the meeting should return.

The meeting resumed on formal proposals of management measures for fish stocks.

3M Redfish

- 7.21 The EEC proposed a TAC of 50 000 tons on the understanding that in this particular case this would be a real limit which would not be exceeded. Canada proposed a TAC of 35 000 tons. The USSR supported the EEC proposal. The Norwegian delegate, supported by Cuba and Japan, proposed that fishing mortality be reduced in steps, with a 1992 TAC set at 43 000 tons. The EEC amended its proposal to 45 000 tons (a 10% reduction from 1991). Canada then indicated its support for the Norwegian proposal.

Proposal: TAC 45 000 tons (by EEC); vote: for = 1(EEC), against = 6, abstain = 1(USSR), **defeated**.

Proposal: TAC 43 000 tons (by Norway); vote: for = 6, against = 0, abstain = 2 (USSR, EEC), **carried**.

- 7.22 At the conclusion of the vote, the USSR representative stated that while a reduction in the TAC was not scientifically justifiable, the USSR would abide by the result. He called on the Executive Secretary to develop rules of procedure for adoption of TACs that did not require the seconding of proposals. This idea was supported by most delegations.

3M American Plaice

- 7.23 Proposal: TAC 2 200 tons (by EEC); vote: for = 1(EEC), against = 6, abstain = 1 (USSR), **defeated**.

Proposal: TAC 2 000 tons (by Canada); vote: for = 6, against = 0, abstain = 2 (USSR, EEC), **carried**.

3NO Cod

- 7.24 Proposal: TAC 13 600 tons (by Canada); minimum fish size of 40 cm (EEC); **carried**, consensus.

3LN Redfish

- 7.25 Proposal: TAC 14 000 tons (by Canada); vote: for = 6, against = 0, abstain = 2 (EEC, USSR), **carried**.

3LNO American Plaice

- 7.26 Proposal: TAC 25 800 tons (Canada); **carried**, consensus.

3LNO Yellowtail Flounder

- 7.27 Proposal: TAC 7 000 tons (Canada); **carried**, consensus.

3NO Witch Flounder

- 7.28 Proposal: TAC 5 000 tons (Canada); vote: for = 7, against = 0, abstain = 1 (EEC), **carried**.

The EEC representative noted that management decisions were needed to reduce catches of juvenile fish. He asked that the Scientific Council recommend technical measures to achieve this. **Noted**.

3NO Capelin

- 7.29 Proposal: TAC 30 000 tons, subject to review in early 1992 following the meeting of the Scientific Council (Canada); **carried**, consensus.

The USSR commented that there was no scientific justification for a 10% exploitation rate and requested that the Scientific Council provide a solid scientific basis for its recommendation. **Noted**.

3+4 Squid

- 7.30 Proposal: TAC 150 000 tons (by Canada); vote: for = 6, against = 0, abstain = 2 (EEC, USSR), **carried**.

3L Cod (if available in the Regulatory Area in 1992)

- 7.31 Canada proposed the moratorium on 3L cod be extended to 1992.
- 7.32 The EEC representative suggested that 2J3KL cod should be managed by NAFO. Citing Article 63(2) of the United Nations Convention on the Law of the Sea that requires parties fishing straddling stocks to cooperate on conservation and management and Article XI.3 of the NAFO Convention, he said that the EEC could not accept that the entire TAC, including those portions occurring inside and outside Canada's 200 mile limit, should be

- allocated entirely to Canadian fishermen. The EEC had continuously objected to the 3L cod moratorium on the grounds that it was not scientifically justifiable, nor consistent with the fixing of a TAC inside Canadian waters. He advised that in the absence of a NAFO scientific assessment that would make it possible to establish an appropriate TAC, the EEC would abstain until its own scientific advice was available, at which time its final position would be decided.
- 7.33 The Canadian representative stated that the poor state of the stocks, particularly in 1991, made it more important to maintain the moratorium in 1992.
- 7.34 The representative of Denmark (in respect of the Faroe Islands and Greenland) said that his delegation had difficulties with the moratorium but would respect the decision of the Fisheries Commission.
- 7.35 The USSR representative said he understood the EEC position on UNCLOS but was sympathetic to the plight of Canadian fishermen. The USSR was facing a similar problem in the Central Bering Sea where the international fishery conducted in 5% of the area, took catches equal in magnitude to those of the two coastal states combined. He said that to make a moratorium successful, a cooperative effort was needed. The USSR was ready to support the 1992 3L moratorium.
- 7.36 The representative of Japan said his views were close to those of the Danish and USSR representatives except with respect to the Central Bering Sea situation.
- 7.37 The EEC proposed a minimum legal size of 40 cm for this stock.
- 7.38 In response to Canada's comment that it was inappropriate for the Fisheries Commission to adopt management measures for 2J3KL cod, the EEC proposed a minimum cod size for the entire Regulatory Area. It was agreed that this could be discussed later in the context of "control measures".
- 7.39 The Norwegian representative said that his views on this issue were similar to those of the USSR representative. The moratorium was a question of principle and of the obvious interest of the coastal state. Norway would not in 1992 fish in 3L in the Regulatory Area.
- 7.40 The continuation of the moratorium on 3L cod in the Regulatory Area in 1992 was put to a vote: for = 4 (Japan, Cuba, USSR, Canada), against = 0, abstain = 4 (Denmark, EEC, Poland, Norway). **Carried.**
- 7.41 The meeting proceeded with the following discussions of the distribution of quotas for the NAFO managed stocks in 1992 to the Contracting Parties:
- 7.42 Canada proposed that the traditional distribution be maintained in 1992.
- 7.43 The representative of Denmark (in respect of the Faroe Islands and Greenland) agreed except with respect to 3NO cod. He suggested informally that the "Others Quota" be increased by 10%.
- 7.44 The EEC representative commented that it was too late to modify the distribution for 1992. However, there was merit in reconsidering distribution including for conservation purposes and to prevent discards. Well balanced packages which took into account technical

interactions, should be adopted in future years. The representative of Canada agreed and the representative of Denmark (in respect of Faroe Islands and Greenland) asked that the Report reflect the discussion which could be resumed in 1992. **Noted.**

- 7.45 The existing traditional distribution key based on "Quota Table" in Schedule I of NAFO Conservation and Enforcement Measures was **adopted for 1992 by consensus** (Annex 5). The EEC representative said the EEC reserved its position with respect to stocks on which it had abstained in the vote on TACs.
- 7.46 The meeting returned to the questions posed earlier to the Scientific Council, that is, Canada's (FC Working Paper 91/5) request of (a) the application of a minimum mesh size of 130 mm throughout the Regulatory Area; and, (b) the lengths of American plaice, yellowtail flounder and witch flounder of which 5% would be retained by 130 mm diamond mesh. The replies by the Chairman of the Scientific Council are:

For (a), 130 mm mesh size was appropriate with specific exceptions for such species as capelin and squid; for (b), data was available only for yellowtail; for 130 mm mesh, the size of which 5% would be retained was 21.5 cm, and 23 cm was the size of which 10% would be retained. Very few fish of these sizes were actually caught with 130 mm mesh.

- 7.47 In response to an inquiry from the EEC representative, the Chairman of the Scientific Council said that an exception from the uniform minimum mesh size requirement might also be made for grenadier. In the discussion on how to handle exceptions, he concluded that the best approach would be to include all marginal species in the list of derogations, until the Scientific Council could make a final determination. The EEC delegate inquired as to whether there were any areas where smaller species could be fished without impact on larger species. A careful review was in his view needed, before abandoning the 120 mm mesh size equivalent. It was agreed to refer the matter for further review to the Scientific Council, by amending FC Working Paper 91/4 (Annex 6).

8. Formulation of Request to Scientific Council for Scientific Advice for Management of Fish Stocks in 1993 (item 19 of the Agenda)

- 8.1 The meeting agreed to the suggestion of the Canadian representative that discussion be deferred on this item until delegations received a draft document to be prepared by Canada. The EEC representative said his delegation would be preparing a similar document setting out EEC requests. After some discussion Canada, agreed to include the question of uniform mesh size for the Regulatory Area in the draft request for scientific advice (Annex 6).
- 8.2 The EEC representative said, with regard to 2J3KL cod, that there was a need for scientific advice on technical interactions of catches outside 200 miles with fisheries inside the zone to enhance understanding without prejudice to possible management decisions. He asked for the views of other representatives.
- 8.3 The Canadian representative said that this was an issue that went back to 1985. Canada did extensive research in 2J3KL (\$35 million in 1990) and has discussed this issue bilaterally with the EEC. It was prepared to share the results of its research but it was clear that the overwhelming responsibility for this stock was that of the coastal state.
- 8.4 The EEC representative wished to put its proposal into perspective and to distinguish between Scientific Assessment and management. While he appreciated the offer for scientific cooperation, it was, in his view logical to assess the impact of fisheries outside the

zone on fisheries inside. He said that if other Contracting Parties could be blamed for the state of Canadian fisheries it was logical to have an assessment.

- 8.5 In the following discussion it was pointed out that the consent of the coastal state was required for assessment of 2J3KL cod but that Contracting Parties could conduct their own research in the Regulatory Area and present it to the Scientific Council.

9. Adjournment (items 20 to 22 of the Agenda)

- 9.1 Decision on time and place of next meeting was deferred to the General Council.
- 9.2 Under Agenda item 21, Other Business, the EEC asked that its request for an assessment of the minimum cod size that may be caught in the Regulatory Area be referred to the next meeting of the Fisheries Commission. There was no other business.
- 9.3 Canada thanked the Chairman and the Chairman thanked the Executive Secretary and the Rapporteur. The meeting was adjourned at 1300 hours on 13 September.

