

**Northwest Atlantic  
Fisheries Organization  
(NAFO)**



**Meeting Proceedings  
of the  
General Council and Fisheries Commission  
for 1994**

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## Foreword

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 1994. The major aim of such an issue is to provide the Contracting Parties with a detailed consolidated text of all discussions initiated during the year. The proceedings of the Scientific Council are published annually in a separate issue of *NAFO Scientific Council Reports*.

SECTION I contains the Report of the Special Meeting of the Fisheries Commission including subsidiary body (STACTIC), 14-17 February 1994, Brussels, Belgium.

SECTION II contains the Report of the Special Meeting of the Standing Committee on International Control (STACTIC), 31 August - 02 September 1994, Dartmouth, Nova Scotia, Canada.

SECTION III contains the Report of the General Council including subsidiary bodies reports (STACFAD and STACFAC), 16th Annual Meeting, 19-23 September 1994, Dartmouth, Nova Scotia, Canada.

SECTION IV contains the Report of the Fisheries Commission including subsidiary body (STACTIC), 16th Annual Meeting, 19-23 September 1994, Dartmouth, Nova Scotia, Canada.

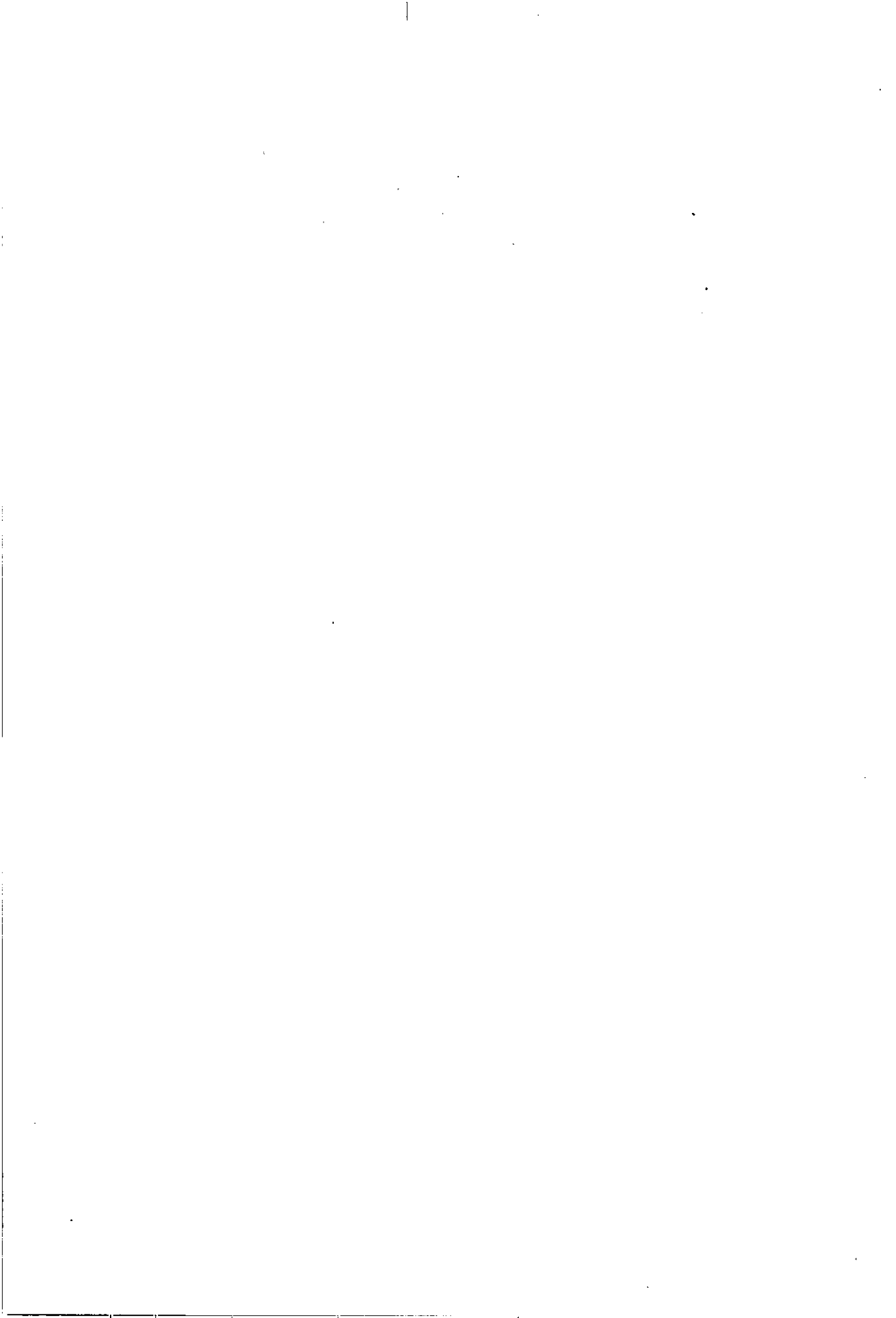


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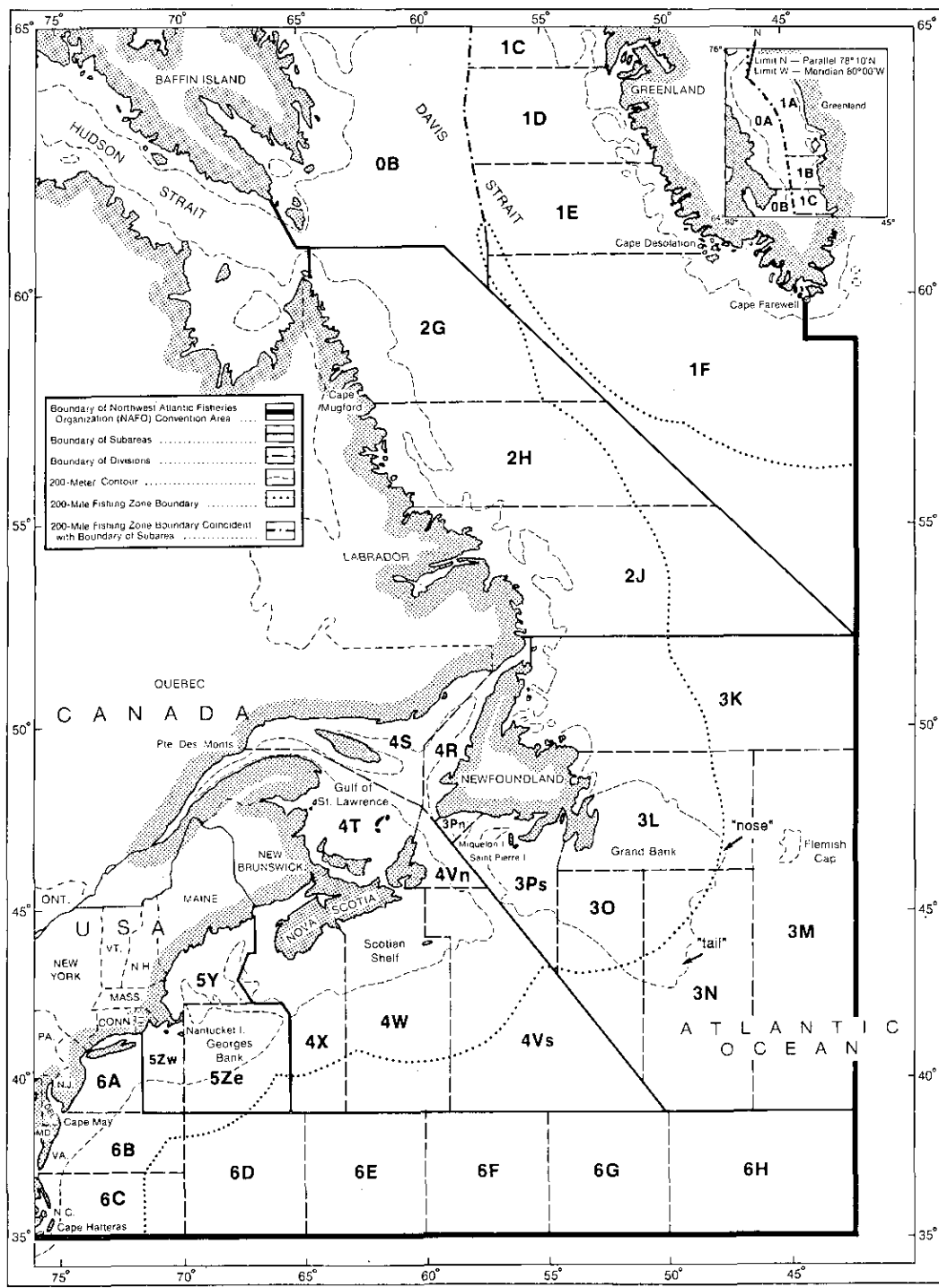
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The Convention Area to which the Convention on Future Multilateral Cooperation in the Northwest Atlantic applies





**Structure of the Northwest Atlantic Fisheries Organization (NAFO) in 1994  
(as at 16th Annual Meeting, September 1994)**

**Contracting Parties**

Bulgaria, Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union (EU), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, Romania, and Russia.

**President**

E. Lemche (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), Estonia, EU, Iceland, Japan, Korea, Latvia, Lithuania, Norway, Poland, Romania, and Russia.	<i>Chairman</i> - E. Lemche (Denmark in respect of the Faroe Islands and Greenland) <i>Vice-Chairman</i> - A. Rodin (Russia)
Scientific Council	Bulgaria, Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, EU, Iceland, Japan, Korea, Latvia, Lithuania, Norway, Poland, Romania, and Russia.	<i>Chairman</i> - H. Lassen (EU) <i>Vice-Chairman</i> - W. R. Bowering (Canada)
Fisheries Commission	Bulgaria, Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, EU, Iceland, Japan, Korea, Latvia, Lithuania, Norway, Poland, and Russia.	<i>Chairman</i> - H. Koster (EU) <i>Vice-Chairman</i> - P. Gullestad (Norway)

**Standing Committees**

General Council	Standing Committee on Finance and Administration (STACFAD)	<i>Chairperson</i> - J. Quintal-McGrath (Canada) <i>Vice-Chairman</i> - E. Penas (EU)
	Standing Committee on Fishing Activities of non-Contracting Parties in the Regulatory Area (STACFAC)	<i>Chairman</i> - C. C. Southgate (EU) <i>Vice-Chairman</i> - H. Fischer (Denmark in respect of Faroe Islands and Greenland)

Scientific Council	Standing Committee on Fishery Science (STACFIS)	<i>Chairman</i> - W. B. Brodie (Canada)
	Standing Committee on Research Coordination (STACREC)	<i>Chairman</i> - C. A. Bishop (Canada)
	Standing Committee on Publications (STACPUB)	<i>Chairman</i> - W. R. Bowering (Canada)
	<i>Executive Committee</i>	<i>Chairman</i> - H. Lassen (EU)
Fisheries Commission	Standing Committee on International Control (STACTIC)	<i>Chairman</i> - D. Brock (Canada)

### Secretariat

Executive Secretary	L. I. Chepel
Assistant Executive Secretary	T. Amaratunga
Administrative Assistant	W. H. Champion
Senior Secretary	B. J. Cruikshank
Accounting Officer	F. D. Keating
Desktop Publishing/Documents Clerk	F. E. Perry
Statistical Officer	G. M. Moulton
Graphic Arts/Printing Technician	R. A. Myers
Graphic Arts/Printing Technician	B. T. Crawford
Clerk-Typist	D. C. A. Auby
Statistical Clerk	B. L. Marshall
Statistical Clerk	C. L. Kerr

### Headquarters Location

192 Wyse Road, Dartmouth, Nova Scotia, Canada

## SECTION I

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## PART I

### Report of the Meeting of the Fisheries Commission

15-17 February 1994  
Brussels, Belgium

Tuesday, 15 February 1994 - 1145-1705

Wednesday, 16 February 1994 - 1010-1550

Thursday, 17 February 1994 - 0950-1755

#### 1. Opening Procedures (items 1 to 5 of the Agenda)

- 1.1 The meeting was called to order by the Chairman, H. Koster (EU), on 15 February 1994 at 1145 hr. Representatives from the following members of the Fisheries Commission were present: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, the European Union (EU), Iceland, Japan, Lithuania, Norway, Poland and the Russian Federation. (Annex 1)
- 1.2 C. Porro (EU) was appointed Rapporteur.
- 1.3 The provisional agenda as amended by the meeting was adopted. (Annex 2)
- 1.4 The Chairman welcomed the Representatives of the Republic of Korea (Korea)\* as observers at this meeting and explained that Fisheries Commission membership could be decided by the General Council at its Annual Meeting (Article XIII of the Convention). The Korean representative presented his statement to the Fisheries Commission. (Annex 3)
- 1.5 It was agreed that normal NAFO practice should be followed in relation to publicity and that no statements would be made to the media until after the conclusion of the meeting. At the closing session on 17 February, a Press Release was distributed by the Chairman and Executive Secretary to Contracting Parties. (Annex 4)

#### 2. Review of the NAFO Observer Scheme Pilot Project (Agenda items 6-11)

- 2.1 The Chairman of the Fisheries Commission asked the Chairman of STACTIC, D. Brock (Canada), for a brief report of the STACTIC meeting held on 14 February. The summary of national reports was presented to the meeting. (Annex 5 and Part II)

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\*Note: The Republic of Korea acceded to the NAFO Convention on 21 December 1993.

- 2.2 On item 6, Reports by Contracting Parties on the Results of Pilot Project, the representative of Canada highlighted the main aspects of his delegation's Report. A total of 450 fishing days had been monitored in the shrimp fishery in the Regulatory Area; 13 fishing days for the groundfish fishery and 32 fishing days on board vessels of other Contracting Parties. Canada was satisfied with the results which enabled early remedial action to be taken once excessive by-catches of redfish had been detected. The total cost was approximately \$163,500. This cost was recovered from the industry.
- 2.3 For agenda item 7, Evaluation of any Administrative or Operational Problems of the Program, the representative of Canada explained that a domestic observer scheme had been established since 1979. This had resulted in Canada not incurring any new logistical and administrative difficulties. Now that the concept had been tested, Canada was proposing some modest improvements, which would initially need to be worked up by STACTIC. Improvements included a standard format and report forms; a training syllabus; timely reporting of infringements to enforcement authorities and full exchange of all reports between all the Contracting Parties to provide analytical assessment. In addition the scheme should be extended by six months until the end of 1994 and coverage increased from 10% to 20%.
- 2.4 The representative of Denmark (in respect of the Faroe Islands and Greenland) observed that a number of Contracting Parties had experienced difficulties in deploying observers. For example, in one case as many days had been used for deployment as on observation and in another, it was twice the observer days. This aspect had to be taken into account.
- 2.5 Agenda item 8, Assessments of the Effectiveness and the Costs of the Program, was discussed in close implication with item 10, Decision on Proposals for a NAFO Observer Scheme. The representative of the European Union (EU) said that the cost effectiveness of the Observer Scheme should be assessed within the context of NAFO's surveillance and research programs. From a methodological point of view it was necessary to assess whether this observer scheme was providing any significantly new information, and a proper discussion of the objectives was required. The terms of reference for observers were neither those of scientists nor inspectors. To review those terms would have a direct impact on their status. Because a six-month extension (proposed by Canada, item 2.3) had cost implications, the EU reserved its position. He insisted that the Fisheries Commission should decide in principle whether the scheme required modification before referral to STACTIC.

The representative of the Russian Federation noted the significant costs related with this scheme, \$496 per day in their case. The costs were born entirely by the industry and therefore he preferred it to remain as a pilot. However he could support the Canadian proposal to extend the scheme for six months to enable a fuller evaluation, and pointed out that extension would require a calculation of what 20% coverage amounted to.

The representative of Denmark (in respect of the Faroe Islands and Greenland) considered possibility to accept an extension of the Observer Scheme by six months in principle, and noted it was necessary to consider: costs; the value of observers as opposed to inspectors; whether observers should concentrate on problem fisheries. He identified the main problems as high fishing effort and catches of juveniles and explained observers



could not address the problem of fishing effort but might be useful against catches of juveniles. He supported the EU in first having a general discussion which might raise technical questions which could then be referred to STACTIC.

The Chairman identified three possibilities in these discussion as:

- a six month extension
- modification of the scheme
- implications of changes on a more permanent scheme.

Russia proposed the scheme should be extended and reviewed at the Annual Meeting.

The representative of Canada explained that their intention was to test modifications through an extended scheme on the basis of the experience gained in 1993, and STACTIC should consider these as: (1) observers should report apparent infringements quickly to allow dispatch of a surveillance vessel from a Contracting Party; (2) Contracting Parties ensure apparent infringements be made available in a timely fashion; (3) observers should report suspected infringements to inspectors on a routine inspection, and; (4) Contracting Parties notify the Executive Secretary of which vessels were carrying observers.

In response to the representative of Estonia, Canada expected cost-savings as a result of more effective enforcement. The Chairman sought the Fisheries Commission's view whether the scheme should simply continue for six months or should the issue be referred to STACTIC.

- 2.6 Agenda item 9, Appropriateness of Including an Observer Scheme in the NAFO Conservation and Enforcement Measures, has not been discussed at this meeting and was referred to the upcoming Annual Meeting in September 1994.
- 2.7 On agenda item 10, Decision on Proposals for a NAFO Observer Scheme, comprehensive and constructive discussions were developed around the Canadian proposal for modification of the Scheme (a relative discussion had partly pursued through items 2.3-2.5 above).

The representative of Canada explained that he had proposed four enhancements to the scheme: - real time reporting; clear information of suspected infringements; reports to the NAFO Secretariat to prepare a summary for the Annual Meeting; - 20% coverage. However, as a result of further consideration, Canada would not pursue 20% coverage and would defer the issue of real-time reporting, proposing STACTIC design a model for consideration in September. The proposal would have three main components:

1. Extension of the scheme for six months.
2. For STACTIC to review the scheme under the current terms of reference. Additionally it should provide advice or recommendations on elements necessary in a future scheme including targeting of species and a real time reporting mechanism.
3. Contracting Parties should provide STACTIC with the necessary information to carry out its review.

Together those components should provide the basis for a discussion in the Fisheries Commission next September. In response to the Chairman the representative of Canada thought that the comparative analysis between the various control and research programs was already possible in the current terms of reference.

The Chairman concluded that subject to Contracting Parties comments on the Canadian proposal he intended to put the whole of Part II of the Agenda on that of the Fisheries Commission next September and asked delegations if they could agree to the Canadian proposal.

The representative of the EU informed he could agree to a six-month extension although he failed to see the point of extending beyond the review date in September. On item 2(d) (Canadian paper) he suggested the deletion of the last phrase which he believed did not preclude STACTIC from recommending such reporting if required. He explained that the EU did not open infringement proceedings on the basis of observer reports and it was inappropriate under the terms of reference of the scheme to speak of individual infringements. He asked for clarification as well of item 3(m) as he failed to see the relationship between observers and inspectors.

The representative of Canada said that extension of the scheme beyond the review date was necessary for good administrative order. For item 2(d) of the proposal, there was an intention to have a prepared plan as the basis for an informed discussion, however, Canada was prepared to delete the last part of this sub-paragraph if it was clearly understood that the words "necessary elements" included the possibility of a real time reporting mechanism. He was also prepared to delete 3(m).

The Chairman concluded that Canada had made it quite clear that these new terms of reference would not pre-judge discussion on the observer scheme nor would it pre-judge any elements in an extended observer scheme.

On the basis of all discussions and with the deletions from item 2(d) of "and the necessary... for suspected infraction" and the deletion of 3(m) the Canadian proposal to extend the pilot project observer scheme to December 31, 1994 and to conduct a full review of the scheme by STACTIC in advance of the Annual Meeting, 1994, was adopted by consensus. (Annex 6)

- 2.8 On item 11 of the agenda, STACTIC Report, the Chairman proposed that STACTIC should meet in advance of the Fisheries Commission to finalize the review in time for discussion by the Fisheries Commission at the Annual General Meeting. The agreement was noted that STACTIC would meet in Canada at the end of August or early September. The Chairman proposed to accept formally the STACTIC report (please see item 2.1 and Part II), which was agreed by the meeting.

### 3. Conservation and Enforcement Measures

- 3.1 For agenda item 12, Project for Experimental Redfish Fishery with 90 mm Mesh Size, the representative of Russia informed that data available so far confirmed their belief in the effectiveness of a 90 mm mesh for redfish. A report would be available to the Scientific Council in June or September.