Annex 1. List of Participants

13th Annual Meeting
Dartmouth, Nova Scotia, Canada, 9-13 September 1991

CANADA

Head of Delegation: B. Rawson
Deputy Minister
Dept. of Fisheries and Oceans
200 Kent Street
Ottawa, Ontario K1A 0E6

Representatives

- B. Rawson (see address above)
M. Yeadon, Vice-President, Fleet Operations and Government Relations, National Sea Products, P. O. Box 2130, Halifax, Nova Scotia B3J 3B7
R. Cashin, Fishermen Food and Allied Workers, P. O. Box 10, St. John's, Newfoundland A1C 5H5

Alternate

- V. Rabinovitch, Assistant Deputy Minister, International Relations, Dept. of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario K1A 0E6

Advisers

- R. J. Allain, Director, Atlantic Operations Br., Dept. of Fisheries and Oceans, 200 Kent Street (1418), Ottawa, Ontario K1A 0E6
C. J. Allen, Resource Allocation Br., Atlantic Fisheries, Dept. of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario K1A 0E6
J. R. Angel, Regional Director, Fisheries and Habitat Management, Scotia Fundy, Dept. of Fisheries and Oceans, P. O. Box 550, Halifax, Nova Scotia B3J 2S7
B. Applebaum, Director-General, Dept. of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario K1A 0E6
B. E. Armstrong, Deputy Co-ordinator, Office of Ambassador for Fisheries Conservation, NEX/Dept. of External Affairs, 125 Sussex Dr., Ottawa, Ontario K1A 0G2
D. B. Atkinson, Fisheries Research Br., Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
J. S. Beckett, Director, Fisheries Research Branch, Dept. of Fisheries and Oceans, 200 Kent Street, 12th Floor, Ottawa, Ontario K1A 0E6
N. Bellefontaine, Regional Director General, Scotia-Fundy Region, Dept. of Fisheries and Oceans, P. O. Box 550, Halifax, Nova Scotia B3J 2S7
C. Bishop, Fisheries Research Br., Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
W. R. Bowering, Fishery Products International, 70 O'Leary Avenue, P. O. Box 550, St. John's, Newfoundland A1C 5L1
W. B. Brodie, Fisheries Research Br., Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
J. Carscadden, Fisheries Research Br., Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
B. Chapman, President, Fisheries Association of Newfoundland and Labrador Ltd., P. O. Box 8900, St. John's, Newfoundland A1B 3R9
H. Clarke, Executive Vice-President, Fishery Products Intl., 70 O'Leary Avenue, P. O. Box 550, St. John's, Newfoundland A1C 5L1
L. J. Dean, Assistant Deputy Minister, Dept. of Fisheries, Gov't of Nfld-Labrador, P. O. Box 8700, St. John's, Newfoundland A1B 4J6
D. Delcorde, International Fisheries Officer, Dept. of Fisheries and Oceans, 14-200 Kent Street, Ottawa, Ontario K1A 0E6
A. Donohue, Dept. of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario K1A 0E6
E. B. Dunne, Director General, Newfoundland Region, Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1

- L. Forand, A/Director, Atlantic Div., International Directorate, Dept. of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario K1A 0E6
- A. R. A. Gherson, Ambassador for Fisheries Conservation, Dept. of External Affairs (NEX), 125 Sussex Drive, Ottawa, Ontario K1A 0G2
- J. B. Gough, Communications Br., Dept. of Fisheries and Oceans, P. O. Box 550, Halifax, Nova Scotia B3J 2S7
- J. E. Hache, Assistant Deputy Minister, Atlantic Fisheries, Dept. of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario K1A 0E6
- C. L. Jones, Senior Advisor, Foreign Fisheries, Dept. of Fisheries and Oceans, P. O. Box 550, Halifax, Nova Scotia B3J 2S7
- B. Knight, Assistant Secretary to Cabinet for Intergovernment Affairs, 5th Floor, Confederation Bldg., West Block, St. John's, Newfoundland
- A. A. Longard, Director, Marine Resources, N. S. Dept. of Fisheries, P. O. Box 2223, Halifax, Nova Scotia B3J 3C4
- J. A. Lugar, Executive Assistant, Seafood Producers Association of Nova Scotia, P. O. Box 991, Dartmouth, Nova Scotia B2Y 3Z6
- C. F. MacKinnon, Marine Advisor, Province of Nova Scotia, P. O. Box 2223, Halifax, Nova Scotia B3J 3C4
- S. B. MacPhee, Regional Science Dir., Scotia-Fundy Region, Dept. of Fisheries and Oceans, P. O. Box 1006, Dartmouth, Nova Scotia B2Y 4A2
- P. McGuiness, Vice-President, Fisheries Council of Canada, 77 Metcalfe St., Suite 505, Ottawa, Ontario K1P 5L6
- B. Matthews, Opposition Fisheries Critic, Newfoundland and Labrador, 4 Sunset Crescent, Fortune, Newfoundland
- D. Miller, Fisheries Research Br., Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
- F. Mondo, New Brunswick Department of Fishery and Aquaculture, C.P. 488, Caraquet, New Brunswick E0B 1K0
- E. Mundell, International Directorate, Dept. of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario K1A 0E6
- W. M. Murphy, Mersey Seafoods Ltd., P. O. Box 1290, Liverpool, Nova Scotia B0T 1K0
- B. Nakashima, Fisheries Research Br., Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
- R. J. Prier, Director, Conservation and Protection, Dept. of Fisheries and Oceans, P. O. Box 550, Halifax, Nova Scotia B3J 2S7
- M. Rowe, Senior Policy Advisor, Office of the Minister of Fisheries, 200 Kent St., Ottawa, Ontario K1A 0E6
- M. Short, Director, Inshore Fishery, Fishermen Food and Allied Workers, Box 10, 2 Steer Cove, St. John's, Newfoundland
- R. Stirling, President, Seafood Producers Association of Nova Scotia, P. O. Box 991, Dartmouth, Nova Scotia B2Y 3Z6
- L. Strowbridge, Enforcement Coordinator (Offshore), Nfld. Region, Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
- G. Traverse, Director, Resource Management Div., Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
- D. Vardy, Deputy Minister of Fisheries, Government of Newfoundland, P. O. Box 8700, Confederation Bldg., St. John's, Newfoundland A1B 4J6
- G. C. Viscount, President, Canadian Saltfish Corporation, P. O. Box 9440, St. John's, Newfoundland A1A 2Y3
- D. E. Waldron, Marine Fish Division, Dept. of Fisheries and Oceans, P. O. Box 1006, Dartmouth, Nova Scotia B2Y 4A2
- G. Winters, Fisheries Research Br., Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
- E. Wiseman, Fisheries Counsellor, Mission of Canada to the European Communities, 2 Avenue de Tervuren, 1040 Brussels, Belgium

CUBA

Head of Delegation:

J. M. Benjamin, Vice-Minister of Fisheries
 Ministerio de la Industria Pesquera
 Barlovento, Jaimanitas
 Municipio Playa
 Ciudad de la Havana

Representatives

O. Muniz, Representative of the Cuban Fishing Fleet in Canada, c/o Pickford and Black Ltd., P. O. Box 1117, Halifax, Nova Scotia, Canada B3J 2X1

Advisers

R. Dominguez, Flota Cubana de Pesca, Ave. la Pesquera Esq. Mercado, Habana Vieja, Ciudad de la Habana

B. R. Garcia Moreno, International Organizations Specialist, Direccion de Relaciones Internacionales, Ministerio de la Industria Pesquera, Barlovento, Sta Fe, Playa, La Habana

DENMARK (in respect of the Faroe Islands and Greenland)

Head of Delegation: E. Lemche, Director
Groenlands Hjemmestyre
Pilestraede 52
Box 2151
1016 Copenhagen
Denmark

Representatives

E. Lemche (see address above)
H. Fischer, Ministry of Foreign Affairs, Asiatick Plads 2, 1448 Kobenhaven, Denmark

Alternate

K. Hoydal, Director of Fisheries, Foroya Landsstyri, Box 64, 100 Torshavn, Faroe Islands

Advisers

H. Hovgaard, Greenland Fisheries Research Institute, Tagensvej 135, 2200, Kobenhaven N, Denmark
M. Olsen, Skaltavegur 30, 700 Klaksvik, Faroe Islands
J. Pedersen, Minister of Fisheries, Foroya Landsstyri, Box 64, 110 Torshavn, Faroe Islands
P. M. Pedersen, Greenland Seafishery Association, P. O. Box 310, 3900 Nuuk, Greenland
J. Solstein, Klaksvik, Faroe Islands

EUROPEAN ECONOMIC COMMUNITY (EEC)

Head of Delegation: A. Laurec
Director
Commission of the European Communities
Rue Joseph II 99
1049 Brussels,
Belgium