The Chairman reminded Contracting Parties that last September references to the one-net rule and the value of the experiment had been made.

The representative of the EU wanted to know why it was necessary to carry out this experiment in what was a one-net rule area. The representative of the Russian Federation replied that the aim was to determine if a 90 mm mesh could be accepted as the most effective for rational harvesting for redfish.

The representative of Denmark (in respect of the Faroe Islands and Greenland) was sympathetic to the advice given by the Scientific Council in its report.

The representative of the EU could accept the merits of the case but there was a risk it might lead to an abandonment of the one-net rule - a pillar of NAFO's conservation measures. Canada considered that determining the most effective mesh size did not itself imply the abandonment of the one-net rule. The Chairman concluded that the Fisheries Commission could accept the project as amended by the Scientific Council. This would not pre-judge the continuation of a one-net rule. **This was adopted by consensus.**

- 3.2 On item 13 of the agenda, Minimum Fish Size and Minimum Size of Processed Fish, in response to Denmark, the Chairman of Scientific Council explained most of the information rested with the industry. He hoped to resolve this within a couple of months for consideration in June. He did not envisage national laboratories would have to undertake new studies. The Fisheries Commission referred this item for the STACTIC agenda in September 1994.

#### **4. Review of Management Measures in 1994 for Fish Stocks Straddling National Fishing Limits - Cod in Divisions 3N and 3O**

- 4.1 The Chairman introduced this item to the meeting recalling discussions on this stock at last year's meeting, when there had been uncertain advice on the new year-class. Since then, Canada had written to propose a moratorium on the basis of new data.
- 4.2 The representative of Canada presented its proposal emphasizing that:
- All border stocks are affected by the oceanic conditions prevailing in the N. Atlantic;
  - Full and corroborative surveys had been undertaken which produced disturbing results in terms of spawning stock biomass (SSB) and stock characteristics;
  - This stock exhibited a different pattern of age classes to those adjacent to it; there are two year-classes (both juveniles) with potential if properly managed but vulnerable if not;
  - The view of the SSB in 1993 had been more positive. Whereas now it might be 50% lower.

Considering the above, Canada was of the opinion that the best management choice was to close this fishery to permit the year-classes to grow to maturity.

- 4.3 The Chairman of the Scientific Council introduced the scientific advice\* explaining that this was not a revised but an updated assessment. Fundamentally nothing had changed. The stock was still reliant on the 1989 year-class, (now confirmed as above average) and the 1990 year-class (also estimated to be above average). SSB was still at a low level. Scientific Council had presented projections based on dome-shaped and flat-topped as partial recruitment patterns as there is still some debate as to which better reflected the pattern of harvest. His inclination was for flat-topped but the dome-shaped was directly comparable with 1993. This issue would be resolved by June. The new assessment included an autumn research survey series. These showed the opposite trend to the 1993 spring survey which had shown an increased abundance after a period of decline.

The Scientific Council was essentially repeating its advice. Certain fleet components were fishing juveniles. This was detrimental to the stock and made sub-optimal use of the resource. The Fisheries Commission should consider how to address this. On catch levels there was a choice for the Fisheries Commission between providing a fishery and rebuilding the SSB. The fishery should be restricted to allow SSB rebuilding. If a fishery was permitted it should be no higher than 6 000 tons.

- 4.4 The representative of Canada posed a series of questions to the Chairman of Scientific Council: 1) Could he confirm that the flat-topped profile better reflects the assessment. This was not available to managers in 1993; 2) To what extent was the 1993 spring survey result reliable given the variability in the results; 3) Would the results be distorted if tows cut across large concentrations of the stock; 4) In 3Ps the by-catch for cod in the redfish fishery had varied dramatically. This showed stock behaviour was variable. The data available now should be compared with that available last year.

The Chairman of Scientific Council agreed that the flat-topped profile was a better reflection but there was still doubt on the interpretation of the spring surveys. He also confirmed that exclusion of the autumn surveys would double the estimate of the size of the 1989 year-class. Concentration of the stock might affect the data. This was more likely here given the 1993 spring results indicated that concentration occurred in two restricted areas. However he considered that comparing different profiles did not alter the evidence of SSB at close to historical low. This was the main reason for advocating a re-building strategy of the stock.

- 4.5 The representative of the EU thanked the Scientific Council for producing the report under difficult conditions. He noted that the effect on the SSB in 1995 was very similar for either a TAC of 6 000 tons or for a "0" TAC. He asked what the margin of error might be and whether a 6 000 ton TAC could be considered precautionary. He referred to page 7 of the 1993 Scientific Council Report indicating that the two types of partial recruitment pattern had already been available then. The Chairman of Scientific Council said there was a margin of error of some 10%. However the focus should be not so much on 1995 but on the longer term projection. The key issue was to allow the 1989 year-class to survive and contribute to the SSB. Calling the 6 000 ton TAC precautionary was a question of words as the Fisheries Commission had to choose between the conflicting objectives. The Chairman observed that until the inclusion of

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\*Note: The Scientific Council had been deliberating the 3NO cod stock assessment in advance of the Fisheries Commission on 13-15 February 1994.

the autumn surveys the dome-shaped profile better reflected the data available. The representative of the EU emphasized that this was a review of the 1994 fishery and the September decision should not be preempted.

The representative of Canada sought confirmation that Scientific Council was not endorsing a particular catch level but instead recommending that the fishery should not exceed 6 000 tons.

The Chairman of Scientific Council explained that, since a moratorium would also be consistent with the advice, the wording reflected those conflicting objectives.

- 4.7 The representative of the Russian Federation said they were familiar with this stock. He considered that while the Fisheries Commission discussed ways of how to conserve the stock it was gradually declining. Recent discussions with his scientists now confirmed the need to act quickly. Hence he supported Canada's request for a moratorium in the short term.
- 4.8 The representative of the EU felt it was not unusual for the scientific advice not to recommend a specific TAC. He wondered whether if in light of the new surveys there would have been some different advice and asked the Chairman of Scientific Council if he felt the assessment now was more soundly based. The Chairman of Scientific Council agreed that firm recommendations were often absent but in this case there was strong emphasis on the upper limit. This was not normally the case for healthier stocks. As to the advice on the basis of new evidence, much would depend on the weighting given to various elements. The results of the 1993 spring survey were only preliminary in June 1993. He believed this to be one of the better assessments. In response to Canada he confirmed that approximately  $2/3$  of the biomass was made up by two year-classes. In response to the EU he replied that a TAC of 6 000 tons was within the range offered. He could not tell Denmark (in respect of the Faroe Islands and Greenland) what 1994 catches were.
- 4.9 The meeting accepted the representative of Norway's request to allocate more time for this item, and the Chairman deferred further consideration to the closing session on 17 February.
- 4.10 At the closing session, the Chairman resumed discussion on Cod 3NO encouraging Contracting Parties to express their views. The following discussions ensued:

The representative of Denmark (in respect of the Faroe Islands and Greenland) presented his interpretation of the word "moratorium" explaining this had unfortunate connotations in practice - e.g. permanent closure. He thought it might be more acceptable if the term was changed. He was concerned that changing agreed TACs on the basis of mid-term surveys and at the behest of one Contracting Party set a bad precedent. He noted the possible political overtones and the meeting being used as a battlefield for the UN Conference (on Straddling Stocks and Highly Migratory Species). Denmark was of the opinion that the advice was clear and ranged from 0 to 6 000 tons, and a choice had already been made in September. Did the Commission want to make another choice now? He felt the solution might lie in considering future years involving a strategy of rebuilding the stock from 1995 onwards. Technical measures to protect juveniles should also be considered. Additionally the surveillance and observer schemes could be reviewed to concentrate effort in this area for this year.

The representative of the EU subscribed to the Danish remarks. The quotas for 3NO cod were already built into national legislation. Hence it was a revision of a current management system which was being considered. This was unusual. However the evidence in support of this procedure was not scientifically founded and he remained to be convinced of the need.

The representative of Canada believed there was substantial new information now available. The Scientific Council report found that the flat-topped assessment better reflected the stock trends. This showed the SSB in 1993 was 50% lower than had been estimated in 1993 and that for 1993 was 60% lower over the previous year. It was also clear that much of the stock was made up of juveniles. This stock could therefore not be harvested without juveniles being taken. The estimate of the SSB had dropped sharply; that the stock was made up of up to 4/5 of juveniles which would not spawn for another two years and that there were major doubts over the accuracy of the spring surveys. Between September and now there had been major closures of fisheries on neighbouring cod stocks. However 3NO cod could be rebuilt if properly managed. There was no hidden agenda to this issue at the present meeting.

The Chairman identified two issues: firstly concern about the state of the stock and secondly procedural - should decisions be altered mid-term.

The representative of Norway said he understood the Scientific Council report to be restating the same advice. He had sympathy with the Canadian position on the need to rebuild the SSB. However a decision had been taken in September and it would not be right to alter it now. Therefore, he could not support Canada. The representative of Iceland supported Canada on the basis of the need to rebuild the SSB. The representative of Canada suggested that the word moratorium be altered to "0" TAC. This he believed was acceptable to the Russian delegation as well. In this way the TAC for Cod 3NO would be suspended and the provisions of Part I, Section A.4(b) of the NAFO Conservation and Enforcement Measures would apply. Canada sought consensus or at least the avoidance of a vote.

The representative of the EU was not convinced by the nuance of a suspended TAC. He maintained that there was not a case to be made for changing the September decision and felt application of the by-catch rule ran the risk of greater catches of cod than by having a TAC in force. This would serve to undermine conservation.

Canada restated the same arguments and pointed out that Canada and the Russian Federation accounted for the greatest percentage of quotas for this stock. It would be a difficult but necessary decision.

The representative of Cuba said that 6 000 tons was not the recommended TAC but the upper limit. The 1989 and 1990 year classes should be allowed to grow to maturity. He therefore thought the 0 TAC was the best option.

The Chairman proposed to convene a restricted meeting of Heads of Delegations, which was agreed by the Meeting.

- 4.11 After lengthy consultations of the Heads of Delegations, the meeting resumed to consider a new Russian proposal to add a footnote to the 1994 TAC and Quota table to read "considering the advice contained in the Report of the Scientific Council and having regard to the poor state of the stock of cod in Division 3NO no directed fishery shall be carried out under the TAC agreed for this stock in 1994. The provisions of Part I, Section A.4(b) of the NAFO conservation and enforcement Measures shall apply".
- 4.12 Following brief consultations and deliberations, the Chairman asked if he could conclude that the proposal was acceptable to the members of the Fisheries Commission. The representative of the EU requested an open vote. The proposal **was adopted** with 8 votes affirmative and 3 abstentions (Denmark, EU and Norway).

**Note by the Executive Secretary:**

The adopted proposal for management of the cod stock in Div. 3NO had been notified to all Contracting Parties for the purpose of the provisions of paragraph 1 of Article XII of the NAFO Convention through the objection period of 22.02.94 to 23.04.94 (60 days). Pursuant to the provisions of Article XII, the proposal became a measure binding on all Contracting Parties effective 24 April 1994.

### 5. Closing Procedures

- 5.1 Agenda item 15, Time and Place of Next Meeting, was noted that the next meeting will be in conjunction of the Annual Meeting in September 1994.
- 5.2 There was no other business under item 16.
- 5.3 The Special Meeting of the Fisheries Commission was adjourned at 1755 hrs on 17 February 1994.

### 6. Adoption of the Report

This report was reviewed and adopted by unanimous consent by the Fisheries Commission effective 15 May 1994.

## Annex 1. List of Participants

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## **Annex 2. Agenda**

### **I. Opening Procedures**

1. Opening by the Chairman, H. Koster (EEC)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Admission of Observers
5. Publicity

### **II. Review of the NAFO Observer Scheme Pilot Project**

6. Reports by Contracting Parties on the results of Pilot projects
7. Evaluation of any administrative or operational problems of the program
8. Assessments of the effectiveness and the costs of the program
9. Appropriateness of including an Observer Scheme in the NAFO Conservation and Enforcement Measures
10. Decision on proposals for a NAFO Observer Scheme
11. STACTIC Report

### **III. Conservation and Enforcement Measures**

12. Project for experimental redfish fishery with mesh size 90 mm
13. Minimum fish size (witch, redfish, G. halibut) and minimum size of processed fish (witch, redfish, G. halibut, cod, A. plaice, yellowtail)
14. Review of Management Measures in 1994 for Fish Stocks Straddling National Fishing Limits - Cod in Division 3NO

### **IV. Closing Procedures**

15. Time and place of next meeting
16. Other business
17. Adjournment

**Annex 3. Statement by the Representative of Korea, Mr. Sang Ki Park,  
to the Fisheries Commission**

15 February 1994

Mr. Chairman,  
Distinguished Delegates,

On behalf of the Korean delegation, I would like to express our appreciation for allowing us to attend this important meeting.

Korea, which is one of the major fishing countries and especially so in terms of distant-water fishing, is well cognizant of a newly emerging regime on the high seas fishing, and has been making every effort to guarantee that our fishing is "responsible and transparent".

As a part of its cooperative gestures, the Korean Government took actions to pull the last remaining three vessels out of NAFO area by April 30, 1993 despite enormous opposition by the Korean fishermen, and finally acceded to NAFO on December 21, 1993. The Korean Government is considering joining the Fisheries Commission in this coming Annual Conference to be held in September this year.

Considering the long history of our fishing in the NAFO area, which dates back to 1979, our delegation hopes that our fishing in NAFO area will be resumed in due course.

Our experience and knowledge of the management of NAFO and scientific information on NAFO area cannot but be meagre. In this connection, I hope that this meeting will surely provide us an extremely precious opportunity in understanding one of the best-managed and the most advanced fishery organization in the world.

Mr. Chairman,

I would like to take this opportunity to reaffirm the Korean Government's commitment to comply with NAFO Convention. The Korean Government will closely cooperate with all other members states in achieving the objectives of the NAFO.

I hope for a great success of this meeting under your brilliant guidance.

Thank you.

### Annex 4. Press Release

1. The special meeting was held in Brussels, Belgium, through 15-17 February 1994 under the chairmanship of H. Koster (European Union). All sessions of the Commission and its Standing Committee on International Control (STACTIC - met on 14 February) were held at the Albert Borschette Conference Centre. The following members of the Fisheries Commission were represented at the meeting: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union, Iceland, Japan, Lithuania, Norway, Poland, and Russian Federation. The Republic of Korea was present as observer.
2. The meeting was preceded (13-14 February) by a special meeting of the NAFO Scientific Council under the chairmanship of H. Lassen (European Union), which conducted the assessment and catch options of cod in Div. 3NO for 1994. The Scientific Council findings were reported to the Fisheries Commission.
3. The Fisheries Commission considered the major subject matter of review of the NAFO Observer Scheme Pilot Project, which has been conducted by Contracting Parties during 1993. The national annual reports on the project reflected a positive application of this pilot observer project to monitor conservation measures and collect useful biological data. The meeting decided to extend the Pilot Project to December 31, 1994 and conduct a full review of the program at the Annual Meeting in September 1994.
4. The following proposals for Conservation and Enforcement in the Regulatory Area were reviewed with the decisions that:
  - the experimental redfish fishery with different mesh sizes (90-120-130) will be conducted by the Russian vessels in 1994;
  - minimum fish size (for witch, redfish, G. halibut) and minimum size of processed fish (witch, redfish, G. halibut, cod, A. plaice, yellowtail) shall be considered by the Scientific Council which advice shall be reported back to the Fisheries Commission at the Annual Meeting in September 1994.
5. The Fisheries Commission considered the advice by the Scientific Council on the status of the stock of 3NO cod and agreed that no directed fishery be conducted for this stock in 1994.

NAFO Secretariat

Fisheries Commission  
17 February 1994  
Brussels, Belgium

## Annex 5. Report of the Chairman of STACTIC to the Fisheries Commission

### 1. Reports by Contracting Parties on the NAFO Pilot Observer Scheme

Delegations presented their Reports as follows:

#### 1.1 Canada

In total they had observed 450 days in the shrimp fishery. They had monitored the redfish by-catch closely. Canada had made the use of separator grids mandatory following excessive by-catch for redfish. Observers had also monitored 13 days in the groundfish fishery and an observer service was provided for the Baltic States.

#### 1.2 Lithuania

The representative recorded his thanks to Canada for training a Lithuanian inspector.

#### 1.3 Russia

Reported fishing activity of under 100 days. One observer was deployed in 1993 and detected no apparent infringements.

#### 1.4 European Union (EU)

Compliance with technical and conservation measures generally satisfactory but there were incidences of non-compliance.

#### 1.5 Norway

No observers were deployed in 1993. On the basis of the 1993 activity at 10% coverage this would amount to 65 observation days in 1994.

#### 1.6 Denmark (in respect of the Faroe Islands and Greenland)

Reported a total of 80 observer days (6%) for Faroese vessels in 1993.

#### 1.7 Japan

Had not deployed any observers as fishing activity was expected to be less than 300 days. Actual activity was 352 days.

#### 1.8 Cuba

Cuba would endeavour to deploy observers in 1994.



## **2. Discussion of Proposals by the Contracting Parties to the Observer Scheme**

- 2.1 STACTIC considered a Canadian proposal to amend the current Observer Scheme (STACTIC Working Paper 94/1). Canada proposed to adopt a formal scheme similar but with enhancements to the current one. The main aspect of this proposal was to allow observers to interact with the inspectors.
- 2.2 Delegations made some initial comments. For example: applicability of scheme (EU), language and cost implications, interaction of observers and inspectors from differing flag-states (Denmark); implications for the role of observers (Cuba).

## **3. Final Review of the NAFO Inspection Manual**

- 3.1 It was agreed to put the revised manual into operation with inspectors immediately. It was also agreed to review its operational application by STACTIC during the NAFO Annual Meeting next September.

## Annex 6. Extension of Pilot Project Observer Scheme and Terms of Reference for STACTIC

1. The Pilot Project Observer Scheme, as found in NAFO/FC Doc. 93/7, be extended to December 31, 1994.
2. The Fisheries Commission requests that STACTIC conduct a full review of the program at the time of the September 1994 annual meeting with the following terms of reference:
  - a) Assess the effectiveness and costs of the program
  - b) Evaluate any administrative or operational problems associated with the program.
  - c) Provide advice/recommendations to the Fisheries Commission on the appropriateness of including an Observer Scheme in the NAFO Conservation and Enforcement Measures.
  - d) Provide advice or recommendations on the necessary elements of any future program including advice on specific fisheries to be targeted.
3. In order to provide STACTIC with the necessary information to carry out its mandate, Contracting Parties participating in the program in 1993 and 1994 shall provide the following to the Executive Secretary by September 1, 1994:
  - a) Observer days by fishery per month per division.
  - b) Number of incidents of apparent infringements reported by type and results of any follow-up investigations.
  - c) Any trends in improvements to or decreases in compliance with NAFO conservation measures.
  - d) Times and locations of presence of small fish.
  - e) Times and locations and types of discards.
  - f) Any information on mis-reported species.
  - g) Types of biological data collected
  - h) Details of logistical problems in deploying observers.
  - i) Cost per observer per sea day.
  - j) Cost of deployment of observers
  - k) Administrative costs.
  - l) Any relevant information on threats to conservation uncovered by the program.

## PART II

### Report of the Standing Committee on International Control (STACTIC)

14 February 1994  
Brussels, Belgium

The Standing Committee on International Control (STACTIC) met at 1145 hrs on 14 February 1994.

#### 1. Opening of the Meeting

- 1.1 The Chairman of STACTIC, Mr. D. Brock (Canada) welcomed the delegates to the meeting. Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), the European Union (EU), Iceland, Japan, Lithuania, Norway, Poland and Russia were represented. The Republic of Korea was present as an Observer. (Annex 1)

#### 2. Appointment of Rapporteur

- 2.1 Mr. C. Porro (EU) was appointed Rapporteur.