Representative

A. Laurec (see address above)

Alternate

P. Hillenkamp, Acting Head of Unit, Commission of the European Communities, Rue Joseph II 99, 1049 Brussels, Belgium

Advisers

J. Lecomte, Ambassador, Delegation of the Commission of the European Communities, 350 Sparks St., Suite 1110, Ottawa, Ontario, Canada K1R 7S8
T. Abadia, Principal Administrator, Commission of European Communities, Rue de la Loi 200, 1049 Brussels, Belgium
H. Koster, Administrator, Commission of the European Communities, Rue Joseph II 99, 1049 Brussels, Belgium
M. Newman, Administrator Inspection and Control, Commission of the European Communities, Rue de la Loi 200, 1049 Brussels, Belgium
D. J. Dunkley, Inspection and Control DG XIV, Commission of the European Communities, Rue Joseph II 99, 7/24, 1049 Brussels, Belgium
G. F. Kingston, Senior Assistant, Delegation of the Commission of the EC, EC Delegation, 1110-350 Sparks St., Ottawa, Ontario, Canada K1R 7S
N. P. F. Bollen, Ministry of Agriculture Nature Management and Fisheries, Fisheries Dept., Bezuidenhoutsweg 73, P.O. Box 20401, 2500 EK The Hague, Netherlands

- S. B. *Kristensen*, Principal Administrator, Council of the European Communities, Rue de la Loi 170, 1048 Brussels, Belgium
- J. Carbery, Legal Adviser, Council of the European Communities, Rue de la Loi 170, 1048 Brussels, Belgium
- M. Roitmann, Fisheries Counsellor, Danish EEC-Representation, 73 Rue D' Arlon, 1040 Brussels, Belgium
- H. Pott, Ministry for Agriculture, Rochusstr.7, 5300 Bonn 1, Germany
- P. Ernst, Institut für Hochseefischerei und Fischverarbeitung, An der Jaegerbaek 2, 251 Rostock-Marienehe, Germany
- R. Conde, Director General of Fisheries, Jose Ortega y Gasset, 57, Madrid, Spain
- A. Tena, Director of Fisheries, Ministerio de Asuntos Exteriores, Pla. Provincia, 1, 28071 Madrid, Spain
- C. Soto Calvo, Subdirectora General de Relaciones, Pesqueras Internacionales, Jose Ortega y Gasset, 57, 28006 Madrid, Spain
- M. I. Aragon, Jefe de Seccion, Jose Ortega y Gasset, 57, Madrid, Spain
- G. P-Gandaras, Instituto de Invest. Marinas, Eduardo Cabello No. 6, Vigo, (Pontevedra), Spain
- H. Gonzalez Garcia, ANAVAR & AGARBA, Puerto Pesquero, Edificio Vendedores, Oficina 1-6, Apdo 1078, Vigo 36200, Spain
- M. Iriondo, President ARBAC, Bordalaborda 19, Pasajes de San Juan, Gipuzkoa, Apartado Correos No. 88, Pasajes, Spain
- J. L. Meseguer, Secretario General, Asociacion de Empresas de Pesca de Bacalado, Especies Afines y Asociadas (ARBAC), Enrique Larreta, 10-Madrid, 28036, Spain
- F. J. Rodriguez, Assistant Director, Cno. Jolastokieta 5, Herrera, San Sebastian 20017, Spain
- J. Rodriguez, Inspeccion, Secretaria General de Pesca Maritima, Ortega y Gasset, 57, Madrid, Spain
- A. Vazquez, Instituto de Investigaciones Marinas, Muelle de Bouzas, Vigo, Spain
- D. Silvestre, Charge de Mission, Direction des Peches Ministere de la Mer, 3 Place de Fontenoy, 75007 Paris, France
- Ph. Moguedet, IFREMER, B. P. 4240, 97500 Saint Pierre et Miquelon
- A. J. Parres, Delegee General, Union des Armateurs a la Peche de France, 59 Rue des Mathurins, 75008 Paris, France
- R. P. Brouwershaven, Ministry of Agriculture and Fisheries, P. O. Box 20401, The Hague, Netherlands
- E. P. de Brito, Director General for Fisheries, Direccao-Geral Pescas, Av. Brasilia, 1400 Lisboa, Portugal
- C. Albuquerque, Director de Servicos, Direccao Geral das Pescas, Av. Brasilia, 1400 Lisboa, Portugal
- A. I. Pereira, First Secretary, Embassy of Portugal, 645 Island Park Drive, Ottawa, Ontario, Canada K1Y 0B8
- A. Avila de Melo, Instituto Nacional de Investigacao das Pescas, Av. Brasilia, 1400 Lisbon, Portugal
- M. L. Godinho, Instituto Nacional de Investigacao das Pescas, Av. Brasilia, 1400 Lisbon, Portugal
- C. A. Sousa Reis, President, Instituto Nacional de Investigacao das Pescas (INIP), Av. Brasilia, 1400 Lisboa
- C. C. Southgate, Room 428, Nobel House, Ministry of Agriculture, Fisheries and Food, Smith Square, London SW1P 3HX, United Kingdom
- B. W. Jones, Sea Fisheries Laboratory, Lowestoft, Suffolk NR33 OHT, United Kingdom

JAPAN

Head of Delegation:

K. Yonezawa
 c/o Fishery Division
 Economic Affairs Bureau
 Ministry of Foreign Affairs
 2-2-1 Kasumigaseki, Chiyoda-ku
 Tokyo

Representatives

K. Yonezawa (see address above)

Advisers

T. Hasegawa, Japan Fisheries Association, Suite 1101, Duke Tower, 5251 Duke Street, Halifax, Nova Scotia, Canada B3J 1P6

H. Inoue, Japan Deep Sea Trawlers Association, 100 Otemachi, Chiyoda-ku, Tokyo

T. Kato, Japan Deep Sea Trawlers Association, 1-5-1 Marunou Chi, Chiyoda-ku, Tokyo 100

T. Mori, International Affairs Div., Fisheries Agency, Government of Japan, 1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo

A. Umezawa, Fishery Division, Ministry of Foreign Affairs, 2-2-1 Kasumigaseki, Chiyoda-ku, Tokyo

Y. Uozumi, National Research Institute of Far Seas Fisheries, 5-7-1 Orido, Shimizu City

M. Yoshida, Japan Deep Sea Trawlers Association, 601 Yasuda Bldg., 3-6 Kanda, Ogawa-cho, Chiyoda-ku, Tokyo

NORWAY

Head of Delegation: P. Gullestad
Directorate of Fisheries
P. O. Box 185
5002 Bergen

Representatives

P. Gullestad (see address above)

POLAND

Head of Delegation: J. Stremlau, Consul
Polish Trade Commissioner's Office
3501 Avenue du Musee
Montreal, Quebec
Canada H3G 2C8

Representatives

J. Stremlau (see address above)

UNION OF SOVIET SOCIALIST REPUBLICS (USSR)

Head of Delegation: V. K. Zilanov
Deputy Minister
Ministry of Fisheries of the USSR
12 Rozhdestvensky Boul.
Moscow K-31, 103045

Representatives

V. K. Zilanov (see address above)

Alternates

V. Fedorenko, Representative of the USSR in Canada on Fisheries, 2074 Robie St., Apt. 2202, Halifax, Nova Scotia, Canada B3K 5L3

V. Tsoukalov, Deputy Chief, Fisheries Resources Administration, Ministry of Fisheries, 12 Rozhdestvensky Boul., Moscow K-31

Advisers

A. A. Mikhailov, Assistant to the Representative of the USSR on Fisheries in Canada, 2074 Robie St., Halifax, Nova Scotia, Canada B3K 5L3

Y. Riazantsev, All-Union Research Institute of Marine Fisheries and Oceanography (VNIRO), 17 V. Krasnoselskaya, Moscow B-140, 107140

V. A. Rikhter, Atlantic Research Institute of Marine Fisheries and Oceanography (AtlantNIRO), 5 Dm. Donsky St., Kaliningrad, 236000

V. P. Serebryakov, Head of Laboratory, VNIRO, 17 V. Krasnoselskaya, Moscow 107140

V. Solodovnik, Chief, Division of European Countries, USA, Canada, Australia and New Zealand, Ministry of Fisheries, 12 Rozhdestvensky Boul., Moscow K-31, 103045

F. M. Tzojanovski, Deputy General Director, Scientific Industrial Association "Sevzybpoisk", 7 Papanina St., Murmansk, 183012

OBSERVERS

UNITED STATES OF AMERICA

- S. Alexander, Consul, 910 Cogswell Tower, Scotia Square, Halifax, Nova Scotia, Canada B3J 3K1
J. L. Bailey, Foreign Affairs Specialist, *Office of International Affairs*, NMFS/NOAA/USA, 1335 East West Highway, Silver Spring, MD 20910
P. N. De Cola, US Dept. of State (OES/OFA) Rm. 5806, 2201 C St. N.W., Washington, DC 20520-7818
H. S. Tinkham, Senior Atlantic Fisheries Officer, US Dept. of State (OES/OFA) Rm 5806, 2201 C St. N.W., Washington, DC 20520-7818

SECRETARIAT

- L. I. Chepel, Executive Secretary
T. Amaratunga, Assistant Executive Secretary
W. H. Champion, Administrative Assistant
F. D. Keating, Finance and Publications Clerk-Steno
B. J. Cruikshank, *Senior Secretary*
D. C. A. Auby, Clerk-Typist
F. E. Perry, Documents and Mailing Clerk-Steno
G. Moulton, Senior Statistical Clerk
B. Crawford, Clerk-Duplicator Operator
R. Myers, Clerk-Duplicator Operator

SECRETARIAT ASSISTANCE

- C. McCormick, Secretary, Office of the Minister of Fisheries, 15th-200 Kent St., Ottawa, Ontario, Canada K1A 0E6