#### 3. Adoption of the Agenda

- 3.1 Canada indicated that it might be advisable to discuss two items on the Fisheries Commission Agenda - the experimental redfish fishery and the minimum size for certain fish - in advance of discussions of the Fisheries Commission.
- 3.2 The Executive Secretary explained that the Scientific Council had been asked by the Fisheries Commission to consider these matters at their November 1993 meeting. They would make their initial report to the Fisheries Commission who would then consider appropriate action. The agenda was then adopted as presented. (Annex 2)

#### 4. Reports by Contracting Parties on the NAFO Pilot Observer Scheme

- 4.1 The Chairman referred to a number of STACTIC Working Papers containing national reports and asked delegations in turn to present their Reports. (FC Doc. 94/3\*)
- 4.2 The Representative of Canada summarized the contents of its Report explaining they already had 100% observer coverage for its shrimp fishery and these observers remained on board when the vessels ventured into the Regulatory Area. In total they had observed 450 days in the shrimp fishery and in particular had monitored the redfish by-catch closely. This had enabled the Canadian authorities to make the use of separator

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\*Note: All reports by the members of the Fisheries Commission were summarized in one official NAFO FC Doc. 94/3.

grids mandatory as evidence mounted of an excessive redfish by-catch. In addition observers had monitored 13 days groundfish fishery within the Regulatory Area. Canada was satisfied with the results of the observer program particularly on the shrimp fishery which allowed the by-catch problem to be identified quickly.

Canada had also supplied observers for the Baltic States. The Canadian report also suggested possible enhancements to the scheme. Canada has had a domestic observer program since 1979 and found no problems in implementing the scheme.

Russia and Japan queried the effectiveness of the use of Canadian observers by other States. The EU and the Chairman sought clarification on the costs for the groundfish observers and the observers provided to the Baltic States. Canada agreed that there had been initial coordination problems but hoped to see the number of deployment days reduced significantly. In reply to a question from Denmark (in respect of the Faroe Islands and Greenland) Canada confirmed that the shrimp fishery had 100% observer coverage at industry expense.

The representative of Lithuania recorded his thanks to Canada for training one of their inspectors.

- 4.3 The representative of Russia reported fishing activity of under 300 days. However, one observer was deployed who detected no apparent infringements. The Russian delegate felt it was too early to reach firm conclusions on the effectiveness of the scheme and it was reasonable to continue the scheme into 1994 as originally decided. He confirmed that the cost of \$200 US per diem included deployment time.
- 4.4 The representative of EU presented a summary of its report. The most significant feature was the similarity with the inspection reports on the incidence of non-compliance. The EU too has had problems with deployment of observers. In answer to the Chairman he agreed that the overall cost of the scheme referred to 671 days but actual days observers were on the grounds was 600 days. In response to Canada, that did observers act as a deterrent, the delegate of the EU said that this was difficult to evaluate within a scheme that was voluntary and limited to 12 vessels.
- 4.5 Norway had anticipated little activity in the Regulatory Area. In the latter half of 1993 there was a sudden increase in effort. As a result Norway was unable to have observers on board their vessels in 1993 but observers would be deployed in 1994. On the basis of the 1993 activity and 10% coverage this would amount to 65 observer days in 1994.
- 4.6 Denmark (in respect of the Faroe Islands and Greenland) reported a total of 80 observer days (6%) for Faroese vessels. Reports had been passed on to the scientists.
- 4.7 Japan explained that Observers had not been deployed as fishing activity was expected to be less than 300 days. Actual activity had totalled 352 days in 1993.
- 4.8 Cuba had not been able to deploy observers due to financial constraints. However fishing activity had been minimal (3 vessels fishing for redfish for approximately 200 days). Cuba would endeavour to deploy observers in 1994.
- 4.9 A summary of costs and coverage of the Observer Pilot Scheme is attached as Annex 3.

## 5. Discussion of any Proposals by the Contracting Parties to the Observer Scheme

- 5.1 The Chairman referred to a Canadian proposal (former STACTIC W.P. 94/1) to amend the current observer scheme and asked Canada to introduce it. Canada proposed to adopt a formal scheme similar to the current one, with enhancements. In their view this would aid enforcement as well as supply the Fisheries Commission with information on the fisheries and the scientists with biological data. One key aspect of this proposal was to allow observers to interact with the inspectors while on board fishing vessels.
- 5.2 The representative of EU felt that this was an ambitious document presented on short notice. They raised issues best dealt with by the Fisheries Commission. They asked if the scheme would have general application or simply be confined to regulated species and sought clarification on the minimum number of fishing days qualifying for exemption.
- 5.3 The representative of Canada agreed that this matter would need to be discussed by the Fisheries Commission. However there were technical aspects which STACTIC could look at. A good example was the minimum days of effort before observers could be deployed. Applicability was also open to discussion although his inclination was for a general application. Canada suggested their proposal should be seen as a discussion paper.
- 5.4 The representative of Denmark (in respect of the Faroe Islands and Greenland) sought clarification on the interaction between flag state and non-flag state observers and inspectors. Canada said this was based on the Canadian domestic model. There should be provision for the observer to alert inspectors and communicate privately with them and draw a distinction between the roles and powers of the Observer as opposed to that of the inspector. Denmark pointed out that the involvement of other flag-States would create language (and hence cost) difficulties.
- 5.5 The representative of Cuba drew attention to the title and duties of an observer. He thought that vessels would not commit offences while an observer was on board while changes to their duties would adversely affect their role. In order to help scientific assessment the observer reports should be available in the current fishing year rather than by the following March. The real problem nevertheless lay with the activities of non-Contracting Parties.

## 6. Final Review of the NAFO Inspection Manual

- 6.1 After some discussion of first and second versions of the draft Inspection Manual, it was agreed to circulate the Canadian letter in which most of these changes were explained. Following this decision, the letter was circulated by the NAFO Secretariat to all participants.
- 6.2 At the conclusion of discussion on the item, STACTIC agreed to put the manual into operation with the inspectors immediately and to review its operational application by STACTIC during the NAFO Annual Meeting next September.

**7. Adoption of Report (item 7)**

- 7.1 The report of STACTIC was reviewed by the Fisheries Commission on presentation by the STACTIC Chairman on 15 February. The adoption will be finalized by the Commission through presentation of the draft report for final comments.

**8. Other Matters**

- 8.1 There was no other business to discuss under item 8.

**9. Adjournment**

- 9.1 The meeting was adjourned at 1630 hrs on 14 February 1994.

## Annex 1. STACTIC Heads of Delegations

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Chairman: D. Brock (Canada)

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Canada	C. J. Allen
Cuba	R. Dominguez
Denmark (in respect of the Faroe Islands and Greenland)	E. Lemche
European Union	P. Curran
Iceland	K. Skarphedinsson
Japan	M. Yoshida
Lithuania	A. Rusakevicius
Norway	E. Ellingsen
Poland	L. Dybiec
Russia	V. Fedorenko
<b>Observers</b>	
Republic of Korea	M. Kim

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## **Annex 2. Agenda**

1. Opening by the Chairman, D. N. Brock (Canada)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Reports by Contracting Parties on the NAFO Observer Scheme Pilot Project
5. Discussion of any proposals by the Contracting Parties to the Observer Scheme
6. Final review of the NAFO Inspection Manual
7. Adoption of Report
8. Other matters
9. Adjournment



### Annex 3. Costs and Coverage of the Observer Pilot Scheme

#### CANADA

Shrimp fishery	450 days x \$363.33	=	\$163,500
Groundfish fishery	13 days x \$363.33	=	\$ 4,700

Admin./Deployment		=	\$ 24,500
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#### Baltic States vessels

Observer days	32 days x \$363.33	=	\$ 11,600
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Admin./Deployment	61 days	=	\$ 2,200
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#### RUSSIA

Observer days (Incl. Admin./Deployment)	32 days x \$496	=	\$ 15,860
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#### EUROPEAN UNION (EU)

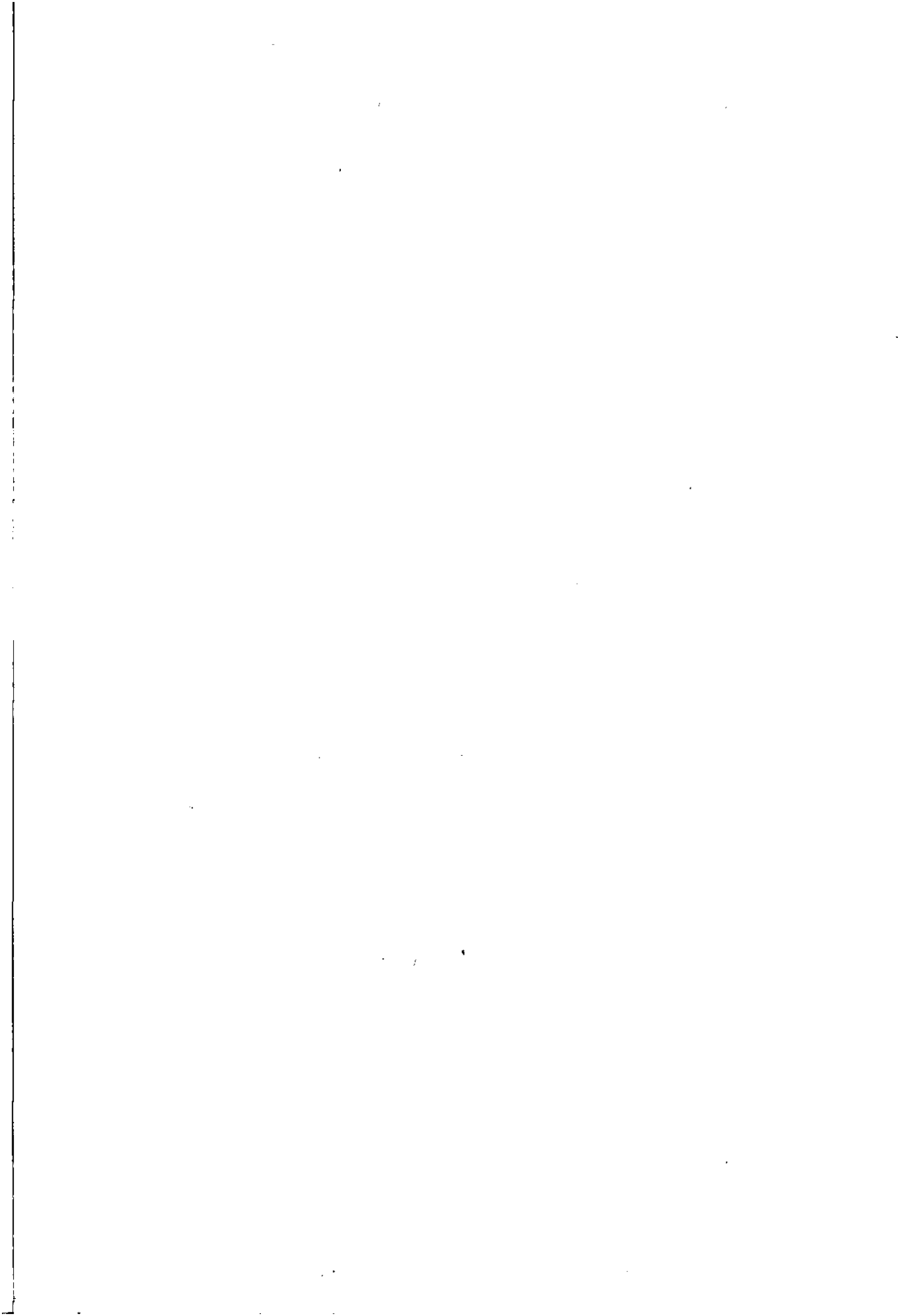
Observer days	600 days x \$262	=	\$157,200
Deployment	71 days x \$262	=	\$ 18,602

#### DENMARK (IN RESPECT OF FAROE ISLANDS AND GREENLAND)

Observer days (Incl. training and deployment)	80 days x \$395	=	\$ 31,607
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#### NORWAY (Est. six months 1994)

Observer days	65 days x \$415.38	=	\$ 27,000
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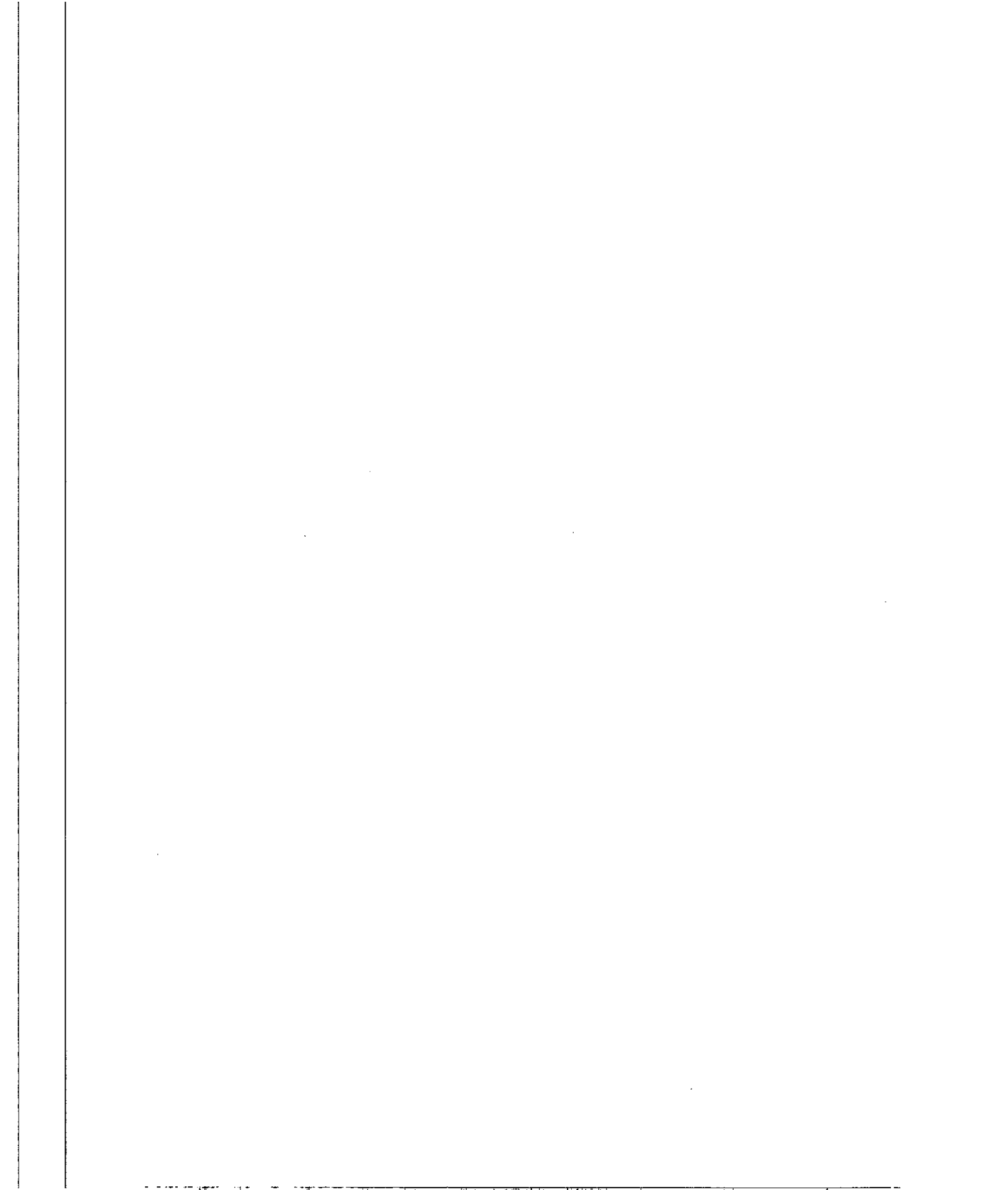


## SECTION II

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### Report of the Special Meeting of the Standing Committee on International Control (STACTIC) 31 August - 02 September 1994 Dartmouth, Nova Scotia, Canada

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# Report of the Special Meeting of the Standing Committee on International Control (STACTIC)

30 August - 01 September 1994  
Dartmouth, Nova Scotia

## 1. Opening Procedures

The meeting was called to order by the Chairman, D. Brock (Canada) on August 30 at 1015 hours. He welcomed all delegates to the STACTIC Special Meeting tasked by the Fisheries Commission at its special meeting in Brussels in February 1994 (FC Doc. 94/4, item 2, p.9). Representatives from the following Contracting Parties were present: Canada, Denmark (in respect of Greenland), the European Union (EU), Japan, Norway, and Russia. (Annex 1)

## 2. Appointment of Rapporteur

L. Strowbridge (Canada) was appointed Rapporteur.

## 3. Adoption of Agenda

The provisional agenda was adopted. (Annex 2)

## 4. Reports by Contracting Parties on the Observer Scheme Pilot Project

The Chair recalled the terms of reference from the Fisheries Commission (FC Doc. 94/2) and referred to several Working Papers prepared by Contracting Parties to the meeting asking each delegation to present their reports. All reports are summarized in one FC Doc. 94/6 and consolidated in Annexes 3 and 4 of this STACTIC Report.

4.1 The Canadian representative summarized the contents of its report.

Total Canadian fishing effort in the NAFO Regulatory Area during the January 1, 1993 - June 30, 1994 period was 874 days; 689 of which were in the 3M shrimp fishery. Observer coverage for the 3M shrimp fishery was maintained at 100% while coverage on groundfish fisheries was 11% or 20 days. No apparent infringements were reported. Total observer effort in the area through all period was 709 observer days. (Annex 3)

The cost of deployments for 1993 and 1994 was approximately \$256,000; exclusive of \$37,000 for program administration. (Annex 4)

4.2 The representative of Denmark (for Greenland) referred to the summary provided at the February STACTIC meeting (FC Doc. 94/3) for only vessels of the Faroe Islands with 1337 fishing days and 80 observer days.

The vessels of Greenland started its shrimp fishery in the Regulatory Area in 1994. Their fishing effort to the end of July was approximately 420 fishing days and observer coverage approximately 70 days.

Total Danish (Faroese and Greenland) fishing effort in the NAFO Regulatory Area during the January 1, 1993 - July 31, 1994 period was approximately 1757 days; primarily in the 3M shrimp fishery.

Observer coverage for the 3M shrimp fishery was 8.5% or 150 days during 1993-94, and approximately 16% in 1994. No apparent infringements were reported.

The cost of deployments was approximately \$57,000; exclusive of \$12,000 for program administration.

- 4.3 The Norwegian representative summarized the contents of its report.

Total Norwegian fishing effort in the NAFO Regulatory Area during the January 1, 1994 - August 15, 1994 period was 1275 days; primarily in the 3M shrimp fishery. Observer coverage was approximately 13% or 169 days. No apparent infringements were reported.

The cost of deployments was about \$105,000; exclusive of \$5,880 for program administration.

- 4.4 The European Union representative summarized the contents of its report.

European Union fisheries in the NAFO Regulatory Area during the January 1, 1993 - August 15, 1994 period included Greenland halibut, cod, mixed flatfish, and prawns. Observer coverage on these fisheries was 845 days. Seventeen (17) apparent infringements were reported. The majority of the apparent infringements were confined to 3 of the 19 vessels who had observers on board.

The cost of deployments was \$310,000; exclusive of \$27,000 for program administration.

- 4.5 The Russian representative summarized the contents of its report for 1994 informing that total Russian fishing effort in the NAFO Regulatory Area during the January 1, 1994 - August 30, 1994 period was 487 days; comprised of 238 days in the 3M and 3N redfish fishery, 140 days in the 3M shrimp fishery and 109 days in the 3L Greenland halibut fishery. He indicated that in 1993 the observer coverage was 32 days for 292 fishing days in redfish fishery.

The total observer coverage in 1993-1994 (August) was 76 days or 10.5%. No apparent infringements were reported.

The cost of deployment through 1993-94 was approximately overall \$37,696 Cdn exclusive of administration costs, which could be in the range of up to \$6,000 Cdn. These costs are provisional subject to further specifications.

## 5. Assessment of the Effectiveness and Cost of the Scheme

The objective of the pilot project observer scheme is to monitor compliance with the NAFO Conservation and Enforcement Measures.

### Effectiveness

The Chair began discussions on this agenda item by seeking criteria that could be used to assess the effectiveness of the Pilot Project Observer Scheme. Coverage levels, apparent infringements, and comparisons with inspection vessel costs/results were identified as possible indicators of effectiveness.

During the 18-month period (January 1, 1993 - June 30, 1994) observers were deployed on Contracting Party vessels fishing groundfish in Divisions 3LMNO and shrimp in Division 3M. Measures to control the 3M shrimp fishery were not implemented by NAFO until November of 1993

Observers were deployed on fishing vessels for a total of 1950 days; 1165 of which were on the 3M shrimp fishery. No apparent infringements were reported by observers deployed on vessels fishing the 3M fishery. A total of 17 apparent infringements were reported by observers deployed on vessels fishing groundfish. However, the majority of the apparent infringements were confined to a small number of vessels. The types of infringements were:

Type of Apparent Infringement	1993	1994 (to June 30)	
Illegal fishing gear or attachments		3	2
Reporting of catch/retention of undersized fish	7	3	
Hail System		1	1
Total		11	6

Representatives agreed to provide a similar breakdown of apparent infringements detected by inspectors at STACTIC meetings scheduled during the annual NAFO meeting.

STACTIC concluded that the NAFO pilot project observer scheme, if continued, should complement the current NAFO enforcement program. The degree to which the representatives felt that the pilot project contributed to the enforcement program ranged from limited to significant. Some representatives expressed the view that observer deployments simply confirmed information reported by inspectors while others held the view that masters were deterred from committing apparent infringements by the presence of observers on board.

It was also noted that variations in the implementation of the pilot project (for example, the Canadian program provides for timely follow-up action by inspectors when observers report apparent infringement) may have had an impact on compliance levels.

STACTIC could not reach a conclusion on the effectiveness of the NAFO pilot project observer scheme.

## Cost

The approximate total cost of the Pilot Project Observer Scheme was \$850,000 Cdn., including \$88,000 for program administration. A total of approximately 1950 observer sea days were obtained, at a cost of \$438 Cdn/day. (Annex 4)

### 6. Evaluation of Administrative and Operational Problems Associated with the Scheme

Representatives identified several administrative problems, such as difficulty recruiting and training qualified personnel. The deployment of observers under the pilot scheme resulted in a reduction of scientific observers for one Contracting Party.

Representatives also identified operational difficulties and significant costs associated with the deployment of observers. These difficulties and costs resulted from lengthy transit periods to the NAFO Regulatory Area or the scheduling of deployments to fishing vessels at sea. As well, representatives noted that it was sometimes difficult to determine in advance which vessels would be participating in NAFO fisheries.

General discussions followed on options available to reduce deployment costs, however, it was concluded that significant reductions could not be achieved.

Representatives also noted the reluctance of some masters to accept observers and the occasional difficulty obtaining safety certification when one additional individual is deployed on fishing vessels.

Representatives also discussed an optimum deployment period for observers, noting that current deployments of up to 100 days could affect work performance. Any reductions in the deployment period would significantly increase costs.

### 7. Recommendations to the Fisheries Commission on the Appropriateness of Including a Scheme in the NAFO Conservation and Enforcement Measures

Each representative presented views on the appropriateness of including an observer scheme in the NAFO Conservation and Enforcement measures.

Some representatives felt that the observer program was an appropriate means to ensure compliance with enforcement measures while other representatives felt that the appropriateness of an observer scheme must be evaluated in the context of the comprehensiveness of the current inspection scheme.

Discussions continued on this agenda item with references to earlier discussions on the effectiveness of the pilot project.

It was concluded that an observer scheme may be an appropriate means to deal with certain enforcement problems, however, other factors such as cost and alternate enforcement approaches should also be considered.

If the Fisheries Commission decides to continue the pilot project, such continuation should include specific criteria to evaluate the cost-effectiveness of the project.



### **8. Recommendations on the Necessary Elements of any Future Program Including Advice on Specific Fisheries to be Targeted**

Canada referred to its proposal to incorporate an observer scheme into the Conservation and Enforcement Measures (Annex 5). This proposal includes enhanced reporting requirements and increased coverage levels.

Discussions continued on the general topics of coverage levels and the reporting of apparent infringements by observers.

With respect to NAFO observers reporting apparent infringements to enforcement authorities, STACTIC concluded that if the pilot project is continued and if the observer's role is modified, this reporting should be limited to a certain category of apparent infringements deemed to have significant conservation implications.

With respect to targeting of observer coverage, STACTIC concluded that the Fisheries Commission, based on advice from the Scientific Council on the status of stocks and STACTIC on enforcement issues, should establish appropriate coverage levels for particular fisheries. Some Contracting Parties indicated a preference to maintaining the current coverage levels while one Contracting Party suggested raising it to 20%.

### **9. Adoption of Report**

The report was reviewed and adopted by STACTIC.

### **10. Other Business**

There was no other items for discussion.

### **11. Adjournment**

The meeting adjourned at 1430 on 01 September 1994.

## Annex 1. List of Participants

### CANADA

#### Head of Delegation

C. J. Allen, Resource Allocation Br., Dept. of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario K1A 0E6  
 D. Brock, Dept. of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario K1A 0E6  
 L. Strowbridge, Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1  
 G. R. Traverse, Resource Mgmt. Br., Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1

### DENMARK (GREENLAND)

#### Head of Delegation

T. Pedersen, Fiskerilicenskontrollen, P. O. Box 501, 3900 Nuuk, Greenland

### EUROPEAN UNION (EU)

#### Head of Delegation

P. A. Curran, Directorate General of Fisheries, Commission of the European Union, Rue Joseph II 99, Office 7/7, B-1049 Brussels, Belgium  
 D. Dunkley, Directorate General of Fisheries, Commission of the European Union, Rue Joseph II 99, Office 7/24, B-1049 Brussels, Belgium  
 V. Cody, Council of the European Union, 170 Rue de la Loi, B-1048 Brussels, Belgium  
 B. Buch, Danish Permanent Representation to the EU, Rue D'Arlon 73, B-1040 Brussels, Belgium  
 P. Peronne, Ministere Agriculture et Peche, Direction des Peches Maritimes, 3, Place de Fontenoy, 75700 Paris, France  
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 C. Asencio, Secretaria General Pesca Maritime, c/ Ortega y Gasset 57, 28006 Madrid, Spain  
 A. Fernandez, Secretaria General Pesca Maritime, c/ Ortega y Gasset 57, 28006 Madrid, Spain

### JAPAN

#### Head of Delegation

K. Hanafusa, International Affairs Div., Fisheries Agency, 1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo, Japan 100  
 H. Inoue, Japan Fisheries Association, Suite 1408, Duke Tower, 5251 Duke Street, Halifax, Nova Scotia B3J 1P3

### NORWAY

#### Head of Delegation

E. Ellingsen, Directorate of Fisheries, P. O. Box 185, 5002 Bergen, Norway  
 R. Blikshavn, Directorate of Fisheries, P. O. Box 185, 5002 Bergen, Norway

### RUSSIA

#### Head of Delegation

Y. Videneev, Representative of the Russian Federation in Canada on Fisheries, Welsford Place, Suite 2202, 2074 Robie St., Halifax, Nova Scotia B3K 5L3

### NAFO SECRETARIAT

L. I. Chepel, Executive Secretary  
 B. J. Cruikshank, Senior Secretary

## Annex 2. Agenda

1. Opening by the Chairman, D. N. Brock (Canada)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Reports by Contracting Parties on the Observer Scheme Pilot Project
5. Assessment of the effectiveness and cost of the Scheme
6. Evaluation of administrative and operational problems associated with the Scheme
7. Recommendations to the Fisheries Commission on the appropriateness of including the Scheme in the NAFO Conservation and Enforcement Measures
8. Recommendations on the necessary elements of any future program including advice on specific fisheries to be targeted
9. Adoption of Report
10. Other matters
11. Adjournment

**Annex 3. Consolidated Table of Reports by Contracting Parties  
on Observer Coverage at the Special STACTIC Meeting  
during 30 August - 01 September 1994**

**CANADA**

1993/1994

*Atlantic halibut fishery*

MONTH	3L	3M	3N	3O	OBSERVER DAYS
April			11/-		11

*American plaice fishery*

MONTH	3L	3M	3N	3O	OBSERVER DAYS
September			1/-		1

*Witch flounder fishery*

MONTH	3L	3M	3N	3O	OBSERVER DAYS
November				8/-	8

*Shrimp fishery*

MONTH	3L	3M	3N	3O	OBSERVER DAYS
April		1/10			1/10
May		73/100			73/100
June		240/126			240/126
July		139/-			139/-
<b>TOTAL</b>		453/236			453/236

**Grand Total: 709**

## DENMARK (in respect of Faroe Islands and Greenland)

1993\*/1994\*

## Shrimp fishery

MONTH	3L	3M	3N	3O	OBSERVER DAYS
April		-/1			
May		40/31			
June		40/30			
July		-/8			
August					
September					
<b>TOTAL</b>		80/70			80/70

\*1993 - For Faroese vessels (80)

\*1994 - For Greenlandic vessels (70)

Grand Total: 150

## EUROPEAN UNION

1993/1994

## Salted cod fishery

MONTH	3L	3M	3N	3O	OBSERVER DAYS
February		-/9	-/-	-/1	-/9
March		-/22	-/5	-/-	-/27*
April	0/-	10/26	1/2	0/1	11/29*
May	35/-	32/7	19/2	7/-	93/9
June	0/-	43/-	30/-	11/-	84/-
July	0/-	0/-	2/-	0/-	2/-
<b>TOTAL</b>	35/-	85/64	52/9	18/1	190/74

\* Visits to the port of St. Pierre.

## EUROPEAN UNION (continued)

## Mixed Flatfish fishery

1993 only

MONTH	3L	3M	3N	3O	OBSERVER DAYS
May	4	1	6	1	12
June	11	0	3	8	22
July	10	16	1	0	27
<b>TOTAL</b>	<b>25</b>	<b>17</b>	<b>10</b>	<b>9</b>	<b>61</b>

## Greenland halibut fishery

1993/1994

MONTH	3L	3M	3N	3O	OBSERVER DAYS
March	0/2	0/1	0/0	0/0	0/3
April	0/8	0/27	0/21	0/0	0/56
May	0/0	0/31	0/56	0/0	0/87
June	0/0	0/13	0/31	0/0	0/44
July	5/0	3/0	24/6	0/0	32/6
August	0/-	0/-	62/-	0/-	62/-
September	0/-	0/-	26/-	0/-	26/-
October	2/-	0/-	0/-	0/-	2/-
November	19/-	11/-	0/-	0/-	30/-
December	12/-	4/-	0/-	0/-	16/-
<b>TOTAL</b>	<b>38/10</b>	<b>18/72</b>	<b>112/114</b>	<b>0/0</b>	<b>168/196</b>

## EUROPEAN UNION (continued)

## Prawn Fishery

1993/1994

MONTH	3L	3M	3N	3O	OBSERVER DAYS
July		0/46			0/46
August		0/50			0/50
September		15/0			15/0
October		31/0			31/0
November		15/0			15/0
<b>TOTAL</b>		61/96			61/96

## Summary of

## Presence of Observers by NAFO Division and by Month

1993/1994

MONTH	3L	3M	3N	3O	OBSERVER DAYS
February	0/0	0/9	0/0	0/0	9/0
March	0/2	0/23	0/5	0/0	30/0
April	0/8	10/53	1/23	0/0	11/84
May	39/0	33/38	25/58	8/0	105/96
June	11/0	43/13	33/31	19/0	106/44
July	15/0	19/46	27/6	0/0	61/52
August	0/0	0/50	62/0	0/0	62/50
September	0/-	15/-	26/-	0/-	41/-
October	2/-	31/-	0/-	0/-	33/-
November	19/-	26/-	0/-	0/-	45/-
December	12/-	4/-	0/-	0/-	16/-
<b>TOTAL</b>	98/10	181/232	174/123	27/0	480/365

Grand Total: 845

## EUROPEAN UNION (continued)

## Number of incidents of apparent infringements reported by type

TYPE OF APPARENT INFRINGEMENT	1993	1994
Illegal mesh size		1 (1)
Illegal attachments		
- Top-side chafers	1	0
- Strengthening ropes	1	1
- Chafers	1	0
Catches		
- Underdeclaration	1	1 (2)
- Fishing zone not changed	2	0
- Undersized fish processed	3	0
- Misreporting catch	1	2
Communications		
- Hail System	1	1
<b>TOTAL</b>	<b>11</b>	<b>6</b>

(1) Illegal mesh size 116mm over a period of 10 days.

(2) Discrepancies  $\leq 20\%$ .

## NORWAY

1994 only

## Shrimp fishery

MONTH	3L	3M	3N	3O	OBSERVER DAYS
March		11			11
April		30			30
May		28			28
June		32			32
July		58			58
August		10			10
<b>TOTAL</b>		<b>169</b>			<b>169</b>



## RUSSIA

1993/1994

## Redfish fishery

MONTH	3L	3M	3N	3O	OBSERVER DAYS
May					
June					
July		*-/18	-/2		
August		*-/24			
September					
October					
<b>TOTAL</b>		32/42	-/2		32/44

\* no specification

## Annex 4. Consolidated Table of Reports on Provisional Costs and Observer Coverage for 1993-1994

(For those Contracting Parties whose fishing presence exceeded  
300 days in the NAFO Regulatory Area)

Fishery	Canada	Denmark (Faroes/Greenland)	EU	Norway (1994 only)	Russia	Total	%
<b>a) Observer days</b>							
Cod fishery			264			264	13.6
Redfish fishery					76	76	3.9
Mixed flatfish fishery	9		61			70	3.6
G. halibut fishery			363			363	18.6
Shrimp fishery	689	80/70	157	169		1165	59.8
A. halibut fishery	11					11	0.5
TOTAL	709	80/70	845	169	76	1949	100
<b>b) No. of apparent infringements</b>							
	nil	nil	11*/6*	nil	nil	11*/6*	
<b>c) Costs of:</b>							
per sea day <sup>1</sup>	413.	461.	399.	657.	575.	438.	
overall <sup>2</sup>	256,220	57,150	310,000	105,209	37,696	766,275	100
administration	37,000	12,000	27,125	5,880	6,000	88,005	11.5 (to overall)

\* 1993/1994

<sup>1</sup> includes overall + administration

<sup>2</sup> excluding administration costs

## Annex 5. Canadian Proposal

### PART VI - NAFO OBSERVER SCHEME

1. (i) All Contracting Parties that anticipate their fishing operations to exceed \_\_\_ days on ground in the Regulatory Area during any calendar year, will deploy on their vessels trained observers from their own jurisdiction, and from other NAFO Contracting Parties, to monitor and report on compliance with the provisions of the Conservation and Enforcement Measures in accordance with criteria agreed by STACTIC and approved by the Fisheries Commission.
- (ii) The appropriate authorities of the Contracting Parties shall notify the Executive Secretary by November 01 of each year, the names of the observers they will appoint under the Scheme. Modifications by Contracting Parties to such notifications shall be communicated to the Executive Secretary with one month notice whenever possible.
- (iii) Upon receipt of the notification of assignment to the Scheme from a Contracting Party, the Executive Secretary shall issue a document of identity, as shown in Annex \_\_ (to be developed), to the respective authority of each observer of that Party. This document shall be numbered. Each observer shall carry and produce this document of identity upon commencement of any deployment or when requested by an inspector.

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**NOTE:** Section 2 has two options for discussion

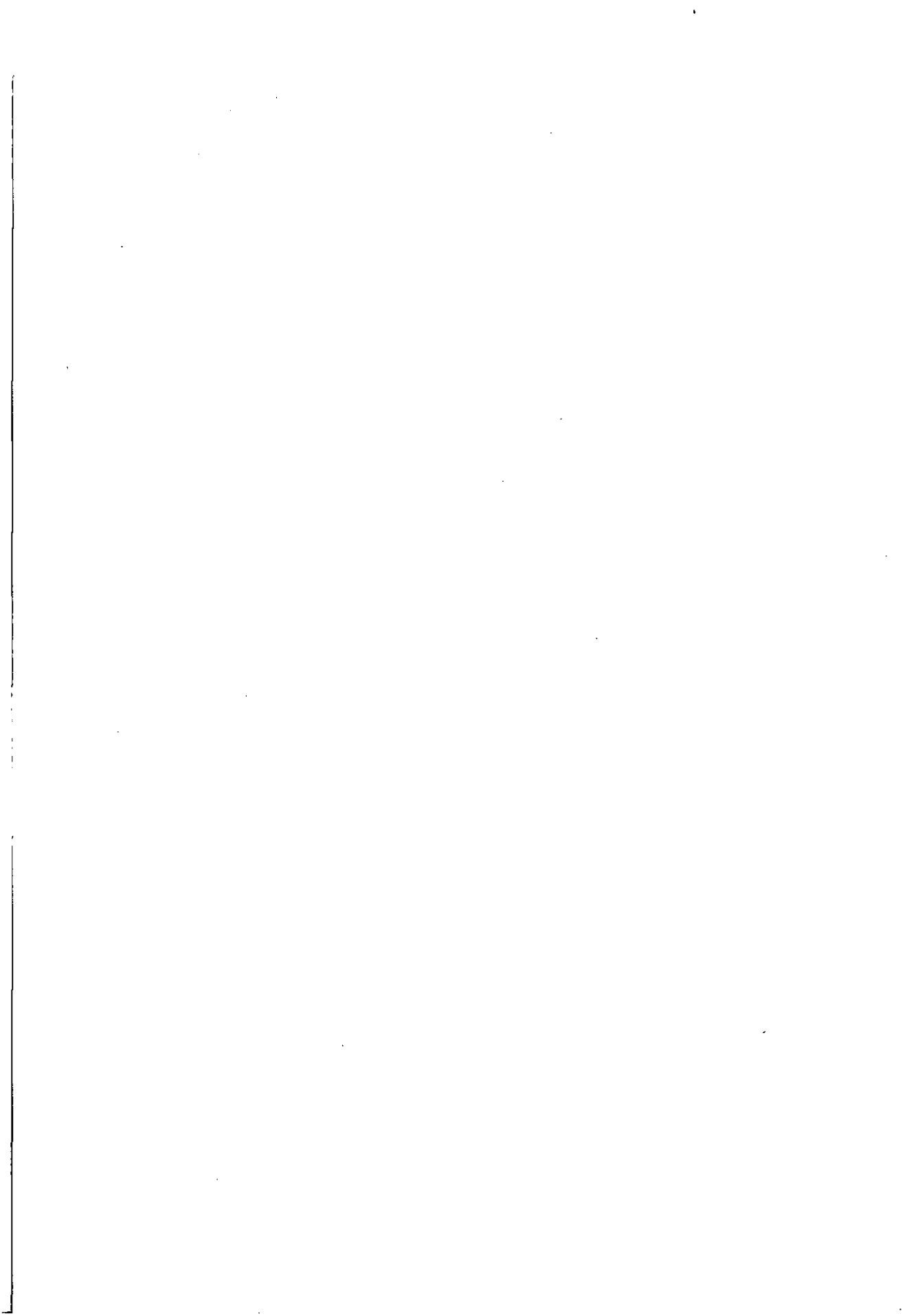
#### OPTION 1

2. Contracting Parties that are participating in the Scheme as outlined in paragraph 1(i) above shall:
  - (i) deploy the observers assigned to their vessels appropriately to ensure that a minimum of (x) percent of the Contracting Party's total estimated days on ground for the calendar year are subject to observation across as many fisheries in the NAFO Regulatory Area as possible;
  - (ii) allow for deployment on their vessels of observers appointed by other Contracting Parties for a minimum of (x) percent of the days on ground for which observers must be provided under (i) above;
  - (iii) on receipt of an offer from another Contracting Party to provide observers under (ii) above, arrange as soon as possible, a meeting between officials of the two Parties to develop the necessary modalities so that the requesting Party's observers can be deployed on the vessels of the other Party for a reasonable period during the relevant fishing season;
  - (iv) ensure observers are deployed in a manner that ensures an optimum coverage level on a fishery by fishery basis;
  - (v) pay all costs associated with the observers they appoint.