Annex 2. Agenda

13th Annual Meeting
Dartmouth, Nova Scotia, Canada, 9-13 September 1991

FISHERIES COMMISSION

Opening Procedures

1. Opening by the Chairman of STACTIC, O. Muniz (Cuba)
 - a) Election of an interim Chair for the Meeting
 - b) Opening by the Chairperson M. Yeadon (Canada)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Admission of Observers
5. Publicity

Administration

6. Approval of the Report of the 12th Annual Meeting, September 1990 (FC Doc. 90/12, Revised)
7. Review of Commission Membership (withdrawal of GDR: letter GF/90-370 of 30 Nov 90 and GF/91-171 of 16 Apr 91)
8. Election of Officers – Chairman and Vice-Chairman
9. Clarification of the Rules of Procedure regarding the “seconding” of all motions (GC Working Paper 91/1)

Commission Proposals

10. Status of Proposals (Circular Letter 91/65)
11. Conservation and Enforcement Measures (STACTIC Working Group Reports, FC Doc. 91/1 and 91/2, FC Doc. 90/8, FC Working Paper 91/1)

International Control

12. Annual Return of Infringements
13. Fishing Vessel Registration
14. Report of STACTIC

Conservation

15. Transfer of quotas between Member States (Request by Denmark on behalf of Faroes and Greenland - FC Doc. 90/2, FC Doc. 90/12-item 115, FC Doc. 91/3)

16. Summary of scientific advice by the Scientific Council (The stock summary sheets and the detailed assessments in the report of the June 1991 meeting of the Scientific Council-SCS Doc. 91/19)
17. Management measures for fish stocks in the Regulatory Area
 - a) Cod in Div. 3M
 - b) Redfish in Div. 3M
 - c) American plaice in Div. 3M
18. Management measures for fish stocks overlapping national fishing limits
 - a) Cod in Div. 3NO
 - b) Redfish in Div. 3LN
 - c) American plaice in Div. 3LNO
 - d) Yellowtail flounder in Div. 3LNO
 - e) Witch flounder in Div. 3NO
 - f) Capelin in Div. 3NO
 - g) Squid (*Illex*) in Subareas 3 and 4
 - h) Management measures for the following stocks, if available in the Regulatory Area, in 1991:
 - Cod in Div. 3L
19. Formulation of Request to the Scientific Council for Scientific Advice on the Management of Fish Stocks in 1993

Adjournment

20. Time and Place of Next Meeting
21. Other Business
22. Adjournment

Annex 3. Statement by Canadian Representative on Effective International Control

13th Annual Meeting

Dartmouth, Nova Scotia, Canada, 9-13 September 1991

Mme Chair. The Canadian delegation would like to take this opportunity, as we introduce discussion on international control, to comment on the grave problems that are facing NAFO, as an institution and as a practical fisheries management organization, as we begin the 13th Annual Meeting.

I will be drawing largely from remarks made by the Minister of Fisheries and Oceans for Canada, the Honourable John C. Crosbie in La Toja, Spain at a Ministerial conference earlier this week.

At the 1988 annual meeting, Canada described NAFO as an organization in crisis. TACs have been severely overfished, stocks were declining, and fishermen from many Contracting Parties were paying the price. NAFO was at a crossroads Canada said – it was up to NAFO Members to make the right choices.

Since then, NAFO has failed to prevent overfishing and severe stock declines have resulted. Misreporting by fleets from Contracting States and lack of reporting by non-NAFO fleets ... many operating under flags of convenience ... has become so significant that scientists are losing the ability to carry out proper stock assessments. Quotas fixed by NAFO are subject to an objection procedure under which any state can simply set higher unilateral quotas and profit from the forbearance of others.

But the most damaging factor of all is the lack of effective control over fleets fishing in the NAFO Regulatory Area ... In the absence of control by a Contracting State over its fleet, quotas NAFO sets for that Contracting Party ... or even unilateral quotas the Contracting Party sets for itself ... become meaningless. Add to this a significant and growing fleet of vessels re-flagged to avoid all controls. All of this has resulted in biomass and abundance levels for most NAFO-managed stocks that are the lowest ever recorded.

For example, the advice from the NAFO Scientific Council for the Total Allowable Catch of Southern Grand Banks (3NO) cod in 1992 is 13 600 tons down from 40 000 tons in 1988 ... for Grand Banks (3LNO) American plaice, the advice is for a TAC of 25 000 tons in 1992, down from 55 000 tons, in 1986 and for Grand Banks (3LN) redfish the recommended TAC is 14 000 tons, down from 25 000 tons in 1990.

Collectively, NAFO Contracting Parties face a choice for the 1990's. We can suffer continuing declines in the state of straddling stocks, with lower quotas and diminishing catch rates. Or we can achieve rebuilt fish stocks, higher quotas and healthy catch rates. Amazingly, we seem to be heading for depletion rather than abundance and continued decline rather than a more secure future.

How do we deal with this situation? In spite of strong representatives from many quarters to take more radical action, Canada is still seeking to make NAFO work as it was intended to work. To achieve this, three things are needed on the part of all NAFO Contracting States.

First, we must approach these issues from the perspective of sustainable development ... in the words of the Brundtland Commission "development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs".

Second, if NAFO is to succeed, its decisions must be accepted and it must be reinforced as an institution. In order to achieve common benefits sustainable over the long term, all states must yield some of their freedom of action to a responsible international institution such as NAFO.

Third, even if we do these things but we fail to take the practical measures, individually and jointly through NAFO, to effectively control our fleets, then overfishing and stock depletion will continue.

Proposals discussed over the past year include maintaining patrol vessels in the NAFO Regulatory Area for the whole period while fleets are fishing, a hail system involving catch reports and integration of aerial surveillance. We need to act on these, as well as to develop new measures under NAFO, like a licensing scheme, observers and electronic tracking, that should prove more effective and, potentially, less expensive. While many technical and practical elements need to be worked out, I am confident that by acting together we can succeed in exerting effective international control over fleets operating in the NAFO Regulatory Area.

As Fisheries Managers, we have a collective responsibility ... and a collective self interest ... that needs to be urgently addressed. We must act together to achieve more effective and ecologically responsible international fisheries management. That is key to achieving a prosperous fishery, sustainable for the long term, as we approach the 21st century. Since 1977, we have learned to manage the fishery within our own respective zones. We must now apply what we have learned in our own zones in international waters.

That is Canada's objective at this meeting, Mme Chair, to make NAFO an effective international organization.

Annex 4. Hail System

13th Annual Meeting
Dartmouth, Nova Scotia, Canada, 9-13 September 1991

Proposed Amendments to Part III, Section E(1) of the Conservation and Enforcement Measures*

A Contracting Party shall ensure that vessels of that Party to which the Scheme of Joint International Inspection and Surveillance applies shall report to their competent authorities:

- a) each entry into the Regulatory Area. This report shall be made at least six (6) hours in advance of the vessel's entry and shall include the date, the time and geographical position of the vessel.
- b) each exit from the Regulatory Area and **except as provided in (c)**, each movement from one NAFO division to another NAFO division. This report shall be made prior to the vessel's exit from the Regulatory Area or entry into a NAFO division and shall include the date, time and geographical position of the vessel.
- c) When vessels conduct a fishery between Divisions 3L and 3N, and 3N and 3O which necessitates crossing the line between the divisions more than once during a period of twenty-four (24) consecutive hours, and provided that they remain within ten (10) miles of the line between the divisions the vessels concerned shall not report each change of division but shall instead report when first crossing the line between the divisions, and at intervals not exceeding twenty-four (24) hours thereafter, the date, the time and their geographical position. When such vessels leave the delimited area of 10 miles either side of the line between the divisions concerned, they shall again report the date, the time and their geographical position.

Without prejudice to Schedule II of Part V of the NAFO Conservation and Enforcement Measures, after each radio or fax transmission of information to the competent authorities of Contracting Parties the following details are to be immediately entered in the logbook:

- ◇ Date and time of transmission
- ◇ In cases of radio transmissions, name of radio station through which the transmission is made.

* FC Doc. 91/9

Annex 5. Notes for an Address by B. Rawson, Deputy Minister of Fisheries for Canada

13th Annual Meeting
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As a new NAFO Commissioner, I asked myself what is it that NAFO is to achieve. I looked first to the NAFO Convention of 1978. It states ... beginning with the preamble ... that,

The Contracting Parties ... desiring to promote the conservation and optimum utilization of the fisheries resources of the Northwest Atlantic ... encourage international co-operation and with respect to these resources ... have agreed [and I refer to Article II] to establish and maintain an international organization to [achieve] optimum utilization, rational management and conservation of the fishery resources of the [NAFO] Convention area.

Against the experience of the last 13 years have we succeeded in this objective? Let us look at the cold facts.

The first step in management of fisheries resources is scientific assessment of the resource. What is the state of each fish stock? Is it growing or declining? How should we regulate harvesting to achieve optimal yields, on a long-term sustainable basis?

NAFO has an outstanding record in resource assessment. Contracting Parties can take pride in their professional and collegial scientific effort through the Scientific Council toward achieving the most accurate and reliable assessment of NAFO-managed fish stocks. But, Madam Chairman, those efforts are now being undermined and the work of the Scientific Council is being called into question.

This is not because of anything that our scientists have failed to do. Rather it is because, as the scientists themselves have pointed out, it has now become impossible to do; to properly assess the state of the resource.

It has become impossible because overfishing of quotas continues to deplete stocks and because an ever-increasing share of catches is unreported or misreported. No one can tell precisely how bad things are. We know only that the state of almost all NAFO-managed stocks has become worse, year by year.