## OPTION 2

2. (i) Contracting Parties that are participating in the Scheme as outlined in paragraph 1 (i) above shall make available to the Executive Secretary the number of observers required to cover (x) percent of the Contracting Party's total estimated days on ground for the calendar year. Other Contracting Parties may also voluntarily assign observers to the scheme.
  - (ii) The Executive Secretary shall deploy observers in a manner that ensures an optimum coverage level on a fishery by fishery basis.
  - (iii) Contracting Parties with an inspection presence in the area will assist the Executive Secretary in deploying observers to and from the fishing grounds if possible.
- 
3. (i) Observers under this Scheme shall record and report on the fishing activities of the vessel observed and will specifically:
    - (a) verify the position of the vessel when engaged in fishing;
    - (b) observe and estimate catches taken with a view to identifying catch composition, and monitor discarding, by-catches and the taking of undersized species;
    - (c) record the gear, mesh sizes and attachments to the nets being used;
    - (d) verify entries made to the logbook as required by the Conservation and Enforcement Measures;
    - (e) collect catch and effort data on a set by set basis, including location (*latitude/longitude*), *depth of net*, *time net on bottom*, catch composition and discards.
  - (ii) If so decided by the Party that appoints the observer, the observer can also collect biological samples/data in accordance with a biological sampling protocol defined by the Scientific Council and approved by the Fisheries Commission.
  - (iii) Within 30 days following completion of an observer's assignment on a vessel, the observer shall report on the activities of the vessel to the competent authorities of the vessel in a format outlined in Annex \_\_ (to be developed). A copy of the report will be provided by these authorities to the to the NAFO Executive Secretary within 30 days following receipt of the report. The Executive Secretary shall provide copies of any reports received to any requesting Contracting Party.

- (iv) When an apparent infringement is identified by an observer, the observer shall report it to the competent authorities of the Contracting Party of the vessel within 24 hours using a code established before the observer boards the vessel. These authorities shall ensure that the vessel is inspected on the fishing grounds as soon as possible. If an inspection is not possible within 24 hours of receipt of this report, the assistance of other Contracting Parties with an inspection presence in the Regulatory Area shall be requested.
  - (v) During at sea inspections, observers shall, in private discussions, bring to the attention of inspectors assigned pursuant to Part IV.1 of these Measures any apparent infringement observed during the current deployment.
- 4.
- (i) The master of each vessel that carries an observer under this Scheme shall ensure that the name of the observer and the duration of his/her deployment is included as part of the message required to be sent under Part III.E of the Conservation and Enforcement Measures.
  - (ii) If an observer is placed on board a vessel after it has already entered the Regulatory Area, the Contracting Party deploying the observer shall notify the NAFO Executive Secretary within 24 hours of the name of the observers and the duration of the observer's deployment.
  - (iii) When a vessel departs the Regulatory Area with an observer on board, the Executive Secretary shall be so notified by the master of the vessel. If an observer's duties are concluded while the vessel remains in the Regulatory Area, the Executive Secretary shall be notified by the vessel master within 24 hours of the observer's departure from the vessel.
5. The master of a vessel on which an observer has been deployed shall assist the observer, wherever practicable, in the completion of his/her duties. The assistance shall include transmission by radio of messages provided by an observer.
6. The appropriate authorities of Contracting Parties that place observers under the Scheme shall annually prepare an analysis of their observer reports. These reports shall be forwarded to the Executive Secretary by March 01 of the following year for consideration at the annual STACTIC meeting.



## SECTION III

(pages 63 to 119)

### Report of the General Council and its Subsidiary Bodies (STACFAD and STACFAC), 16th Annual Meeting 19-23 September 1994 Dartmouth, Nova Scotia, Canada

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## PART I

### Report of the General Council Meeting

16th Annual Meeting, 19-23 September 1994  
Dartmouth, Nova Scotia, Canada

#### 1. Opening Procedures (items 1-5 of the Agenda)

- 1.1 The meeting was opened by the Chairman of the General Council, E. Lemche (Denmark in respect of the Faroe Islands and Greenland) at 1020 hours on 20 September 1994.
- 1.2 Representatives of the following thirteen (13) Contracting Parties were present: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union (EU), Iceland, Japan, Republic of Korea (Korea), Latvia, Lithuania, Norway, Poland and Russia (Annex 1), which constitutes the quorum for decision making. Two Contracting Parties, Bulgaria and Romania, were absent. The total number of registered delegates was 150.
- 1.3 In the opening address the Chairman welcomed the participants and emphasized on a very important value of NAFO as an international body - cooperation. In particular, he said that

"... all fifteen members of NAFO have one thing in common - desire to cooperate. The UN Law of the Sea Convention has a standard term, "states shall cooperate", and in many NAFO issues, we are dealing with such strategy. We all know examples from the field of fisheries what may happen when states who shall cooperate won't do so. However, in NAFO the Contracting Parties all subscribe to the cooperative principles. Let me refer to the final preamble paragraph of the NAFO Convention, which states that we are desiring to encourage international cooperation and consultation with respect to the resources we are dealing with. Under unpleasant circumstances such as those we are facing at the moment (depletion of fish stocks), cooperation necessarily implies sharing of burdens. Let us not forget this, let us take our unpleasant shares of each of us, so that our cooperation can be fruitful."

- 1.4 The Representatives of Canada and European Union presented their opening statements to the Meeting.

The Representative of Canada welcomed all delegates and participants on behalf of the host country. He further addressed the meeting with the following information:

"Considering the present very poor state of groundfish stocks, we should have been more conservation oriented in the past. There is a profound resource crisis in straddling stocks as the level of resources, especially of cod is so dangerously low, and the question whether or not those resources

suffer a commercial extinction is an issue extremely important to Canada. This crisis affects not only straddling stocks but also stocks entirely in the 200-mile zone. There is almost no fishery for cod and flounder off Canada's Atlantic coast. This is unprecedented in the last 500 years. Ecological factors, water temperatures, salinity, predator-prey relations have depressed stocks that were vulnerable already from overfishing. The continuing sharp decline in 2J3KL cod after fishing stopped in 1992 is frightening. The economic consequences of this depletion are no less dramatic for Canada as 40,000 fishermen and plant workers have lost their livelihoods. This is a crisis that affects five Canadian eastern provinces and almost 500 Canadian coastal communities. Canada has responded to this crisis in a major way. Almost two billion Canadian dollars have been provided to respond to this crisis. This meets the immediate needs of those affected by the depletion of those resources and funding for very significant industry renewal involving almost a 50% reduction in the capacity of the groundfish fishery and industry in Atlantic Canada. Canada is taking all measures necessary to protect the resources from further depletion and will take all steps necessary to ensure the stocks are allowed to rebuild for future harvesting. In this regard, Canada has instituted moratoria virtually for all cod and flounder stocks, except for one small area off southwest Nova Scotia for cod fishing. Canada is taking during 1994 strong measures to control Greenland halibut which has become another threatened resource and has reduced its domestic quotas for 2+3 G. halibut from 25,000 tons to 6,500 tons (75% reduction), which corresponds to the percentage of the decline of biomass. However, all those measures relate to waters under Canada's national jurisdiction. With respect to the international waters and straddling stocks in the NAFO Regulatory Area, Canada believes that management of those must match the conservation taken by Canada inside its 200-mile limit if there is to be any prospect of renewed abundance of those resources. At the same time, Canada is seeking a new UN Convention on straddling and highly migratory fish stocks. We believe that the UN Conference will succeed and adopt a Convention. Until that goal is reached, Canada will do all it must do to protect stocks and support rebuilding those stocks in the Northwest Atlantic. We would like to achieve those goals through international cooperation and make unnecessary the national means that Canada has undertaken of necessity in the extreme circumstances that we were facing. And Canada is looking for the support of all members to the NAFO Convention to put conservation first in the NAFO decisions for 1995."

- 1.5 The Representative of the European Union took the floor and presented the following address to the meeting:

"The 16th Annual Meeting of NAFO is a particularly important one. Considering the problems to be solved and the present international context, these both give our decisions in the coming week dimensions that would be far greater than those to which they will apply, and considering, in particular, the on-going UN Conference on straddling stocks and highly migratory species to improve the conservation of straddling stocks and

highly migratory species and to establish a code of conduct for responsible fishing. At this time, when the model for the management of straddling stocks is being reexamined, the decisions taken by NAFO will undoubtedly constitute an input into the international decisions, and the procedures established in our Organization may have a bearing on the success of the UN Conference and future management of straddling stocks and highly migratory species both in the high seas and in the waters under jurisdiction of coastal States. The problems to be solved are not simple ones. Fishery management has to deal with a number of considerations ranging from the measures for the conservation of stocks to the well being of fishing communities which are dependent on them. The nature of the problems are particularly complicated in the NAFO area, where the fish stocks are shared resources and the number of countries have a long standing fishing tradition. In such a context, it is obvious that the solution to problems may come as multilateral ones agreed by all legitimate players in the area. This approach to fishery management remains the most effective way to decide enforceable measures and to obtain satisfactory results. Moreover, in this Organization, there also was a certain tradition of seeking consensus rather than imposing decisions by a voting margin. It is important that we continue to engage in this approach to ensure more effective measures. In this context, a unilateral action by a Contracting Party may sometimes produce some immediate results but run counter to these multilateral efforts and certainly to the tradition of seeking consensus. Such unilateral actions can therefore be very counter-productive as they may induce other Parties to take similar but different measures unilaterally on their own accounts. Such measures undermine the general efforts towards resource conservation thought in this Organization and in other fora. In this context, I would like to refer to the success of the establishment of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas. It demonstrates the willingness of the International Community to seek multilateral solutions to multilateral problems. The European Union has initiated the administrative procedures to ratify this Agreement. The European Union noted its commitment to a sound management of fish resources solidly based on objective scientific assessments and principles of responsible fishing in the framework of multilateral organizations such as NAFO. In this context, it should be mentioned that the concept of responsible fishing is a concept embracing many elements in the sustainability of fishing and livelihoods of fishing communities. It is our objective during this 16th Annual Meeting to seek agreements through these principles and we will present constructive and balanced proposals on this basis. We call on all the Contracting Parties to work together towards achieving these objectives to ensure the satisfactory resolutions and sustainable fishing in future."

- 1.6 The meeting **endorsed** the proposal by the Chairman to designate the Executive Secretary as Rapporteur at the Meeting.
- 1.7 The Provisional Agenda was **adopted** without amendments (Annex 2).

- 1.8 Under item 4 of the Agenda "Admission of Observers" the Chairman welcomed the observers from the United States of America.
- 1.9 It was decided that Publicity (item 5) was to be handled in the traditional way that no information shall be released to the public on the meeting proceedings during the current annual meeting and a General Council Press Release would be issued at the closing session on Friday, 23 September (Annex 3).

## 2. Supervision and Coordination of the Organizational, Administrative and Other Internal Affairs (items 6-8)

- 2.1 Under item 6, "Review of Membership", the Meeting noted that:
- **The Republic of Korea (Korea)** acceded to the NAFO Convention on 21 December 1993 and became the fifteenth (15th) member, Contracting Party, of NAFO;
  - the name of one Contracting Party - *European Economic Community (EEC)* - has been changed to the **European Union**.
  - The meeting considered the Republic of Korea's application for the Fisheries Commission membership transmitted to all Contracting Parties by the NAFO Secretariat (GF/94-461 of 30 August 1994). The **unanimous consent was noted** for admission of Korea to the Fisheries Commission.
- 2.2 The Canadian Representative with acclamation by other Delegations welcomed the Republic of Korea to the NAFO membership and the Fisheries Commission.
- 2.3 Item 7, Administrative Report, was referred to STACFAD and then **adopted** on presentation by the Committee.
- 2.4 Item 8, NAFO Newsletter, was postponed to the next scheduled meeting of the Heads of Delegations of the General Council on Thursday, 22 September.

At the meeting of the Heads of Delegations, the Executive Secretary was **authorized** to go ahead with his proposal for publication of a newsletter - "NAFO News" on a semi-annual basis. Following such publications in 1995, the General Council will further assess/decide on this issue.

- 2.5 The Heads of Delegations at this meeting **agreed** to extend the contract of the present Executive Secretary, L. I. Chepel, for the next term of four (4) years, 1995-1998.

## 3. Coordination of External Relations (items 9-10)

- 3.1 The meeting noted the letter (GF/94-203 of 11 April 1994) dispatched by the NAFO Secretariat to the UN Headquarters regarding the large-scale pelagic driftnet issue. The letter reaffirms the NAFO position that large-scale pelagic driftnet fishing is not presently practiced in the NAFO Convention Area.

- 3.2 For the item 10, "NAFO Observership at Other International Bodies", the Chairman noted the two papers presented to the Meeting - NAFO GC Doc. 94/1, Report by Norway at the Fourth North Atlantic Marine Mammal Commission (NAMMCO) Meeting and NAFO/GC Doc. 94/4, Report by Denmark at the UN Conference on Straddling Stocks and Highly Migratory Fish Stocks.

There have been no comments presented to the documents.

The Chairman proposed to continue the practice of NAFO representation at the UN Conference by Denmark and at NAMMCO by Norway if there are no other proposals. The Meeting agreed to this proposal.

#### **4. Fishing Activity in the Regulatory Area Adverse to the Objectives of the NAFO Convention (items 11-12)**

- 4.1 The items of this part of the Agenda were postponed to the General Council session on Thursday, 22 September.
- 4.2 For item 11, Canadian Legislation and its Impact on the NAFO Convention, the Representative of the European Union introduced the item for discussion and proposed that the General Council consider the measures taken by Canada and its implication to NAFO as an international organization responsible for the conservation and management of the stocks in the Convention Area. (Annex 4)
- 4.3 The Representative of Canada presented the Canadian position with respect of the legislation and informed the Meeting in detail about the actions taken by Canada against NCP fishing vessels in the NAFO Regulatory Area. (Annex 5)
- 4.4 The Representatives of Contracting Parties expressed their positions in the following order:
- (i) The Representative of Denmark (in respect of the Faroe Islands and Greenland) addressed his concerns for NCP fishing activity in the Regulatory Area and emphasized that Denmark favours multilateral arrangements creating solutions to such problems. He noted that the UN Conference is currently developing international rules for preventing NCP activity, and such rules could be considered useful for NAFO problems.
  - (ii) The Korean representative expressed his understanding of Canada's concern with the NCP fishing activity in the NAFO Area. He further noted that Korea was concerned with possible negative impact on the international law for high seas fishing by the Canadian actions and concluded that NAFO has in hand and continues to be an effective instrument for resolving the problem of NCP and flag of convenience fishing in the NAFO Regulatory Area. In his opinion this matter should be resolved multilaterally based on the UN Law.
  - (iii) The Representative of Japan declared that his delegation shares concern with Canada and EU regarding the NCP activity and noted that this Meeting is not the place for debates on international law. Then he stated his Government's position expressed through diplomatic channels to Canada and well known

through discussions at the UN Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. From those premises, Japan does not consider a unilateral action by any coastal state would be in compliance with customary international law or with the spirit of UNCLOS, 1982, and any such question should be solved not by unilateral actions which could be very often counterproductive. He expressed the view that NAFO will continue and expand effort to solve this problem on the basis of mutual cooperation.

- (iv) The Representative of Poland addressed to the meeting that Poland supports the position of the Contracting Parties expressed so far that adoption of effective measures for conservation and management of fish resources of NAFO concern must be taken on the best scientific advice available. Any such action first of all should be consistent with the provisions of the UN Convention of the Law of the Sea. Therefore, Poland cannot accept any unilateral actions and initiatives undertaken.
- (v) The Representative of Norway addressed to the meeting that he understood the Canadian action considering the status of stocks in the NAFO area and noted that Canadian steps proved to be successful. He further noted that those steps by Canada are considered as provisional pending an outcome of the UN Conference, and that the Norwegian Government hopes that the UN Conference will be able to agree on multilateral measures that would be as effective as the measures we have seen now in the NAFO Regulatory Area.
- (vi) The Representative of Cuba emphasized the pragmatic side of the Canadian legislation and pointed out that the Canadian legislation reached its goal for curtailing the NCP vessel activities in the Regulatory Area of NAFO, which could be acceptable to the members of NAFO. He further proposed to not debate this issue and to wait the outcome of the UN Conference on straddling stocks.
- (vii) The Representative of Iceland expressed that he was in agreement with most of the remarks made by other previous speakers. He noted however, the remarks were not in one direction as this is a controversial matter. He raised two questions: Firstly, what was the effect (of the legislation) on activity of NCP vessels and was it a successful measure in this particular fishing ground and for particular species? Secondly, [what] has NAFO done to make this action taken by Canada unnecessary?
- (viii) The Representative of Estonia noted his understanding with the situation faced by Canada with NCP activity. He, however, stated that Estonia cannot accept a unilateral action as it has been as well mentioned by other Contracting Parties, and hoped that the Canadian law be changed based on any new relevant provisions of the UN Law.

4.5 The Chairman *summarized that all delegations had thoroughly discussed and expressed their opinions on the issue placed on the agenda by the European Union delegation.*

- 4.6 The Representative of the EU proposed the Meeting keep the item on its Agenda for further possible discussions at the General Council through this meeting. The European Union tabled a paper (Annex 7) noting that other Contracting Parties share the views of the EU and regretting that there was no consensus on this issue. During the following sessions there was no further reintroduction of the subject, therefore, the item was considered closed.
- 4.7 Under item 12 of the Agenda, the Chairman of STACFAC, C. C. Southgate (EU), presented to the Meeting a final report (see Part III) on 22 September including the following highlights and recommendations:
- a) The level of Non-Contracting Parties (NCP) fishing in the NAFO Regulatory Area has been still very high through the first half of 1994. Approximately 24 NCP vessels have been sighted, which is, however, less than the period from 1985-1993 (average 30-40 vessels).
  - b) The NAFO diplomatic demarches were delivered to Panama and Honduras through the European Union as coordinator with attendance of other Contracting Parties - Canada, Japan, and Russia, and positive responses have been noted from those countries. However, the vessels deregistered by Panama and Honduras have been registered to Belize, and those are fishing in the NAFO Regulatory Area (NRA). After introduction of the Canadian legislation, all stateless and flag of convenience vessels withdrew from the "nose" and "tail" of the Grand Bank and moved to the Flemish Cap, in the Regulatory Area. They are no longer fishing straddling stocks, however, still continue fishing other NAFO regulated stocks.
  - c) STACFAC recommended the following measures to the General Council:
    - to encourage and call upon all Parties fishing in the NAFO Regulatory Area to join the pending FAO Agreement on the high seas fishery;
    - to adopt two NAFO letters from the NAFO President for dispatch to the Governments of NCP States with vessels currently fishing in the Regulatory Area and those without vessels (See Annex 3 of Part III, STACFAC Report);
    - to call an intersessional STACFAC meeting in 1995 for discussing the following items:
      - i) Assistance to individual Non-Contracting Parties for the control of their vessels in the NAFO Regulatory Area. Both bilateral and multilateral approaches will be discussed;
      - ii) Port Closures and Restriction of Landings;
      - iii) Other issues.

To these items, the Chairman of the General Council and STACFAC noted the Canadian proposal of the Resolution (STACFAC Report, item 4.4d), which should be considered at the special STACFAC meeting in 1995.

- 4.8 In the ensuing discussions of the STACFAC report, the Chairman of the General Council proposed to consider a letter calling upon NCP States fishing in the Regulatory Area to accede to the FAO Agreement on high seas fishing. Following constructive suggestions by the Representatives of Russia and Japan, the Meeting decided to develop a Resolution for this subject. The Resolution (Annex 6-GC Resolution 94/1) was drafted by the STACFAC Working Group and **adopted** by the General Council.

The Recommendations of STACFAC and its Report have been unanimously **adopted** by the General Council.

- 4.9 The Chairman of the General Council asked the meeting to consider and agree on clarification of the text of STACFAC Report, Item 4.4(c), which reads: "...agreement by the non-Contracting Parties to permit controls by NAFO Contracting Parties of NCP vessels which *undermine* NAFO conservation and enforcement measures", questioning does it imply a kind of expansion of NAFO enforcement scheme to allow NAFO inspection vessels to do exactly the same things to NCP vessels as for the vessels of Contracting Parties in the Regulatory Area.

To this question, the Representative of Canada explained that this Canadian proposal to STACFAC intended to introduce agreement by NCP States to permit controls by NAFO Contracting Parties of NCP vessels which violate the NAFO regulations.

- 4.10 The Chairman **ruled** on consensus that there was not a question for this meeting decision and proposed that Canada presents its clarification in the draft proposal for discussion at the upcoming STACFAC special meeting in 1995.
- 4.11 On the invitation by the EU delegation, the Chairman proposed that the place of the STACFAC interim meeting will be in Brussels, and dates be agreed upon by the current General Council within the following weeks in 1995:

January 23 - 27

March 13 - 17

April 24 - 28

The meeting **agreed** with this proposal on the provision that the exact dates within those three options will be agreed by mail vote. (Annex 8)

- 4.12 The meeting noted that the Chairman of STACFAC, C. C. Southgate (EU), was reelected for the next term of two (2) years, 1995-1996, and H. Fischer (Denmark in respect of the Faroe Islands and Greenland) was elected the Vice-Chairman.

## 5. Finance (items 13-15)

- 5.1 Items 13 to 15 were referred to STACFAD for discussion in the Committee and presentation of report to the General Council.



5.2 The Chairperson of STACFAD, J. Quintal-McGrath (Canada), presented the Report (see Part II) on 22 September and highlighted the following issues:

- a) Auditors Report transmitted to the Contracting Parties in February, 1994 was recommended for adoption.
- b) The Pension Society Report in relation to decisions concerning the NAFO Secretariat was adopted by STACFAD. The Report contained cost estimates associated with NAFO's share of the cost of the service of an Administering Agent, auditor and the production of a procedure manual. Those estimates would be around \$10,000 and there is not an immediate requirement to put this amount on the budget.
- c) The estimated total cost for the Hail System would be around \$9,569 Cdn to the end of 1994. The costs would drastically increase if Contracting Parties/Secretariat would dispatch their report from/to individual vessels contrary to the present method of communication between the Secretariat-Contracting Party headquarters. Those would be extra costs and are presently not financed in the NAFO budget.
- d) The major budgetary items of the Report were as follows:
  - the budget for 1995 to be adopted in the amount of \$964,000 Cdn.
  - The Accumulated Surplus Account be maintained at the level of \$75,000 Cdn.
  - The outstanding contributions owing from Romania (1994) and Bulgaria (1993-1994) be deducted from the Accumulated Surplus Account in the amount of \$47,896.
- e) Meeting dates for the Annual Meeting Item 17) in 1995-1996 were recommended as follows:
 

1995	-	Scientific Council	-	6-15 September
	-	Fisheries Commission	-	11-15 September
	-	General Council	-	11-15 September
1996	-	Scientific Council	-	4-13 September
	-	Fisheries Commission	-	9-13 September
	-	General Council	-	9-13 September
1997	-	Scientific Council	-	10-19 September
	-	Fisheries Commission	-	15-19 September
	-	General Council	-	15-19 September

5.3 The General Council reviewed in detail the Report and adopted the recommendations and the STACFAD report as a whole (Part II).

5.4 Under other business for STACFAD, the Chairperson reported on two items referred from the General Council and Fisheries Commission:

- item "New Sharing of Contributions Among Contracting Parties" from General Council was reviewed and invited Denmark to resubmit its proposal for distribution to Contracting Parties prior to next year's Annual Meeting;
- item "Cost implication of incorporating catch reports into the Hail System" was briefly discussed and agreed this task could not be accomplished by STACFAD without proper terms of reference from the responsible body.

The General Council **agreed** on this presentation.

5.5 The Representative of EU proposed to establish a Rule that all proposals of a technical nature forwarded to NAFO should be communicated with an evaluation of economic impact on the NAFO budget. On presentation by the Chairman, the meeting reached the **understanding**, as a guidance, that Contracting Parties presenting proposals with cost implications to the NAFO budget should accordingly provide cost estimates for this purpose as a preliminary idea for further discussions in the other NAFO bodies and STACFAD.

#### **6. Closing Procedures** (items 16-19)

6.1 Item 16, Time and Place of Next Annual Meeting, was referred to STACFAD.

6.2 At the closing session of the General Council, the Meeting agreed to hold the next Annual Meeting at Dartmouth, Nova Scotia (Canada), through 11-15 September 1995.

6.3 Under item 17, "Other Business", the Chairman noted the subject of Coordinating Working Party on Atlantic Statistics (CWP) considering the changes in the Statutes, which will be presented by the Scientific Council to the General Council meeting on Thursday, 22 September.

The General Council considered the CWP issue on presentation by the Chairman of the Scientific Council, H. Lassen (EU), and agreed with his recommendation on the subject **to subscribe to** the Statutes for that statistical FAO body. (Annex 9)

6.4 The Press Release of the current meeting was presented for approval by the General Council and **adopted** on Friday, 23 September 1994. (Annex 5)

6.5 On presentation by the Chairman, the General Council extended a very warm farewell to Mr. W. H. (Hartie) Champion, Administrative Assistant, who retires at the end of 1994, for his long-time devoted service to ICNAF-NAFO through 31 years of 1963-1994. The Chairman presented Mr. Champion with memorable picture-gift from the General Council. The Representative of Canada, on behalf of the Canadian Delegation, presented Mr. Champion with their gift. Mr. Champion thanked with great appreciation all Contracting Parties and the NAFO Secretariat.

- 6.6 In an adjourning speech, the Chairman thanked the Contracting Parties and all organizers of the Meeting extending appreciation to the NAFO Secretariat. The Chairman once more, as in the opening address, emphasized the issue of a traditional cooperative spirit in NAFO during this difficult time, when all Contracting Parties agreed to share the unpleasant burden of restricted fisheries.
- 6.7 The Chairman closed the 16th Annual Meeting of NAFO at 1415 hours on 23 September 1994.

### **Adoption of Report**

The Report of the General Council including proceedings of its Committees - STACFAD and STACFAC - was finalized and adopted in accordance with the agreed procedure (GF/94-633 of 12 December 1994).

### **Commemoration**

At the opening session, the Chairman of the General Council informed the Meeting about the death of Captain Esteves Cardoso, former Executive Secretary of NAFO, on July 4, 1994 in Portugal. Capt. Cardoso retired from NAFO in 1990 after serving as Executive Secretary from 01 July 1980 to 31 December 1990. Prior to this, he had a long and active participation in ICNAF and NAFO as a Delegate from Portugal. He was the Chairman of the NAFO Fisheries Commission from June 1979 to June 1980 and held a number of key positions as officer of international organization ICNAF, the predecessor of NAFO. He participated actively in the development of the NAFO Convention.

The General Council commemorated Capt. E. Cardoso with a minute of silence.

## Annex 1. List of Participants

### CANADA

#### Head of Delegation

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#### Representatives

B. Rowat (see address above)

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## **Annex 2. Agenda**

### **I. Opening Procedures**

1. Opening by Chairman, E. Lemche (Denmark in respect of the Faroe Islands and Greenland)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Admission of Observers
5. Publicity

### **II. Supervision and Coordination of the Organizational, Administrative and Other Internal Affairs**

6. Review of Membership
  - a) General Council
  - b) Fisheries Commission
7. Administrative Report
8. NAFO Newsletter

### **III. Coordination of External Relations**

9. Communication with the United Nations re large-scale pelagic driftnet fishing
10. NAFO Observership at other International Bodies
  - a) NAFO Observer at NAMMCO
  - b) NAFO Observer at the UN Conference on Straddling and Highly Migratory Fish Stocks

### **IV. Fishing Activities in the Regulatory Area Adverse to the Objectives of the NAFO Convention**

11. Canadian legislation and its impact on the NAFO Convention
  - a) Framework legislation
  - b) Implementation regulation

12. Report of STACFAC at the Annual Meeting
  - a) Decision on possible recommendations

**V. Finance**

13. *New Sharing of Contributions Among Contracting Parties*
14. Report of STACFAD at the Annual Meeting
15. Adoption of the Budget for 1995

**VI. Closing Procedures**

16. Time and Place of Next Annual Meeting
17. Other Business
18. Press Release
19. Adjournment

### Annex 3. Press Release

1. The Sixteenth Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO) was held in Dartmouth, Nova Scotia, Canada through 19-23 September 1994, under the chairmanship of E. Lemche (Denmark in respect of the Faroe Islands and Greenland), President of NAFO. All sessions of the constituent bodies of NAFO - the General Council, Scientific Council, Fisheries Commission, and subsidiary bodies, Standing Committees, for finance (STACFAD), for non-Contracting Parties activities (STACFAC), for international control (STACTIC) convened at the Holiday Inn.
2. The Contracting Parties were represented at the Meeting by delegations from: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union (EU), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, and Russia. The General Council extended its welcome to a new member of NAFO, Republic of Korea, which acceded to the NAFO Convention on 21 December 1993. The Republic of Korea was unanimously admitted to become a member of Fisheries Commission on 20 September 1994. Observers were admitted from the United States of America. In total, 150 participants were registered at the meeting.
3. The Annual Meeting was preceded by the following meetings: Special Scientific Council Meeting (NAFO Headquarters, November 1993), Special Meeting of the Fisheries Commission (Brussels, February 1994), Regular Meeting of the Scientific Council (Keddy's Inn, Dartmouth, Canada, June 1994), Special Meeting of the Standing Committee on International Control (NAFO Headquarters, August 1994), Symposium on Impact of Anomalous Oceanographic Conditions at the Beginning of the 1990s in the Northwest Atlantic on the Distribution and Behaviour of Marine Life (NAFO Headquarters, September 1994).
4. The Scientific Council, under the chairmanship of H. Lassen (European Union), considered the state of stocks and scientific basis for the management and conservation of fishery resources in the NAFO Convention Area. The scientific advice was reported to the Fisheries Commission indicating the low level of major groundfish stocks in the Regulatory Area and continuing decline for some of them.

At the same time, the Scientific Council advised on new fishery for shrimp on the Flemish Cap. The Scientific Council advice for this fishery was to continue regulation of shrimp fishery by sorting grates and mesh size of 40 mm to prevent by-catch of other species and, specifically, redfish and cod.

5. The Fisheries Commission, under the chairmanship of H. Koster (European Union), undertook deliberations on substantial issues pertaining to the management and conservation of the fisheries resources in the Regulatory Area and agreed on conservation measures pursuing the prime objective of conservation and restoration of the fish stocks.

In particular, the Fisheries Commission agreed to continue for 1995, moratoriums - "no directed fishing" - on six (6) major fish stocks: Cod in Div. 3NO, American plaice in Div. 3M and 3LNO, Yellowtail in Div. 3LNO, Witch in Div. 3NO and Capelin in Div. 3NO. (Quota Table attached).

The Fisheries Commission extended the Pilot Project for Observer Program (established in 1993) for 1995 and recommended increased coverage for Greenland halibut. The shrimp fishery in 3M will be regulated by mesh size of 40 mm, sorting grates with 22mm spacing between bars for escapement of other juvenile species, and mandatory requirements to change the fishing ground if by-catch of regulated groundfish species exceed 5%.

The shrimp fishery in 3LN will be closed. The Fisheries Commission also established catch limitation for Greenland halibut in the Areas 2+3.

6. The Fisheries Commission unanimously agreed with a Canadian proposal that taking into account the available scientific advice, directed fisheries for Cod in Division 3L in the Regulatory Area shall continue to be prohibited in 1995, which is consistent with the current moratorium that is being continued by Canada on the fishery of this stock inside 200 miles.
7. Following the presentation of the Standing Committee on Finance and Administration (STACFAD), by the Chair, J. Quintal-McGrath (Canada), the General Council adopted the Organization's budget and accounts for 1995.
8. The General Council took note of statements by several Contracting Parties regarding the fact that Canada had passed unilateral legislation designed to reduce the problem of fishing in the NAFO Regulatory Area by vessels from Non-Contracting Parties.
9. The General Council adopted the report of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC), presented by the Chairman C. C. Southgate (European Union), and endorsed the recommendations directed to prevent further fishing activities by non-Contracting Parties vessels in the NAFO Regulatory Area. The General Council noted that the number of Non-Contracting Parties fishing vessels in the Regulatory Area has decreased since 1992/93 as the result of comprehensive and persistent activity by NAFO and NAFO members on advice from STACFAC. The General Council unanimously agreed to proceed with diplomatic demarches from NAFO to the Governments of Non-Contracting Parties with vessels fishing in the NAFO Regulatory Area and adopted Resolution GC 94/1 which calls upon all countries fishing in the NAFO Regulatory Area to accede to the FAO Agreement on the High Seas Fishery (attached).

Considering that the threat of unregulated activity by Non-Contracting Parties is still continuing, the General Council decided to call an intersessional STACFAC meeting in Brussels, in 1995 to discuss outstanding issues related to this problem.

10. The following elections took place for the constituent and subsidiary bodies of NAFO:
 

Chairman of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)	C. C. Southgate (European Union)
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Vice-Chairman of the Standing Committee on  
Fishing Activities of Non-Contracting Parties  
the Regulatory Area (STACFAC)

H. Fischer (Denmark in respect of  
the Faroe Islands and Greenland)

Chairman of the Standing Committee on  
Fishery Science (STACFIS)

W. B. Brodie (Canada)

General Council  
NAFO  
Canada  
23 September 1994

NAFO Secretariat  
Dartmouth, N.S.,

NAFO General Council Resolution 94/1

16th Annual NAFO Meeting  
19-23 September 1994

Resolution adopted by the General Council (on Report by the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area, STACFAC).

**GC 94/1. To the Parties whose vessels have been observed fishing in the NAFO Regulatory Area over the past year.**

NAFO calls upon all its Contracting Parties and upon all those Non-Contracting Parties whose vessels have been observed fishing in the NAFO Regulatory Area over the past year to deposit as soon as possible their instruments of acceptance to the United Nations Food and Agriculture Organization's "Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas" and pending the entry into force of that Agreement, to apply its provisions to the area of High Seas known as the NAFO Regulatory Area with immediate effect.

Closing Plenary Session  
23 September 1994



QUOTA TABLE. Total allowable catches (TACs) and quotas (metric tons) for 1995 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 fishing zone, where applicable.

Contracting Party	Cod		Redfish		American plaice		Yellowtail		Witch		Capelin		G. halibut		Squid (Illex) <sup>2,3</sup>	
	Div. 3M	Div. 3NO*	Div. 3M	Div. 3LN	Div. 3M*	Div. 3LNO*	Div. 3NO*	Div. 3LNO*	Div. 3NO*	Div. 3NO*	Div. 3NO*	Div. 3NO*	Div. 3NO*	SA 2+3	SA 3+4	
1. Bulgaria	-	N	390	-	N	N	N	N	N	N	N	N	N	SA 2+3	SA 3+4	500
2. Canada	85	O	650	5 964	O	O	O	O	O	O	O	O	O	SA 2+3	SA 3+4	N.S. <sup>4</sup>
3. Cuba	407		2 275	1 372										SA 2+3	SA 3+4	2 250
4. Denmark (Faroe Islands and Greenland)	2 461	D	-	-	D	D	D	D	D	D	D	D	D	SA 2+3	SA 3+4	N.S. <sup>4</sup>
5. European Union	5 485	I	4 030	476	I	I	I	I	I	I	I	I	I	SA 2+3	SA 3+4	N.S. <sup>4</sup>
6. Iceland	-	R	-	-	R	R	R	R	R	R	R	R	R	SA 2+3	SA 3+4	2 250
7. Japan	-	E	520	-	E	E	E	E	E	E	E	E	E	SA 2+3	SA 3+4	2 000
8. Korea	-	C	-	-	C	C	C	C	C	C	C	C	C	SA 2+3	SA 3+4	1 000
9. Norway	1 018	T	-	-	T	T	T	T	T	T	T	T	T	SA 2+3	SA 3+4	1 000
10. Poland	424	E	-	-	E	E	E	E	E	E	E	E	E	SA 2+3	SA 3+4	1 000
11. Estonia	-	D	-	-	D	D	D	D	D	D	D	D	D	SA 2+3	SA 3+4	1 000
12. Latvia	1 078 <sup>1</sup>	F	18 005 <sup>1</sup>	6 104 <sup>1</sup>	F	F	F	F	F	F	F	F	F	SA 2+3	SA 3+4	5 000 <sup>1</sup>
13. Lithuania	-	I	-	-	I	I	I	I	I	I	I	I	I	SA 2+3	SA 3+4	5 000 <sup>1</sup>
14. Russia	-	S	-	-	S	S	S	S	S	S	S	S	S	SA 2+3	SA 3+4	5 000 <sup>1</sup>
15. Others	42	H	130	84	H	H	H	H	H	H	H	H	H	SA 2+3	SA 3+4	3 000
Total Allowable Catch	11 000	*	26 000	14 000	*	*	*	*	*	*	*	*	*	27 000 <sup>6</sup>	150 000 <sup>5</sup>	

<sup>1</sup> Quotas to be fished by vessels from Estonia, Latvia, Lithuania and the Russian Federation. The provisions of Part I, Section A.3 of the NAFO Conservation and Enforcement Measures shall apply. The opening date for the Squid (Illex) fishery is 1 July.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> The TAC would remain at 150 000 tonnes subject to adjustment where warranted by scientific advice.

<sup>5</sup> Decisions on catch shares to be made at a Special Meeting of the Fisheries Commission. Until these decisions are made, the provisions of Part I, Section A.3 of the NAFO Conservation and Enforcement Measures shall apply. Any catches taken as from 1 January 1995 by a Contracting Party will be deducted from the quota of this Contracting Party to be agreed by the Fisheries Commission at its Special Meeting.

\* The provisions of Part I, Section A.4(b) of NAFO Conservation and Enforcement Measures shall apply.

#### Annex 4. Statement from the European Union Delegation on the Canadian Legislation

1. First of all I want to confirm the European Union's preoccupation with the biological state of many of the fish stocks in the NAFO Convention Area. We share entirely the Canadian Government anxiety's with the situation.
2. We equally share the view that the outmost efforts must be made to ensure the sustainability of fisheries resources and we have on several occasions demonstrated our willingness to engage in such efforts.
3. We are also in full agreement with the need to persuade non-Contracting Parties and in particular States offering flag-of-convenience facilities that fishing practices of their vessels have adverse effects on NAFO resources and the efforts to further improve the conservation and management of resources.
4. In this regard it should be noted that our concerted efforts, agreed to by consensus by all the Contracting Parties, have met with marked success and that the presence of this kind of vessel has substantially decreased from around 40 vessels in 1992 to around 7 vessels presently reported in the Regulatory Area. One can therefore conclude that persuasive diplomacy remains an art of power although one cannot expect a complete change in the situation overnight.
5. It is therefore with concern that we learned that Canada on 13 May adopted Legislation empowering the Canadian Authorities to arrest any fishing vessel fishing on the High Seas in the NAFO Convention Area deemed an infraction with Canadian Legislation. The implementing Regulation currently limits the scope of this law to cover some well defined countries. However, the law allows the Canadian Authorities to amend the Regulation overnight to cover any new species and any new Flag State including the Contracting Parties.
6. In addition the law runs counter to the efforts made by the international Community to improve the management of fisheries resources, in particular on the High Seas. In this regard one may ask the question why should we all do our best to endeavour to establish a code of conduct for responsible fishing underway within the framework of FAO, and a model for the management of straddling fish stocks and highly migratory fish stocks under negotiations under the auspices of the United Nations - with all the difficult and sometime painful compromises necessary - if at the same time such efforts for multilateral solution to multilateral problems are undermined by unilateral action.

We are afraid that this law is not helpful in the search for a consensus on these various international initiatives.

We are equally afraid of the precedent created by Canada in this respect and consider it a measure of "creeping jurisdiction" which is not acceptable.

7. We are also very concerned with the law's possible impact on NAFO itself. The objectives of NAFO are described in the preamble to Convention which, inter alia, refers to:
- a) "Taking into account the work of the Third United Nations Conference on the Law of the Sea in the field of fisheries";
  - b) The decision to "encourage international cooperation and consultation with respect to these resources".

NAFO thus provides the very platform for co-operation between the Contracting Parties. If a Contracting Party finds that the policy agreed to and pursued does not, in its view, offer a satisfactory result it is free to request a special meeting with the view to taking appropriate urgent measure.

8. We are also worried that Canada has found it appropriate single handed to decide what are straddling stocks and **by whom they cannot be fished**. It is clear that the responsibility for the management and conservation of these resources in the Regulatory Area falls within the purview of NAFO (Fisheries Commission, Art. XI).
9. Considering the situation in the NAFO area has been transparent, it is difficult to understand why Canada found it necessary to adopt the legislation in question almost as an emergency measure without making use of the NAFO platform for co-operation.

In this context the question should be asked "what is the sense of having a STACFAC Committee, STACFAC points on the agenda and agreement by consensus on measures to be taken", if the issues dealt with are being treated unilaterally by other means by Canada.

We are convinced that if Canada had consulted appropriately, the other Contracting Parties would have fully co-operated with the objectives of finding additional multilateral acceptable measures to address the problems by the fishery in question.