The second step is resource management: Total Allowable Catch for each stock, allocation of quotas among Contracting Parties, and related conservation measures. In these matters, the NAFO Fisheries Council also has a solid record of performance.

TAC's have been based consistently on the advice of the Scientific Council – toward the objective of optimal sustainable yield. As for allocations among Contracting Parties, these have been made throughout NAFO's history on the basis of traditional shares. Other important conservation measures, for example relating to mesh size, have been adopted.

There should be a high degree of transparency, certainty, stability and confidence. There is not. Instead, there is deep anxiety that depletion of resources will continue and, therefore, quotas will continue to decline. Why? We have to look at the third step and most difficult element of NAFO's role: control of fishing.

One NAFO Contracting Party, the European Community for years has set for itself quotas higher than those allocated to it by NAFO. That is unfair to other Contracting Parties whose fleets harvest under NAFO quota constraints.

More fundamental, however, is the lack of effective control over certain fleets in the NAFO Regulatory Area. In the case of Contracting Parties let me take an obvious example, 3M cod. The moratorium adopted for 1988, 1989 and 1990 was flouted and the stock was heavily overfished. And, in the case of non-NAFO fleets, they simply fish at will, wherever they want for whatever they want.

This lack of control is the Achille's heel of NAFO. This is the biggest threat we face.

These three problems: Unilateral quotas, inadequately controlled fleets from Contracting Parties and increasing effort by non-NAFO fleets have led to precipitous resource declines. Canada has suffered more than 50 per cent reduction in its NAFO quotas in five years. Let me repeat that. We have lost one half of what we legitimately had five years ago.

Canadians are deeply worried for those whose lives were a part of our Atlantic fishery ... who have been forced to leave, not only their jobs, but their homes, their friends and their communities. They have been cut adrift from the moorings of their lives. And those who continue to rely on stocks that can be fished outside 200 miles fear for their futures. Why? Because collectively, as Contracting Parties, we have failed to make of NAFO the success that it could be.

The same case can be made for other Contracting Parties. A decline in quotas leads ... or at least it should lead ... to a decline in catches. That means fewer fishermen can continue to fish from those Contracting Parties that abide by NAFO quotas. Unchecked, it will mean fewer fishermen from every fleet, even those fishing in excess of NAFO quotas, simply because there will be fewer fish.

Let us re-examine urgently and with all our skill what NAFO is suppose to achieve. In this re-examination, there is more to consider than science ... more than technical management measures. Let us re-examine NAFO bearing in mind the future of communities and families that had a legitimate belief they would be part of a stable and prosperous fishery ... but now see only disruption, decline and poverty. The consequences of the lack of effective international controls goes beyond statistics and technical matters - it can be seen in the faces of men, women and children.

What should we do? Let me quote (in translation) from the powerful opening statement of the Spanish Fisheries Minister, Mr Solbes at the Ministerial Fisheries Conference held earlier this week at La Toja, Spain:

"It is a moral duty and an economic necessity to establish fisheries management policies that not only regulate overall fishing effort but that also avoid harvesting of juvenile fish. We must remember that however good may be the scientific basis for fisheries management, it will not be effective in the absence of adequate control measures to guarantee compliance by fleets. Thus, of even greater importance than the design of the management measures are the means to ensure their effectiveness. Management and control represent two fundamental elements of what is needed."

Mr Solbes continued:

"Resources constitute the foundation upon which the fishery is based, the reason for the fisheries existence. Stock conservation, stock recovery, in short avoiding

suicidal over-exploitation through control of fishing effort must come first if we are to avoid destruction of the very fisheries upon which we rely ... It is only logical that resources be carefully managed and voices be raised in alarm if those resources are menaced."

Mr Solbes speaks wise words and express clear thoughts.

Since the extension of jurisdiction to 200 miles ... each of our countries has sought to put in place the means to control catches by fleets within our 200 mile zones. We have learned by experience. Now is the time to apply that experience together in NAFO.

We look back in order to learn the lessons of experience. We look to the present to see what now needs to be done. And, we look ahead to see how quickly and how well the lessons of experience can be applied to meet the needs of today. What we see is the need for significant reform to strengthen international control of fisheries under NAFO.

As Contracting Parties we must choose to go forward with effective controls or to drift into further decline and to waste our precious gifts. We all want a growing resource. And we all want a prosperous fishing industry. This year we face the crushing reality of a declining resource and a declining fishing industry. We can have a better future, but only if we commit ourselves now to work toward designing and implementing the measures needed to achieve that future.

We cannot, and we should not decide today or tomorrow all that needs to be done. That is not the nature of this meeting. Our next steps will be the most important ever taken by NAFO. What we can do at this meeting is to believe in the need for reforms and to put in place a process of working together to achieve those reforms. To help do this, Canada will bring forward a proposal for a special meeting of NAFO devoted solely to the purpose of reform.

The support of every Contracting Party around this table is essential. We need commitment. We need determination. We need every country's creative solutions. The commitment we need is one that is set out in NAFO Convention and one that was called for this week in La Toja. People everywhere on both sides of the Atlantic are counting on us.

Annex 6. Fisheries Commission's Request for Scientific Advice on Management in 1993 of Certain Stocks in Subareas 3 and 4*

13th Annual Meeting
Dartmouth, Nova Scotia, Canada, 9-13 September 1991

1. The Fisheries Commission with the concurrence of the Coastal State as regards the stocks below which occur within its jurisdiction, requests that the Scientific Council, at a meeting in advance of the 1992 Annual Meeting, provide advice on the scientific basis for the management of the following fish and invertebrate stocks or groups of stocks in 1993:

Cod (Div. 3NO; Div. 3M)
Redfish (Div. 3LN; Div. 3M)
American plaice (Div. 3LNO; Div. 3M)
Witch flounder (Div. 3NO)
Yellowtail flounder (Div. 3LNO)
Capelin (Div. 3NO)
Squid (Subareas 3 and 4)

2. The Commission and the Coastal State request the Scientific Council to consider the following options in assessing and projecting future stock levels for those stocks listed above:

- a) For those stocks subject to analytical dynamic-pool type assessments, the status of the stock should be reviewed and management options evaluated in terms of their implications for fishable stock size in both the short and long term. In those cases where present spawning stock size is a matter of scientific concern in relation to the continuing productive potential of the stock, management options should be evaluated in relation to spawning stock size. As general reference points the implications of fishing at $F_{0.1}$, F_{1990} and F_{\max} in 1993 and subsequent years should be evaluated. The present stock size and spawning stock size should be described in relation to those observed historically and those expected in the longer term under this range of options.

Opinions of the Scientific council should be expressed in regard to stock size, spawning stock sizes, recruitment prospects, catch rates and TACs implied by these management strategies for 1993 and the long term. Values of F corresponding to the reference points should be given and their accuracy assessed.

- b) For those stocks subject to general production-type assessments, the time series of data should be updated, the status of the stock should be reviewed and management options evaluated in the way described above to the extent possible. In this case, the general reference points should be the level of fishing effort or fishing mortality (F) which is calculated to be required to take the MSY catch in the long term and two-thirds of that effort level.
- c) For those resources of which only general biological and/or catch data are available, no standard criteria on which to base advice can be established. The evidence of stock status should, however, be weighed against a strategy of optimum yield management and maintenance of stock biomass at levels of about two-thirds of the virgin stock.

- d) Spawning stock biomass levels that might be considered necessary for maintenance of sustained recruitment should be recommended for each stock.
- e) Presentation of the result should include the following:
- i) for stocks for which analytical dynamic-pool type assessments are possible:
 - ◊ a graph of yield and fishing mortality for at least the past 10 years.
 - ◊ a graph of spawning stock biomass and recruitment levels for at least the past 10 years.
 - ◊ a graph of catch options for the year 1993 over a range of fishing mortality rates (F) at least from $F_{0.1}$ to F_{max} .
 - ◊ a graph showing spawning stock biomass at 1.1.1994 corresponding to each catch option.
 - ◊ graphs showing the yield-per-recruit and spawning stock per-recruit values for a range of fishing mortality.
 - ii) for stocks for which advice is based on general production models, the relevant graph of production on fishing mortality rate or fishing effort.

In all cases the three reference points, actual F, F_{max} and $F_{0.1}$ should be shown.

3. The Fisheries Commission with the concurrence of the Coastal State requests that the Scientific Council continue to provide information, if available, on the stock separation in Div. 2J+3KL and the proportion of the biomass of the cod stock in Div. 3L in the Regulatory Area and a projection if possible of the proportion likely to be available in the Regulatory Area in future years. Information is also requested on the age composition of that portion of the stock occurring in the Regulatory Area.
4. The Scientific Council should analyze the various technical measures which could permit the elimination of massive catches of juvenile flatfishes in the NAFO area. This should cover the implementation of minimum legal sizes and the introduction of a single basic mesh size. Special attention should be paid to multispecies analyses and especially technical interactions.
5. With respect to cod in Div. 3M, the Scientific Council is requested to provide advice on means of improving the utilization (yield-per-recruit) of the resource.
6. With respect to redfish in Div. 3M, the Scientific Council is requested to provide advice on means of reducing the harvest of juvenile fish, including such factors as seasonality of fishing.
7. With respect to squid in SA 3 and 4, the Scientific Council is asked to examine all data available to it and if possible to present options for the management of the stock that are based on the NAFO principles of optimum utilization and conservation. The Council is asked also to provide information on the distribution throughout the year of the stock and on the factors that determine whether the resource becomes available within the NAFO area.
8. With respect to capelin in Div. 3NO, the Scientific Council is requested to advise on the most rational level of management, on the basis of the main principles of NAFO: optimum utilization

and conservation of stocks. The Council should evaluate the importance of capelin at different stages of their life history to the marine ecosystem and in particular, given the mass mortality following spawning, the significance of a management option that refers to harvesting during the period immediately prior to spawning. Management options such as maintaining minimum spawning biomass, a 10% and a 20% exploitation rate should be evaluated in terms of both maintaining stock size and the impact on the ecosystem.