10. We find that this legislation and its implementation are contrary to international law and practice and in particular with UNCLOS. We note that Canada has stated that the action taken is of a temporary character pending the outcome of the United Nations Conference on straddling stocks and highly migratory stocks.
11. The European Union proposes therefore that the Council considers thoroughly the measures taken by Canada and its implication for NAFO as an international regional fisheries organization responsible for the conservation and management in the Convention Area.

## Annex 5. Statement by the Head of Canadian Delegation on New Canadian Legislation

### 1. Introduction

#### History, Nature and Extent of the Problem

- ▶ As early as 1979, the first year of NAFO's existence, fishing by vessels from non-members was recognized as a serious conservation problem for the NAFO managed stocks.
- ▶ Catches of flag-of-convenience vessels operating in the NAFO Regulatory Area (NRA) increased significantly during the second half of the 1980's to an estimated peak of 47,300t in 1991. During these same years the stocks, and the TAC's set by NAFO, were declining dramatically, as were the catches of most NAFO members.
- ▶ From 1984 to 1993 vessels from non-Contracting Parties harvested more than 20% of all catches in the NRA, taking an estimated 325,700t of NAFO managed groundfish.
- ▶ Despite recent declines in TACs and fishing effort by most Contracting Parties, the NCP problem continues. There were 35 NCP vessels in 1991 and 1992, 31 vessels in 1993 and by mid-year in 1994 we had identified 24 different vessels in 1994.
- ▶ When the new Canadian Government, elected in late 1993, reviewed the situation, they realized that fishing by non-Contracting Parties had seriously undermined the effectiveness of NAFO conservation measures and had contributed significantly to the disastrous overfishing that has brought about the collapse of the fisheries we face today. The United Nations Conference to resolve these problems was underway, but when it would finish its work, and whether its results would be effective, was unclear. The new Canadian Government decided that it could wait no longer to stop these NCP fisheries for the straddling stocks that are a fundamental part of the Canadian resource base inside the Canadian 200-mile limit.

### 2. NAFO Action, and Failure to Achieve Results

- ▶ In 1979, the Commission's first year of operation, a NAFO Fisheries Commission resolution was adopted calling on NAFO members to take all practical steps to prevent fishing by NCP vessels in the NAFO Regulatory Area.
- ▶ Since the mid 1980's the NAFO Executive Secretary or the NAFO President has written to non-Contracting Parties on a regular basis requesting them to respect NAFO measures. NAFO, recognizing the seriousness of the issue, created STACFAC in 1990 as a standing committee to find ways to stop NCP fishing. Since then numerous proposals have been discussed, numerous diplomatic demarches have taken place, but the problem has continued, with very little change.

- ▶ In 1990 the General Council also resolved that "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". Except for Canada's continuous closure of its ports, no such action has taken place - the benefits of fishing against the NAFO rules continues unabated, except by the declines in the stocks.
- ▶ Since 1991 other NAFO Contracting Parties joined with us in regularly visiting capitals or calling in Ambassadors from offending states to outline the seriousness of the problem and plead for a cessation. There has been a constant succession of joint and bilateral representations accompanied by photographic evidence packages.
- ▶ This winter a joint NAFO demarche was made to Panama and Honduras and a deadline for action was set out: before the end of April. The vessels remained.
- ▶ Despite indications of cooperation from most of the NCPs, the problem has not been remedied. Fines have been small and ineffective and the problem of re-flagging continues.
- ▶ Canada has been at the forefront of every NAFO activity against NCP vessels, and had devoted the most time, energy, and expense in extensive bilateral diplomatic contacts to stop this overfishing.
- ▶ No one can deny the seriousness of the problem. No one can deny that Canada worked harder than any Contracting Party in NAFO to find workable solutions.
- ▶ Unfortunately the results of all these efforts failed to resolve the problem.

### 3. The Reality in 1994

- ▶ Up to May of this year, a total of 24 different NCP vessels were sighted in the NAFO Regulatory Area.
 

January	4	vessels with an estimated catch of	425t
February	8		1150t
March	10		1275t
April	12		1450t
May	15		<u>2500t</u>
			6800t
- ▶ This was happening when all NAFO Contracting Parties had adopted and were respecting moratoria on most straddling stocks.

- ▶ The Canadian fishery for virtually all the stock concerned had been closed down. A massive unemployment and social welfare crisis existed that had no precedent in Newfoundland or elsewhere. The commercial survival of key straddling stocks was being threatened. As long as the NCP vessels continued to operate there was no hope that the stocks could recover. The Canadian Government decided that it would wait no longer for international pressure to become effective. Canada's vital interests were involved, and action had to be taken.

#### 4. Canadian Action

- ▶ The **Coastal Fisheries Protection Act** was amended May 12 by unanimous consent of the Canadian Parliament. The united will of Canadians is reflected in the fact that the legislation passed through the Canadian House of Commons and Senate in 3 days. It came into force on May 30.
- ▶ As NAFO is a fisheries management organization, I want to explain what this amendment has done on the fishing grounds. NAFO is not, I suggest, the place to debate questions of international law, though I can assure you that Canada believes its actions are defensible under international law.
- ▶ As a result of the Canadian law, fishing of straddling stocks by flag of convenience and stateless fishing vessels has stopped.
- ▶ Before the legislation came into force, every such vessel was visited by Canadian authorities at sea. The nature of the problem and the objectives of the new Canadian regulations were explained to them. We even provided Spanish and Portuguese translations of the Canadian legislation to these vessels to ensure that they fully understood the situation.
- ▶ Canada has also been in contact with every State listed in our regulation. Their governments are fully aware of Canada's concerns and the rationale for our legislative approach. Considerable sympathy was expressed, and in most cases the governments were relieved that effective action was being taken to control these vessels, which they had been unable to do.
- ▶ The result is that every single vessel covered by the regulations stopped fishing the straddling stocks by the end of May and they have not returned.
- ▶ The important implication for NAFO is that for the first time since 1979 flag-of-convenience vessels are not undermining NAFO measures for straddling stocks. The collective decisions of NAFO on moratoria and other regulations are being applied and respected by the vessels of all countries.
- ▶ A practical step has been taken so that NAFO measures are working.
- ▶ The Canadian Government has made clear that it intends to replace the Canadian legislation with new legislation in conformity with the terms of a new United Nation Convention if adopted that deals effectively with these problems.

## Annex 6. NAFO General Council Resolution 94/1

### NAFO General Council Resolution 94/1

16th Annual NAFO Meeting  
19-23 September 1994

Resolution adopted by the General Council (on Report by the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area, STACFAC).

**GC 94/1. To the Parties whose vessels have been observed fishing in the NAFO Regulatory Area over the past year.**

NAFO calls upon all its Contracting Parties and upon all those Non-Contracting Parties whose vessels have been observed fishing in the NAFO Regulatory Area over the past year to deposit as soon as possible their instruments of acceptance to the United Nations Food and Agriculture Organization's "Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas" and pending the entry into force of that Agreement, to apply its provisions to the area of High Seas known as the NAFO Regulatory Area with immediate effect.

Closing Plenary Session  
23 September 1994

**Annex 7. European Union Statement to Point 11 of the General  
Council Agenda (Canadian legislation)**

The European Union wish to refer to the intervention by the Contracting Parties in regard to the Canadian legislation empowering Canada to arrest foreign fishing vessels in the NAFO Regulatory Area. We note that other Contracting Parties share the view of the European Union and regret that there was no concensus on this issue.



**Annex 8. Terms of Reference for STACFAC to Consider  
the Non-Contracting Parties Fishing Activity in the  
NAFO Regulatory Area**

- a) To call intersessional STACFAC meeting in 1995 for discussing the following items:
- i) Assistance to individual Non-Contracting Parties for the control of their vessels in the NAFO Regulatory Area. Both the bilateral and multilateral approaches will be discussed;
  - ii) Port Closures and Restriction of Landings;
  - iii) Other issues.
- b) To consider a Resolution (tabled by Canada) which reads:
- "STACFAC recommends that NAFO Contracting Parties which consider action is necessary to terminate the presence of vessels of Non-Contracting Parties in those portions of the Regulatory Area where these vessels are continuing to fish should make efforts to obtain arrangements under which NAFO Contracting Parties can board and inspect such vessels and arrest those vessels considered to have undermined the effectiveness of NAFO conservation and management measures."
- c) The dates of the Meeting would be within the following three options:
- January 23-27
  - March 13-17
  - April 24-28
- d) The place of the Meeting - Brussels, Belgium.

## Annex 9. Coordinating Working Party on (Atlantic)\* Fishery Statistics

### Proposed Statutes

1. TERMS OF REFERENCE. The Coordinating Working Party on (Atlantic)\* Fishery Statistics (CWP) shall:
  - (i) keep under continuous review the requirements for (Atlantic)\* fishery statistics (including aquaculture) for the purposes of research, policy-making and management, taking into account *inter alia*\* their purposes, usefulness, cost, burden in collection and collation, timeliness, quality, confidentiality needs and regional differences;
  - (ii) agree standard concepts, definitions, classifications and methodologies for the collection and collation of fishery statistics;
  - (iii) make proposals and recommendations for action in relation to the collection, collation and dissemination of fishery statistics, recognizing the need to coordinate activities so as to avoid duplication.
  
2. COMPOSITION. The Working Party shall be composed of experts nominated by intergovernmental organizations which have a competence in fishery statistics. The following shall be the participating organizations initially:

Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)  
 Food and Agriculture Organization of the United Nations (FAO)  
 International Commission for the Conservation of Atlantic Tunas (ICCAT)  
 International Council for the Exploration of the Sea (ICES)  
 North Atlantic Salmon Conservation Organization (NASCO)  
 Northwest Atlantic Fisheries Organization (NAFO)  
 Organisation for Economic Cooperation and Development (OECD)  
 Statistical Office of the European Communities (EU/Eurostat)

Participating organizations may admit other intergovernmental organizations having competence in fishery statistics. Participating organizations may withdraw from the Working Party.

Each of the participating organizations may nominate up to five experts in accordance with their respective internal procedures.

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Footnotes: modifications made by the NAFO Scientific Council.

\* Word **Atlantic** deleted.

\* Words **inter alia** inserted.

3. SECRETARY. The Secretary to the Working Party shall be appointed by the Director General of FAO and shall be administratively responsible to him.
4. RULES OF PROCEDURE. The Working Party **will\*** adopt its own Rules of Procedure and amendments thereto which shall come into force unless any participating organization objects within three months of the adoption.
5. AMENDMENTS OF STATUTES. Proposals for amendments to the Statutes shall be submitted to the CWP Secretary by one or more participating organizations or shall be recommended by the Working Party. Amendments shall come into force upon receipt by the CWP Secretary of notification of approval by all of the participating organizations in accordance with their respective internal procedures.

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\* "Party may adopt" changed to read "Party will adopt".

**Annex 10. List of Decisions and Actions by the General Council  
(16th Annual Meeting, 19-23 September 1994)**

Substantive issue (propositions/motions)	Decision/Action (GC Doc. 94/8;item)
1. A new Contracting Party of NAFO - the Republic of Korea (Korea)	noted: became a member on 21 December 1993 (item 2.1)
2. Change of name of a Contracting Party - European Economic Community to the European Union	noted (item 2.1)
3. A new member of the Fisheries Commission - Republic of Korea	admitted (item 2.1)
4. Publication of a NAFO Newsletter - "NAFO News"	authorized (item 2.4)
5. Representation of NAFO in other international bodies at:	adopted (item 4)
- NAMMCO by Norway	agreed (item 3.2)
- UN Conference on the High Seas by Denmark (in respect of the Faroe Islands and Greenland)	agreed (item 3.2)
6. Report of STACFAC at the 16th Annual Meeting	adopted (items 4.7-4.8)
- GC Resolution 94/1 on fishing activities of Non-Contracting Parties in the Regulatory Area	adopted
- text of NAFO letters signed by the President to NCPs in the Regulatory Area	agreed
- interim STACFAC meeting in 1995	agreed
- election of STACFAC Chairman - C. C. Southgate (EU) Vice-Chairman - H. Fischer (Denmark)	noted
7. Report of STACFAD at the 16th Annual Meeting	adopted (item 5)
- Auditors Report	adopted
- Accumulated Surplus Account	\$75,000
- Bulgaria's and Romania's uncollectible debt for 1993/94	\$47,896 to write-off
8. Budget for 1994	\$964,000 Cdn.-adopted (item 5.4)
9. All NAFO proposals with impact on the budget should be presented with cost estimates	agreed in principle (item 5.5)
10. Meeting dates in 1995-1997	adopted (item 5.2e)

## PART II

### Report of the Standing Committee on Finance and Administration (STACFAD)

Monday, 19 September 1994 (1445-1700 hours)  
 Tuesday, 20 September 1994 (1615-1735 hours)  
 Wednesday, 21 September 1994 (1030-1130 hours)  
 Wednesday, 21 September 1994 (1645-1750 hours)

#### 1. Opening

The Chairperson, J. Quintal-McGrath (Canada), opened the meeting and welcomed the participants (Annex 1).

#### 2. Appointment of Rapporteur

H. Champion of the NAFO Secretariat was appointed Rapporteur.

#### 3. Adoption of Agenda

The provisional agenda was adopted as circulated to Contracting Parties (Annex 2).

#### 4. Auditors Report for 1993

The Executive Secretary informed STACFAD that the Auditors Report had been circulated to the Heads of Delegations and no comments had been received on the Report.

STACFAD **recommends** to the General Council that the Auditors Report for 1993 be adopted.

#### 5. Meeting of the Pension Society

The Chairperson drew attention to the appropriate NAFO Secretariat report (STACFAD Working Paper 94/2). The delegate of EU noted the vesting period for employees to receive a pension had been reduced from 5 years to 4 years and asked if there were any costs associated with this change and requested an explanation of the \$10,000.00 shown as NAFO's share of the cost for the service of an Administering Agent, auditor and the production of a procedures manual. The \$10,000.00 was only an estimate and would be discussed in detail when the preliminary budget estimate for 1995 was discussed later under Agenda item 9.

The Executive Secretary explained that there was no extra cost associated with the vesting period being reduced to 4 years.

#### 6. Review of Cost Implications for the NAFO Secretariat of the Hail System in the Regulatory Area

The Executive Secretary introduced STACFAD Working Paper 94/1 and advised STACFAD that an estimated \$9,569.44 would be spent on the transmission of Hail Reports from the NAFO Secretariat to Contracting Parties with inspection presence in the Regulatory Area. However, the

costs would drastically increase if Contracting Parties would dispatch their reports from/to individual vessels (as it is provisioned in the Conservation and Enforcement Measures).

The representative of Canada asked if any final assessment has been carried out on the Hail System Pilot Project.

The Executive Secretary stated that no assessment of the pilot project had been made due to incomplete data and unaccomplished on-going task of the project. However he was cautiously optimistic that the pilot project will lead to a much cheaper means of communication of Hail Reports in the near future. At the same time, he noted that this system could be effective and low cost implications if all Contracting Parties agreed on the unified technical means and procedure. Otherwise the only cost effective alternative would be to run the system by telefax transmissions until unanimous approach has been achieved.

The representative of the EU inquired about cost implications for the NAFO Secretariat related to the Canadian proposals re incorporation of catch reports and other features into the Hail System.

The Executive Secretary stated that there was no provision made for any possible additional expenses as a result of these two proposals.

#### **7. Administrative Report and Financial Statements for the Fiscal Year Ending 31 December 1994 (as of 31 July 1994)**

The Committee reviewed the Administrative Report GC Doc. 94/3 and recommended it for adoption by the General Council.

The representative of Canada requested information on salaries as shown in Statement I. The Executive Secretary pointed out that incremental increases were paid to some of the staff before information was received that all salaries in the Federal Civil Service had been frozen and noted that this change will be reflected in the budget estimate for 1995.

The Executive Secretary drew attention to the contributions receivable from Contracting Parties shown in Statement III (\$103,716). He expressed concern regarding the amount owed by Bulgaria (1994-\$14,893.10; 1993-\$18,109.12) and the lack of response to his requests for payment of these contributions. He felt that possibly the amount due from Bulgaria (\$33,002.22) should be handled in the same manner as Romania's contributions and written off as suggested by the NAFO Auditors. The total amount (Romania/Bulgaria) \$47,896 is shown as deemed uncollectible in Statement IV.

The representative of Cuba explained that the NAFO Secretariat would receive the Cuban contribution later this year.

The representative of the European Union (EU) pointed out that any amount owing by the EU (estimated by the NAFO Secretariat to be \$1,445.89) would be forwarded to the NAFO Secretariat once the exact amount has been agreed upon.

The preliminary calculation of billing for Contracting Parties in Statement V was reviewed in detail.

The representative of Cuba would like to verify the nominal catch figures shown for Cuba as he felt that possibly some of these catches could be as a result of joint ventures with other Contracting Parties and agreed to discuss this during the meeting and advise the Secretariat as soon as possible.

The representative of Latvia questioned the nominal catches shown for Latvia and also pointed out that Estonia and Lithuania, who did not report catch statistics for 1992 are not included in the 60% calculation shown in Statement V.

The Executive Secretary explained that the calculation of contributions (60%) is based on statistics available in the Secretariat and if Estonia and Lithuania were to submit statistics for 1992 then those figures would be included in the final calculations.

The representative of Estonia contacted authorities in Estonia and provided catch statistics for 1992.

The Executive Secretary contacted the representative from Lithuania and discussed the availability of catch statistics for 1992. The Lithuanian representative promised to provide any available information by mail in the near future.

The representative of Latvia felt that the total catch of 7,472 tons shown in Statement V was for whole of 1992. After discussion of the matter STACFAD agreed to **recommend** to the General Council that the contribution of Latvia for 1995 be estimated based on the catch for September-December 1992, after the accession of Latvia to the NAFO Convention (August, 1992).

The same estimate will apply to Estonia and would apply to Lithuania if catch statistics for 1992 were available/received from that country. These estimates will be in accordance with provisions of Article XVI.8 of the NAFO Convention.

#### **8. Review of Accumulated Surplus Account**

The Executive Secretary advised STACFAD that an amount of \$47,896 deemed uncollectible for Romania/Bulgaria had been deducted from the Accumulated Surplus Account and that \$75,000 had been appropriated to maintain a minimum balance in the account.

The estimated Accumulated Surplus at the end of 1994 to be used to reduce contributions of Contracting Parties for 1995 would be \$129,554 (NAFO GC Doc. 94/3 Statement IV).

The representative of Russia asked the Executive Secretary if he had contacted the Bulgarian authorities.

The Executive Secretary stated that he has not received a response from Bulgaria when requesting payment of their contribution or other correspondence forwarded to Contracting Parties.

In the absence of any solution to the outstanding amounts owing from Romania and Bulgaria (\$47,896) STACFAD recommends to the General Council that this amount be deducted from the Accumulated Surplus Account.

STACFAD also agreed to ask the Chairman of the General Council to contact Romania and Bulgaria to inquire about their outstanding debt to and participation in NAFO.

STACFAD recommends to the General Council that the Accumulated Surplus be maintained at \$75,000 and the balance (approximately \$129,554) be used to reduce contributions of Contracting Parties for 1995.

### 9. Preliminary Budget Estimate for the Fiscal Year Ending 31 December 1995

The Chairperson asked the Executive Secretary to elaborate on the Preliminary Budget Estimate for 1995 (GC Working Paper 94/3).

The Executive Secretary advised STACFAD that the amount of \$608,000 of budget forecast for salaries could be reduced by \$19,000 to the total amount of \$589,000 due to change in the staff positions.

He pointed out that the \$10,000 shown for administration of the pension fund was only an estimate and that no further information has been received from the Pension Society re this expense. Therefore, it is not necessary to include this amount in the budget estimate at this stage.

The Executive Secretary drew attention to the \$110,000 unfunded liability for termination benefits and noted that the General Council had approved an amount of \$10,000 be allocated from the Accumulated Surplus Account in 1994. It is proposed that the same amount be allocated to the 1995 budget.

STACFAD reviewed the preliminary budget estimate for 1995.

STACFAD recommends to the General Council that a minimum of \$10,000 be allocated each year until the unfunded termination benefit is fully funded.

STACFAD recommends to the General Council that a budget of \$964,000 be adopted as presented in Annex 3.

Preliminary calculations of the 1995 billing for Contracting Parties is provided in Annex 4.

### 10. Preliminary Budget Forecast for the Fiscal Year Ending 31 December 1996

STACFAD noted the preliminary budget forecast of \$996,000 for 1996 (Annex 5) would be reviewed in detail during the 17th Annual Meeting.