9. The Scientific Council is asked to review further the question of a standard 130 mm mesh size for otter trawling in the Regulatory Area, and particularly to consider the species for which derogation would be required. The Council is asked to include consideration of area and season in this review, to advise on appropriate mesh sizes for fisheries for which the 130 mm would be too large, to advise on appropriate by catch limits for other species (in aggregate or individually) in fisheries using small mesh sizes and to report on any interactions between the various fisheries.
10. The Scientific Council is asked to consider the question of a minimum fish size for cod in the different parts of the Regulatory Area, both in terms of the current regulation of mesh size in otter trawls and in terms of increasing yield per recruit.

Annex 7. Press Release

13th Annual Meeting

Dartmouth, Nova Scotia, Canada, 9-13 September 1991

1. The 13th Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO) was held in Dartmouth, Nova Scotia, Canada during 9-13 September 1991, under the chairmanship of K. Hoydal (Denmark in respect of the Faroe Islands and Greenland), President of NAFO. The sessions of the General Council, the Scientific Council, and the Fisheries Commission and all subsidiary bodies were held at the Holiday Inn.
2. The delegations attending the meeting were from the following Contracting Parties: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), European Economic Community (EEC), Japan, Norway, Poland and the Union of Soviet Socialist Republics (USSR). Observers from the United States of America were present at the meeting.
3. The Scientific Council, under the chairmanship of B. W. Jones (EEC), provided the scientific assessment and recommendations pursuant to the Convention on the management of the fishing stock in the Convention Area. The Chairman of the Scientific Council reported to the Fisheries Commission on the questions pertaining to the scientific basis for the management and conservation of fishery resources within the Regulatory Area.
4. Under the umbrella of the Scientific Council there was a Symposium on "Changes in abundance and biology of Cod stocks and their possible causes". The Symposium was held at NAFO Headquarters in Dartmouth during 4-6 September. The Scientists from different Contracting Parties presented and discussed 24 reports and papers on the different topics of major changes in abundance of cod stocks and their biology in relation to environmental variability and as functions of the fisheries. The scientific presentation will be published in 1992 as the Scientific Council Studies which will contribute further to better understanding of the basic principles of the management of the cod stocks.
5. The Fisheries Commission, under the chairmanship of M. Yeadon (Canada) considered and took decisions on several important issues pertaining to the management and conservation of the fisheries resources in the Regulatory Area as follows:

On the basis of the scientific advice from the Scientific Council the Contracting Parties agreed on the Total Allowable catches and allocations in 1992 for the fishing stocks which are either entirely in the Regulatory Area or associated with the stocks within the 200-mile fishing zones. The TACs and allocations decided by the Commission are presented in the attached Quota Table.

On the basis of the deliberations and presentation of the Standing Committee on International Control (STACTIC) under the chairmanship of O. Muniz (Cuba), the Fisheries Commission adopted new proposals for international measures of control and enforcement within the Regulatory Area for the purpose of improvements on inspection and surveillance in the Regulatory Area. In a new Scheme of Joint International Inspection and Surveillance there are provisions for coordination of all "Hail System" reports on activity of the fishing vessels in the Regulatory Area via the NAFO Headquarters in Dartmouth and implementation of the aircraft surveillance.

6. The Contracting Parties agreed to continue the moratorium for 1992 on cod fishing by Contracting Parties in Division 3L outside the 200-mile Canadian Zone, in the continuation of the conservation measures for the purpose of the stock recuperation.
7. Upon the presentation of the Standing Committee on Finance and Administration (STACFAD), the General Council adopted the Organization's budget and accounts for 1992.
8. The new Standing Committee on Fishing Activities by non-Contracting Parties in the Regulatory Area (STACFAC), under the chairmanship of C. C. Southgate (EEC), examined important questions on the fishing by vessels of non-Contracting Parties and presented its report and recommendations to the General Council, which adopted further measures designed to curtail and eliminate such unregulated fishing in the Regulatory Area. The most important measures include; active diplomatic initiatives individually and jointly, intensive effort from the office of the Executive Secretary in communication with non-Contracting Parties, improvement in statistical information on non-Contracting Parties catches and on imports of ground-fish species from non-Contracting Parties whose vessels fish in the NAFO Regulatory Area.
9. The General Council endorsed the UN Resolution 45/197 on large-scale pelagic drift-net fishing and reconfirmed that such fishing is not presently practiced by NAFO Contracting Parties in the Convention Area.
10. Several elections took place for Chairmen and Vice-Chairmen of constituent and subsidiary bodies of the Organization, as follows:

Chairman of the General Council, President
of the Organization

– K. Yonezawa (Japan)

Vice-Chairman of the General Council

– P. Gullestad (Norway)

Chairman of the Fisheries Commission

– E. Wiseman (Canada)

Vice-Chairman of the Fisheries Commission

– P. Hillenkamp (EEC)

Chairman of the Scientific Council

– V. P. Serebryakov (USSR)

Vice-Chairman of the Scientific Council

– H. Lassen (Denmark in respect of the of the Faroe Islands and Greenland)

Chairperson of the Standing Committee on
Finance and Administration (STACFAD)

– D. Gill (Canada)

Vice-Chairman of the Standing Committee on
Finance and Administration (STACFAD)

– H. Koster (EEC)

Chairman of the Standing Committee on
International Control (STACTIC)

– E. Lemche (Denmark in respect of the Faroe Islands and Greenland)

NAFO Secretariat
Dartmouth, Nova Scotia, Canada
13 September 1991

QUOTA TABLE. Total allowable catches (TACs) and quotas (metric tons) for 1992 of particular stocks in Subareas 3 and 4 of the NAFO Convention Area. The values listed include quantities to be taken both inside and outside the 200-mile fisheries zone, where applicable.

Contracting Party	Cod		Redfish		American plaice		Yellowtail Div. 3LNO	Witch Div. 3NO	Capelin Div. 3NO	Squid (Illex) Subareas 3+4
	Div. 3M	Div. 3NO	Div. 3M	Div. 3LN	Div. 3M	Div. 3LNO				
1. Bulgaria	-	-	645	-	-	-	-	-	-	500
2. Canada	100	6 484	1 075	5 964	150	25 425	6 825	3 000	800	N.S. ⁴
3. Cuba	480	-	3 762	1 372	-	-	-	-	750	2 250
4. Denmark (Faroe Islands and Greenland)	2 900	-	-	-	-	-	-	-	-	-
5. European Economic Community	6 465	5 016	6 665	476	350	328	140	-	750	N.S. ⁴
6. Iceland	-	-	-	-	-	-	-	-	-	-
7. Japan	-	-	860	-	-	-	-	-	2 800	2 250
8. Norway	1 200	-	-	-	-	-	-	-	9 000	-
9. Poland	500	-	-	-	-	-	-	-	900	1 000
10. USSR	1 270	1 624	29 777	6 104	1 000	-	-	1 950	15 000	5 000
11. Others	50	476	216	84	500	47	35	50	-	5 000
12. Special Reservation ¹	-	-	-	-	-	-	-	-	-	-
Total Allowable Catch	12 965	13 600	43 000	14 000	2 000	25 800	7 000	5 000	30 000	150 000 ⁵

¹ There are no Special Reservations for 1992.

² The opening date for the squid (Illex) fishery is 1 July.

³ Any quota listed for squid may be increased by a transfer from any "coastal state" as defined in Article 1, paragraph 3 of the NAFO Convention, provided that the TAC for squid is not exceeded. Transfers made to Contracting Parties conducting fisheries for squid in the Regulatory Area shall be reported to the Executive Secretary, and the report shall be made as promptly as possible.

⁴ Not specified because the allocation to these Contracting Parties are as yet undetermined, although their sum shall not exceed the difference between the total of allocations to other Contracting Parties and the TAC.

⁵ The TAC would remain at 150 000 tons subject to adjustment where warranted by scientific advice.

PART II. Report of the Standing Committee on International Control (STACTIC)

13th Annual Meeting

Dartmouth, Nova Scotia, Canada, 9-13 September 1991

The Standing Committee on International Control (STACTIC) met on several occasions during the week of 9-13 September 1991. The initial session convened at 1015 hours on 9 September 1991.

1. Opening of the Meeting

- 1.1 The Chairman of STACTIC, O. Muniz (Cuba), welcomed the delegates to the 13th Annual Meeting of NAFO and in particular to the STACTIC meeting. STACTIC delegations included: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), European Economic Community (EEC), Japan, Norway and the Union of Soviet Socialist Republics (USSR). The Chairman welcomed the delegation from the USA as observers. (Annex 1)
- 1.2 R. J. Prier (Canada) was appointed Rapporteur.
- 1.3 The agenda was adopted as presented (Annex 2).
- 1.4 The Chairman of STACTIC raised a point of procedure in relation to STACTIC mandate under its Rules of Procedure and the task of the STACTIC Working Group on Improvements to Inspection and Control in the Regulatory Area, and he concluded that agendas and tasks of those are very similar.

The EEC delegate recommended that the Working Group and STACTIC be amalgamated and that Mr Muniz act as Chairman.

- 1.5 After discussions, the **consensus was reached** to proceed with deliberations of STACTIC Working Group recommendations under the STACTIC Agenda and its mandate, and then report to the Fisheries Commission. The delegations agreed with the EEC recommendation that the report should include the amendments discussed and those scheduled for discussion. For this purpose the Canadian and the EEC delegations formed a drafting group.

2. Review of Annual Return of Infringements

- 2.1 The Chairman referred the delegates to Note 1 of Appendix 7 to NAFO Circular Letter 91/68 which listed those Contracting Parties who had submitted Annual Return of Infringements and requested that all Contracting Parties review these returns and those Contracting Parties who have not submitted their returns to do so.
- 2.2 The item was opened to discussion on 12 September and the Canadian delegate asked if Contracting Parties for which infringements had been identified in 1990 could report on the disposition of those infringements. The EEC reported that due to an error in interpretation the information was not available and stated that in the future the information will be provided. The USSR had no comment. The Chairman emphasized the importance of the disposition of apparent infringements as it is an essential aspect of our control system.
- 2.3 The Chairman indicated that reports of surveillance activities and inspections carried out in the Regulatory Area was not on the agenda. However, this is implied under this item and he

invited Contracting Parties to table such reports if available. Reports were presented by Canada and the EEC.

3. Review of Registration of Vessels Fishing in the Regulatory Area

- 3.1 The Chairman referred to Note 2 of Appendix 7 of NAFO Circular Letter 91/68 and asked Contracting Parties to review the list of registered vessels and then return to this item at a later meeting. Denmark (in respect of the Faroe Islands and Greenland) asked the Executive Secretary to provide a summary list of vessels.
- 3.2 The Executive Secretary provided the list of vessels and a summary by Contracting Party of the number of vessels anticipated to fish in the Regulatory Area. As there were no further questions, the item was closed.

4. Review of the Progress made on Improvements to Inspection and Control in the Regulatory Area

- 4.1 The Chairman referred to FC Doc. 91/1 and FC Doc. 91/2 which were the reports of the two meetings of the Working Group held in Brussels and Dartmouth respectively. These reports will be issued as independent Fisheries Commission documents.
- 4.2 The USSR stated they had lodged an objection against the hail system and would now be willing to agree in principle to the hail system but it would be subject to clarification of the cost. They further requested Canada, if it was possible, to send messages from vessels to the Executive Secretary utilizing Canadian facilities and excluding the cost to vessels of Contracting Parties.

5. Conservation and Enforcement Measures (consideration on any revisions and improvements)

- 5.1 The Chairman proposed to review the recommended enforcement measures contained in FC Working Paper 91/1, the hail system and the proposed amendments, and to request the Executive Secretary to report to STACFAD on the cost of implementing the proposed Japanese amendment. This was accepted by all delegations.
- 5.2 The revised STACTIC W.G. Working Paper-Draft Report to the Fisheries Commission (STACTIC W.G. Working Paper 91/17) was accepted by all delegates without comment (Annex 3).
- 5.3 The delegations discussed the Conservation and Enforcement Measures (FC Working Paper 91/1) with the following results:

The EEC recommendation that the Executive Secretary should sequentially number all messages transmitted by him to the Contracting Parties was accepted by all delegates. The guidelines for the Coordination and Optimization of Inspection and Control outlined on page eleven should be separate from the Enforcement Measures and will be repositioned either as an appendix or at the beginning of the text.

The USSR with the concurrence of the EEC sought clarification with regard to International law concerning the overflight of vessels by aircraft and safety of such operations, as well as the accuracy and reliability of the information obtained by aircraft.

As was agreed previously, during meetings of the Working Group in October 1990 and July 1991, the majority of delegations stated air surveillance would be a useful tool and at this stage the question of air surveillance should not be discussed. Further it was pointed out the aircraft adhere to rules of safety which are international and are used world-wide for fisheries surveillance, and they have proven to be cost effective and provide reliable and accurate information. That was agreed.

- 5.4 The Chairman noted the concerns of Contracting Parties and requested those delegates who use air surveillance to put forth rules for use of air surveillance in the Regulatory Area.
- 5.5 It was agreed by delegations that the Chairman would recommend to the Fisheries Commission in his report on the work of the Working Group approval of:

FC Doc. 91/1 and 91/2, Reports of STACTIC Working Group, Brussels, 17-19 October 1990, and Dartmouth, 3-5 July 1991;

FC Working Paper 91/1, Conservation and Enforcement Measures;

STACTIC W.G. Working Paper 91/2, Japanese Amendment to Hail System;

STACTIC W.G. Working Paper 91/3, Danish amendment to Hail System;

STACTIC would take over responsibilities of the Working Group;

STACTIC was to continue examining short and long term measures outlined in FC Doc. 90/8;

STACTIC would continue to develop measures aimed at effective International Control in the Regulatory Area; and,

other recommendations contained in STACTIC Working Paper 91/17.

- 5.6 The Canadian delegate explained their proposal to incorporate catch reporting data into the hail system indicating that by accepting this amendment we would:

ensure a higher level of accountability of catch on board a vessel and provide NAFO Inspectors with reported quantities in advance of inspection;

improve inspection and control in the Regulatory Area; and,

provide for better utilization of inspection platforms and allow them to concentrate on specific areas or vessels.

- 5.7 The EEC delegate did not support that proposal and stated that EEC vessels do not keep production logs. He noted further that in particular a reference to conversion factors is essentially the problem and serious problems were caused in developing standard conversion factors. In summary the EEC stated production logs as a legal instrument will not facilitate inspection and would complicate the inspection and not add to the control envisaged.
- 5.8 The USSR delegate stated standard conversion factors are difficult to develop because of the different types of vessels and equipment being used. They further stated while some USSR vessels are using production logs they have no legal standings. In addition it would be difficult to verify conversion factors even within one ship owner.
- 5.9 The Japanese delegate stated that Japanese vessels carry a fishing log as well as a production log and that they calculate their round weight from their production log using company developed conversion factors. Therefore, they understand the remarks of Canada.

- 5.10 The Cuban delegate indicated they have maintained fishing and production logs on their vessels since 1981.
- 5.11 The Canadian delegate explained the points made by the delegates regarding conversion factors are understood and Canada's proposal aims to make inspectors jobs more effective. The delegate emphasized they were not asking for standardization of conversion factors.
- 5.12 The Chairman not obtaining consensus **deferred this item to the next meeting of STACTIC.**
- 5.13 The Chairman stated that the request for advice on Regulatory Measures respecting use of gillnets and longlines in the Regulatory Area would be referred to the Fisheries Commission for them to **seek the advice of the Scientific Council.**
- 5.14 It was **agreed to defer** the Canadian proposal to limit the quantity of regulated species taken in fisheries for unregulated species to 2 500 kg in total or 10% by weight in nets hauled in the presence of an inspector until the next meeting of STACTIC.
- 5.15 The delegates reviewed the Canadian proposal regarding the composition of an inspection party and agreed to **defer this amendment to the next meeting of STACTIC** as several delegations (the EEC and the USSR) would like to consider thoroughly all legal and technical aspects of any such arrangements.
- 5.16 The Committee **approved a NAFO seal for use by inspectors** in the NAFO Regulatory Area that was proposed by the Executive Secretary and requested that these seals be approximately 3 inches longer than the one shown for demonstration. The Executive Secretary was **authorized** to obtain an appropriate number for distribution to Contracting Parties.
- 5.17 It was **agreed** to use the forms provided by the Executive Secretary to report air surveillance activities. These forms to be divided into two parts (C and D) one form to be for the originator, the other for the receiver of the information. The Contracting Parties would review the forms and forward recommendations for amending the forms to the Executive Secretary prior to the next meeting of STACTIC in order that the forms can be finalized at the next meeting of STACTIC.
- 5.18 The Executive Secretary reported he has been in contact with IMO to confirm if signals used with reference to helicopters are still valid. The answers received from IMO were not adequate and he will attempt to get more definitive answers **for the next meeting of STACTIC.**
- 5.19 For other amendments to the Conservation and Enforcement Measures which the Executive Secretary was to report on, the following was **agreed:**

the Contracting Parties **would report every calendar month** on the number of inspections carried out in the Regulatory Area to the designated authority;

the inspection questionnaire will be published by NAFO in the official language of this Organization (English) and therefore it will be the responsibility of Contracting Parties to translate the questionnaire at their own expense; and,

the colours for the various pages of the Surveillance Report which the Executive Secretary showed to the delegates of STACTIC could be preferably **1 golden rod and 1 blue.**

- 5.20 The Committee agreed on a Hail System Message Format (based on STACTIC Working Paper 91/7) which shall be sent to the Executive Secretary from the vessels of Contracting Parties in the Regulatory Area (Annex 4). No consensus was reached on the format proposed by Japan for hail messages to be sent by fax.
- 5.21 The USSR raised a question on how a captain of a vessel can identify an inspector who is operating from an aircraft. The Executive Secretary indicated the identity of an inspector can be obtained from the forms he is required to sign. The Chairman stated that aircraft employed on NAFO surveillance are required to be registered with NAFO and the USSR will have this list available to them. The USSR still has concerns about this issue and view this as a serious issue. The Chairman deferred this issue until the next meeting.

6. Discussion on the Feasibility of the Implementation of the Long-Term Measures

- 6.1 The EEC delegate reported that under the terms of reference of the Working Group they undertook to produce a paper on electronic surveillance. This study is not yet completed. It is hoped by the end of October the report will be available for internal discussion. Therefore they were not in a position to report on electronic surveillance.
- 6.2 The Canadian delegate gave a brief up-date on electronic monitoring indicating that a private company is involved in a pilot project. However the status of the project is not known. It is expected by 1992 when Canada will have an indication of the feasibility of the project.
- 6.3 The USSR delegate felt long range measures were difficult to address at this time. Information presented by Canada on electronic monitoring are interesting, but would like to draw attention to the development of such a system as follows: it is a costly system; there are legal provisions to be addressed; International Conventions to be reviewed; and, systems must be automated to free captains from work related to them.
- 6.4 The Canadian delegate raised the concept of an International Observer Scheme and stated that based on the concerns expressed by the Scientific Council regarding the lack for information for stock assessments, the need for improved control measures through an observer program could address many of the concerns. Canada sees an international observer scheme providing trained observers to engage in scientific observations, in accordance with the program decided by the Scientific Council, and to monitor compliance with the NAFO Conservation and Enforcement Measures. Observers would not have the authority of NAFO inspectors but would support and improve overall control. The observer scheme would be a cost effective management system and could be recommended to the Fisheries Commission as proposed by the Canadian delegation.
- 6.5 The EEC had serious reservations implementing an observer scheme in international waters. They mentioned a few of the problems they foresee in such a program as: status of the observers; the collection of information to be used for compliance; the cost of the program; and, the logistic problems envisaged. They foresee a lot of reservations and will be discussing them later.
- 6.6 The USSR delegate made an observation as a result of the Canadian proposal re long-term measures advising to ensure the measures are accurate and simple. The USSR agreed with the EEC with regard to proprietary rights. Within their vessels captains do not readily exchange information between themselves and for that matter neither do companies. Therefore it is unlikely observers would be allowed on board without the consent of the

- owners. All these points have to be taken into consideration in developing long-term measures as well as the fact that we are operating on the high seas.
- 6.7 The Canadian delegate stated that the concerns expressed by other delegates were understandable. However, the task is to look at opportunities to improve the NAFO control system. The Canadian proposal is for a 3-year pilot project to see whether it will work and then to pursue it further. Whether NAFO can approve the observer scheme will be the subject of future discussions within NAFO.
- 6.8 The EEC delegate endorsed the remarks of the USSR regarding their reservations. The Canadian delegate called for further discussions at the next meeting of STACTIC because there are many points that need to be resolved before setting up a pilot project and time does not permit sufficient discussion at this meeting.
- 6.9 Japan indicated we must be careful regarding the Canadian proposal and restated that the Regulatory Area is high seas, therefore, the proposal needs more study.
- 6.10 The Chairman concluded the general opinion of STACTIC was that this proposal is one long-term measure which will require additional discussion at the next meeting of STACTIC.

7. Elaboration of the Report and Recommendations to the Fisheries Commission

- 7.1 STACTIC agreed to recommend to the Fisheries Commission the following: STACTIC shall continue examining short and long-term measures outlined in FC Doc. 90/8 "Terms of Reference" and it will take over responsibilities of the Working Group.
- 7.2 The summary of agreed proposals for amendments of the Conservation and Enforcement Measures will be presented to the Fisheries Commission in FC Doc. 91/7 and in the form of separate proposals throughout the STACTIC Report for their official adoption. This document is based on FC Working Paper 91/1 and STACTIC W.G. Working Paper 91/17 which were approved during this meeting and forwarded to STACTIC for final deliberation.

8. Election of Chairman

E. Lemche, Denmark (in respect of the Faroe Islands and Greenland) was elected **unanimously** as the next *Chairman of STACTIC*.

9. Time and Place of the Next Meeting

The next meeting will be held in 1992 in accordance with the decision of the Contracting Parties.

10. Other Matters

There were no other matters to discuss under this item.

11. Adjournment

The Chairman adjourned the STACTIC meeting at 2020 hours on 12 September 1991.

Annex 1. List of Heads of Delegations to STACTIC

13th Annual Meeting
Dartmouth, Nova Scotia, Canada, 9-13 September 1991

Canada	B. Allain
Cuba	B. Garcia Moreno
Denmark (in respect of the Faroe Islands and Greenland)	K. Hoydal
EEC	M. Newman
Japan	M. Yoshida
Norway	P. Gullestad
Poland	J. Stremlau
USSR	V. Tsoukalov

Annex 2. Agenda

Standing Committee on International Control (STACTIC), Dartmouth, Nova Scotia, Canada, 9-13 September 1991

1. Opening by Chairman, O. Muniz (Cuba)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of Annual Return of Infringements
5. Review of Registration of Vessels fishing in the Regulatory Area
6. Review of the progress made on Improvements to Inspection and Control in the Regulatory Area (reports of STACTIC Working Group, FC Doc. 91/1 and FC Doc. 91/2)
7. Conservation and Enforcement Measures (consideration on any revisions and improvements)
8. Discussion on the feasibility of the implementation of the long-term measures
9. Elaboration of the report and recommendations to the Fisheries Commission
10. Election of Chairman
11. Time and Place of Next Meeting
12. Other Matters
13. Adjournment

Notes to STACTIC Agenda

Note 1
(item 4 of Agenda)

To date, the Executive Secretary has received Annual Return of Infringements for 1990 from the following Contracting Parties: Canada, Cuba, USSR and EEC.

Note 2
(item 5 of Agenda)

To date, the Executive Secretary has received the notification of fishing vessels in the Regulatory Area for 1991 from the following Contracting Parties: Cuba, Denmark (in respect of the Faroe Islands and Greenland), EEC, Japan, Norway and USSR.

Annex 3. STACTIC Working Group Report on Improvement to Inspection and Control in the Regulatory Area

13th Annual Meeting
Dartmouth, Nova Scotia, Canada, 9-13 September 1991

The first meeting of the STACTIC Working Group on Improvements to Inspection and Control in the NAFO Regulatory Area was held in Brussels, 17-19 October 1990. The Working Group Report was subsequently approved by a mail vote of the Fisheries Commission, including recommendations regarding implementation of a NAFO hail system, vessel and gear markings and coordination of inspection activities by Contracting Parties in the Regulatory Area and exchanges of inspection information (FC Doc. 91/1).

The STACTIC Working Group on Improvements to Inspection and Control in the NAFO Regulatory Area met again in Dartmouth, 3-5 July 1991 and agreed to recommend to the Fisheries Commission certain amendments and revisions of Parts I, II, III and IV of the NAFO Conservation and Enforcement Measures as outlined in FC Working Paper 91/1.

The Working Group examined suggestions made by the delegations of Denmark (in respect of the Faroe Islands) and Japan as contained in STACTIC W. G. Working Papers 91/2 and 91/3 and agreed to recommend their adoption to the Fisheries Commission. The Working Group also recommends that the Fisheries Commission request advice from the Scientific Council as outlined in STACTIC W. G. Working Paper 91/6.

The Working Group requested the Executive Secretary to examine and report on the cost of implementing the proposed amendments to the hail system. The Executive Secretary's report is to be provided thereafter to STACFAD.

A number of other proposals to amend the NAFO Conservation and Enforcement Measures require further discussion. The Working Group agreed on the need to pursue its work on these proposals and to consider other possible amendments to the hail system. Time did not permit discussion of the long term measures as contained in FC Doc. 90/9.

In view of the need to continue consideration of measures to improve control in the Regulatory Area, the Working Group recommends that the Fisheries Commission:

- a) confirm the need for the examination of both the short term and long term measures outlined in FC Doc. 90/8 (Revised) and any other measures which might be appropriate to improve control in the Regulatory Area; and
- b) direct STACTIC to continue the discussions begun by the Working Group and, where appropriate, to include in its report to the Fisheries Commission at the 1991 Annual Meeting of NAFO recommendations regarding further measures aimed at effective international control in the Regulatory Area and tasks for future consideration by STACTIC.

Annex 4. Hail System – Proposed Message Format, by the EEC Delegation

13th Annual Meeting
Dartmouth, Nova Scotia, Canada, 9-13 September 1991

1. The communications shall be entitled "NAFO REPORT". The information to be transmitted, which shall be presented in the form specified, is as follows:
 - 1.1 Each entry of the vessel into the Regulatory Area. This report shall be made at least six hours in advance of the vessel's entry and shall contain the following particulars in the following order:
 - ◇ Name of vessel,
 - ◇ Call sign,
 - ◇ External identification letters and numbers,
 - ◇ The date, the time and geographical position,
 - ◇ Indication of the message code: "ENTRY",
 - ◇ the NAFO division into which the vessel is about to enter,
 - ◇ The name of the master.
 - 1.2 Each movement from one NAFO division to another NAFO division. These reports shall be made prior to the vessel's entry into a NAFO division and shall contain the following particulars in the following order:
 - ◇ Name of vessel,
 - ◇ Call sign,
 - ◇ External identification letters and numbers,
 - ◇ The date, the time and geographical position,
 - ◇ Indication of the message code: "MOVE"
 - ◇ the NAFO division into which the vessel is about to enter,
 - ◇ The name of the master.
 - 1.3 Each exit from the Regulatory Area. These reports shall be made prior to the vessel's exit from the Regulatory Area and shall contain the following particulars in the following order:
 - ◇ Name of vessel,
 - ◇ Call sign,
 - ◇ External identification letters and numbers,
 - ◇ The date, the time and geographical position,
 - ◇ Indication of the message code: "EXIT",
 - ◇ The NAFO division from which the vessel is about to leave,
 - ◇ The name of the master.