### 11. Time and Place of 1995, 1996 and 1997 Meetings

The location of the 1995, 1996 and 1997 Annual Meetings is to 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.

1995	-	Scientific Council	-	6-15 September
	-	Fisheries Commission	-	11-15 September
	-	General Council	-	11-15 September



1996	-	Scientific Council	-	4-13 September
	-	Fisheries Commission	-	9-13 September
	-	General Council	-	9-13 September
1997	-	Scientific Council	-	10-19 September
	-	Fisheries Commission	-	15-19 September
	-	General Council	-	15-19 September

## 12. Other Business

The Chairperson advised STACFAD that item 13 of the General Council Agenda - "New Sharing of Contributions Among Contracting Parties" had been referred to STACFAD by the General Council and asked the representative of Denmark (in respect of Faroe Islands and Greenland) to present its proposal (GC Working Paper 94/1).

The representative of Denmark reviewed the paper emphasizing that catches in the Regulatory Area should have a larger factor than catches in the Convention Area for the purposes of calculating the financial assessments and pointed out that the declining catches in the Regulatory Area will result in a much larger contribution from Denmark, unless the present system of calculating the billing is revised.

Representatives from other Contracting Parties at the Meeting expressed their concerns as they could not accept the Danish proposal. They were unanimous this is not the best time to deal with this issue considering the economic and legal implications.

The representatives of Estonia, Latvia and Lithuania especially emphasized on their present economic situation and limited access to the NAFO fishing resources.

The representative of Denmark stated that if changes are not made to the present system and costs continue to increase then Denmark will have real problems in paying NAFO contributions. Therefore, he stated that Denmark would like to continue pursuing this subject and will submit a new proposal for distribution to Contracting Parties prior to next year's Annual Meeting.

The Chairperson noted that the Fisheries Commission requested STACFAD to estimate the possible cost implication of incorporation of catch reports into the Hail System. STACFAD agreed that this task could not be accomplished without proper terms of reference.

## 13. Adjournment

The Chairperson thanked the members of the Secretariat for their support and all participants for their cooperation and participation in the meetings.

All participants expressed sincere thanks to Ms. Quintal-McGrath for her efforts as Chairperson.

## Annex 1. List of Participants

Name	Contracting Party
J. Quintal-McGrath R. Steinbock	Canada Canada
R. Dominguez	Cuba
E. Lemche	Denmark (in respect of Faroe Islands and Greenland)
H. Leth	Denmark (in respect of Faroe Islands and Greenland)
R. Aps	Estonia
F. Kingston	European Union (EU)
A. Halldorsson	Iceland
K. Hanafusa M. Sato	Japan Japan
B.-R. Yang	Republic of Korea
N. Riekstins	Latvia
A. Rusakevicius	Lithuania
L. Dybiec	Poland
V. Solodovnik	Russia
L. Chepel H. Champion F. Keating	NAFO Secretariat NAFO Secretariat NAFO Secretariat

## Annex 2. Agenda

1. Opening by the Chairperson J. Quintal-McGrath (Canada)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Auditor's Report
5. Meeting of the Pension Society
6. Review of Cost Implications for the NAFO Secretariat of the Hail System in the Regulatory Area
7. Administrative and Financial Statements for 1994 (July)
8. Review of Accumulated Surplus Account
9. Preliminary Budget Estimate for 1995
10. Preliminary Budget Forecast for 1996
11. Time and Place of 1995, 1996 and 1997 Meetings
12. Other Business
13. Adjournment

### Annex 3. Preliminary Budget Estimate for 1995

	Approved Budget for 1994	Preliminary Budget Forecast for 1995	Preliminary Budget Estimate for 1995
1. Personal Services			
a) Salaries	\$ 597,000	\$ 608,000	\$ 589,000 <sup>a</sup>
b) Superannuation and Annuities	74,000	75,000	78,000
c) Additional Help	1,000	1,000	1,000
d) Group Medical and Insurance Plans	34,000	36,000	40,000
e) Termination Benefits	21,000	15,000	18,000 <sup>b</sup>
f) Accrued Vacation Pay	2,000	2,000	2,000
g) Termination Benefits Liability	10,000	-	10,000
2. Travel	23,000	6,000	6,000 <sup>c</sup>
3. Transportation	1,000	1,000	1,000
4. Communications	53,000	55,000	57,000 <sup>d</sup>
5. Publications	20,000	25,000	22,000
6. Other Contractual Service	42,000	48,000	46,000
7. Materials and Supplies	30,000	34,000	32,000
8. Equipment	5,000	5,000	5,000
9. Annual and Mid-Year Meetings	40,000	30,000	42,000 <sup>e</sup>
10. Computer Services	15,000	17,000	15,000
	\$ 968,000	\$ 958,000	\$ 964,000

<sup>a</sup> Amount has been reduced from preliminary budget forecast due to retirement, in November 1994, of W. H. Champion, Administrative Assistant, and hiring of a replacement at a lower level of salary. It also reflects the freeze on salaries as noted under item 7 of this report.

<sup>b</sup> This figure is for 1995 credits and conforms with NAFO Staff Rule 10.4(a).

<sup>c</sup> Assistant Executive Secretary attendance at the 16th Session of the CWP, Madrid, Spain, February 1995.

<sup>d</sup> This figure was increased to cover possible postage increase in Canada and to cover the extra costs involved with the Hail System. A Working Paper will be presented re costs of communication.

<sup>e</sup> This figure includes the cost for Annual, Mid-Year Meetings and the Scientific Council Meetings, if held in the Halifax-Dartmouth area.

### Annex 4. Preliminary Calculation of Billing for 1995

Preliminary calculation of billing for Contracting Parties against the proposed estimate of \$964,000.00 for the 1995 financial year (based on 15 Contracting Parties to NAFO).

Budget Estimate.....	\$964,000.00
Deduct: Amount from Accumulated Surplus Account.....	<u>129,554.00</u>
Funds required to meet 1993 Budget.....	<u>\$834,446.00</u>

60% of funds required = \$ 500,667.60

10% of funds required = 83,444.60

30% of funds required = 250,333.80

Contracting Parties	Nominal Catches for 1992	% of Total Catch in the Convention Area	% of Total Catch in the Convention Area			Amount billed
			10%	30%	60%	
Bulgaria	-	-	-	16,688.92	-	\$ 16,688.92
Canada <sup>1</sup>	731,988	74.998	73,264.36	16,688.92	375,490.69	465,443.97
Cuba <sup>1</sup>	25,857	2.649	-	16,688.92	13,262.68	29,951.60
Denmark (Faroes and Greenland) <sup>2</sup>	101,757	10.426	10,180.24	16,688.92	52,199.60	79,068.76
Estonia	35 <sup>3</sup>	0.004	-	16,688.92	20.03	16,708.95
European Union <sup>1</sup>	87,792	8.995	-	16,688.92	45,035.05	61,723.97
Iceland	-	-	-	16,688.92	-	16,688.92
Japan	10,601	1.086	-	16,688.92	5,437.25	22,126.17
Republic of Korea	-	-	-	16,688.92	-	16,688.92
Latvia	3,014 <sup>3</sup>	0.309	-	16,688.92	1,547.06	18,235.98
Lithuania	0 <sup>3</sup>	-	-	16,688.92	-	16,688.92
Norway	2,482	0.254	-	16,688.92	1,271.70	17,960.62
Poland	-	-	-	16,688.92	-	16,688.92
Romania	-	-	-	16,688.92	-	16,688.92
Russia	12,487	1.279	-	16,688.92	6,403.54	23,092.46
	976,013	100.00	83,444.60	250,333.80	500,667.60	<u>\$834,446.00</u>
Funds required to meet 1 January - 31 December 1995 Administrative Budget						<u>\$834,446.00</u>

<sup>1</sup> Provisional Statistics used when calculating 1992 nominal catches.

<sup>2</sup> Faroes = 4,113; Greenland = 97,644

<sup>3</sup> Based on catch statistics for September-December 1992. See page 38 of this report.

## Annex 5. Preliminary Budget Estimate Forecast 1996

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1.	Personal Services	
	a) Salaries	\$ 589,000
	b) Superannuation and Annuities	80,000 <sup>a</sup>
	c) Additional Help	1,000
	d) Group Medical and Insurance Plans	42,000
	e) Termination Benefits	20,000 <sup>b</sup>
	f) Accrued Vacation Pay	2,000
	g) Termination Benefits Liability	10,000
2.	Travel	25,000 <sup>c</sup>
3.	Transportation	1,000
4.	Communications	58,000
5.	Publications	22,000
6.	Other Contractual Services	48,000
7.	Materials and Supplies	34,000
8.	Equipment	5,000
9.	Annual and Mid-Year Meetings	42,000 <sup>d</sup>
10.	Computer Services	<u>17,000</u>
		\$ 996,000

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<sup>a</sup> This figure does not include administration fee for Pension Plan.

<sup>b</sup> This figure is for 1996 credits and conforms with NAFO Staff Rule 10.4(a).

<sup>c</sup> This figure includes home leave to Russia for Executive Secretary and family; two persons to meeting of Directors and Executive Secretaries of the seven International Commissions located in North America re discussion of pension scheme for employees, May 1996, Washington, D.C., USA; Assistant Executive Secretary attendance at the *ad hoc* Interagency Consultations of the CWP.

<sup>d</sup> This figure includes the cost for Annual, Mid-Year Meetings and the Scientific Council Meetings if held in the Halifax-Dartmouth area.

## PART III

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

#### 1. Opening of the Meeting (items 1-3 of Agenda)

- 1.1 The meeting was opened by the Chairman C. C. Southgate (EU) at 0930 19 September. Two meetings were held 19 September and one meeting each 20-21 September.
- 1.2 The following Contracting Parties were represented: Canada, Denmark, EU, Japan, Korea, Norway, and Russia (Annex 1).
- 1.3 Observers from the United States of America were present.
- 1.4 W. Sanford (Canada) was appointed rapporteur.
- 1.5 The agenda was adopted as presented (Annex 2).

#### 2. Information on Activities of Non-Contracting Parties in the Regulatory Area (items 4-6)

- 2.1 Sighting Information - Contracting Parties were asked to provide a review of sighting information. Canada and the European Union provided information (GC Doc. 94/7). The Canadian delegation indicated that four vessels had been sighted under two different flags this year. Canada indicated that all vessels had withdrawn from the Nose and Tail of the Grand Banks in June 1994 following the implementation of its legislation, while increased effort was observed in 3M. With respect to USA landings the American observers stated that actual landings for 1993 totalled 165 tonnes and that this information had been reported to the NAFO Secretariat.
- 2.2 Landings and Transshipments - No information was provided. However, Canada stated that as its ports were closed to these vessels, there had been no landings or transshipments.
- 2.3 Imports - The representative of the European Union indicated that they had no information to provide. The Japanese representative provided import information for 1993 (GC Doc. 94/7). The Russian representative added that the figures provided by Japan could also represent transshipments.

#### 3. Diplomatic Contacts with Non-Contracting Parties (item 7)

- 3.1 The representative of the European Union as coordinator of the NAFO demarche, stated that two demarches were undertaken with Non-Contracting Parties. The first was with Panama in Brussels on 17 November 1993, with a number of NAFO Member resident Ambassadors present. The second was a high level delegation consisting of the European Union, Canada and Japan, supported by Russia which visited Panama and Honduras 21-23 February 1994. The Government of Panama received the delegation favourably; gave

assurances of its intention to deal with all vessels about which information was presented; and stated that it was in the process of preparing new regulations to bring these vessels under control. The Government of Honduras was very receptive to the delegation; stated that it was in the process of deregistering vessels based on diplomatic representations; and was in the process of revising its shipping legislation. It was reported that the Landing Declaration was not presented so as not to give the NCP countries an opportunity to consider acceptance of this document as a satisfactory response to the NAFO demarche.

- 3.2 The representative of Canada reported that following the introduction of its legislation diplomatic demarches were made during June 1994 in Panama, Belize, Honduras, St. Vincent and the Grenadines, and the Cayman Islands. In each instance, the government concerned indicated its understanding of the seriousness of the situation and its intention to deal with the vessels involved. The Canadian delegation noted that following the introduction of its legislation all flag of convenience and stateless vessels withdrew from the Nose and Tail of the Grand Banks and have not returned to these areas. Canada also noted that Panama had deregistered twelve vessels during 1994. The Cayman Islands deregistered its one vessel and at least one of the two vessels on the St. Vincent registry in early 1994 had been removed from that registry. Belize, however, had registered vessels deregistered by Panama and Honduras and these vessels continued to fish in the Regulatory Area.

#### **4. Consideration of Options and Steps to Discourage Activities by Non-Contracting Parties (items 8-10)**

- 4.1 **FAO Compliance Agreement** - The representative of Canada stated that it had deposited its instrument of acceptance with the FAO in May and implemented regulations to ensure that its vessels comply with regional measures on the worldwide basis.
- 4.2 The representative of the European Union said that it had commenced action to ratify the Agreement and stated that there was a proposal for a European Council decision to ratify which all member States would implement in due course.
- 4.3 The representative of Japan said that it had the intention to ratify the Agreement as soon as possible.
- 4.4 A general discussion followed of new initiatives and proposals to deal with the situation. The following possibilities were reviewed:
- (a) **Diplomatic Demarches** - It was agreed that diplomatic demarches, although they did not work quickly, had a positive effect. The representative of the European Union recommended that they be continued at a high level with acceptance of the FAO Agreement on Compliance as a central measure in the demarche. After a lengthy discussion it was decided to recommend that the President of NAFO begin the renewed demarche process with a letter to the Foreign Ministers of Non-Contracting Parties (Annex 3). This letter would be sent to Belize, Honduras, Venezuela, the USA, and to Panama, and St. Vincent if in the interim their vessels returned to the Regulatory Area. It was agreed that a further round of high level demarches should be conducted following a proposed STACFAC Intersessional Meeting.



- (b) Port Closures and Restriction of Landings - The representative of Canada suggested that other contracting parties consider closing their ports to NCP vessels as Canada had done. The representative of the European Union suggested as an alternative the restriction of landings by specific NCP vessels sighted fishing in the Regulatory Area. Canada supported this suggestion noting that three NAFO Contracting Parties (Canada, Russia, Japan) and also the U.S.A had a similar provision on salmon in the North Pacific. Japan indicated that each application of this type of provision required careful analysis. The Chairman recommended that this suggestion be explored at a STACFAC Intersessional Meeting.
- (c) Right of Arrest and Other Deterrent Measures - The representative of Canada proposed that rather than setting deadlines for the withdrawal of NCP vessels the NAFO diplomatic demarche should call directly for agreement by the Non-Contracting Parties to permit controls by NAFO Contracting Parties of NCP vessels which undermine NAFO conservation and enforcement measures. The representative of the European Union indicated that it found this idea interesting but that it preferred a multilateral NAFO approach. Furthermore, it observed that the compliance of any such measure with the international law should be ensured and that if necessary advice from the appropriate international organization, including GATT, should be requested. Canada undertook to prepare a draft proposal for discussion at a STACFAC Intersessional Meeting.
- (d) The representative of Canada proposed the following draft resolution to STACFAC:

STACFAC recommends that NAFO Contracting Parties which consider action is necessary to terminate the presence of vessels of Non-Contracting Parties in those portions of the Regulatory Area where these vessels are continuing to fish should make efforts to obtain arrangements under which NAFO Contracting Parties can board and inspect such vessels and arrest those vessels considered to have undermined the effectiveness of NAFO conservation and management measures.

The representative of the EU could not agree with the present proposal but STACFAC agreed to include it within the subjects for discussion at the proposed Intersessional Meeting.

## 5. Report and Recommendations to the General Council (item 11)

- 5.1 STACFAC recommends that the President of NAFO write to the Foreign Ministers of Belize, Honduras, Venezuela and the USA, and also of Panama and St. Vincent if their vessels return to the Regulatory Area, as at Annex 3 (see para 4.4a) above).

STACFAC Intersessional Meeting - It was agreed to recommend to the General Council that a STACFAC Intersessional Meeting be called to discuss the following items:

- (i) Assistance to individual Non-Contracting Parties for the control of their vessels in the NAFO Regulatory Area. Both the bilateral and multilateral approaches will be discussed;
- (ii) Port Closures and Restriction of Landings;
- (iii) Other issues.

The European Union representative offered to host this meeting in Brussels. A proposed date would be determined following decision by General Council.

#### **6. Other Matters (item 12)**

- 6.1 There was no other business for this item.

#### **7. Election of Chairman and Vice-Chairman (item 13)**

- 7.1 The representative of Canada nominated and Japan seconded C.C. Southgate (EU) for another term as Chairman of STACFAC. This nomination was approved. The Chairman proposed H. Fischer (Denmark in respect of Faroe Islands and Greenland) as Vice-Chairman. This nomination was also approved.

#### **8. Adjournment (item 14)**

- 8.1 The meeting adjourned at 2200 hours on 22 September 1994.

**Annex 1. STACFAC Heads of Delegations**

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Contracting Party	Name
Canada	E. Wiseman
Denmark	H. Fischer
European Union	P. Heller
Japan	K. Hanafusa
Korea	Y. J. Jung
Norway	P. Gullestad
Russia	V. Fedorenko

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## Annex 2. Agenda

1. Opening by the Chairman, C. C. Southgate (EU)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of 1994 information on activities of non-Contracting Party vessels in the Regulatory Area
5. Review of 1994 information on landings and transshipments of fish caught in the Regulatory Area by non-Contracting Party vessels
6. Review of information on imports by Contracting Parties of groundfish species regulated by NAFO from non-Contracting Parties whose vessels have fished in the Regulatory Area
7. Reports by Contracting Parties on diplomatic contacts with non-Contracting Party governments concerning fishing by their vessels in the Regulatory Area
8. Examination of options open to Contracting Parties and the General Council to discourage activities by non-Contracting Parties in the Regulatory Area
9. Consideration of steps to deter reflagging of Contracting Party vessels for the purpose of fishing contrary to NAFO conservation and management decisions
10. Other NAFO measures against stateless vessels and vessels from non-Contracting Parties
11. Report and Recommendations to the General Council
12. Other Matters
13. Election of Chairman and Vice-Chairman
14. Adjournment

**Annex 3 (Letter 1). Letter from the President of NAFO to the  
Foreign Ministers of Non-Contracting Parties with Vessels  
in the Regulatory Area**

I have been instructed by all members of the Northwest Atlantic Fisheries Organization (NAFO) present at its 16th Annual Meeting to raise at the highest level their concern about fishing activity by vessels flying your flag in the NAFO Regulatory Area.

NAFO was established in 1979 *inter alia* to implement the obligations of States under international law regarding conservation and management of fishery resources in the Northwest Atlantic beyond the areas in which coastal States exercise fisheries jurisdiction, referred to as the "Regulatory Area" of NAFO.

The Contracting Parties to NAFO have agreed to further express their co-operation in the conservation and management of living resources in the Regulatory Area.

The Contracting Parties to NAFO have made very substantial reductions in their permitted catches and introduced moratoria for the most severely depleted stocks. The fishing interests of the Contracting Parties of NAFO have thus made sacrifices in order to sustain resources for the future. They therefore expect that Non-Contracting Parties will respect their actions and not undermine them.

The Contracting Parties are deeply concerned at the fact that vessels flying the flags of Non-Contracting Parties to NAFO and which do not comply with their obligations to cooperate with other States in conservation and management have continue to be present in the NAFO Regulatory Area fishing on resources which are at historically depleted and critical levels. While fishing interests from all NAFO Contracting Parties respect moratoria and significant conservation restrictions, vessels from \_\_\_\_\_ continue to fish in the area to the severe detriment of critical resources.

The Government of \_\_\_\_\_ has stated that it does not wish to undermine the effectiveness of NAFO's conservation and management regime. The Contracting Parties to NAFO have collectively and individually taken diplomatic initiatives to urge States which do not cooperate with NAFO to withdraw their vessels from the Regulatory Area. Several States have already complied. NAFO again urges the Government of \_\_\_\_\_ to withdraw its vessels forthwith. There is real urgency for the immediate withdrawal of these vessels given the critical state of many of the NAFO-managed fish stocks.

The Contracting Parties to NAFO draw the attention of the Government of \_\_\_\_\_ to the FAO's Compliance Agreement adopted unanimously at the November 1993 meeting of the FAO Council and to the attached Resolution adopted at the 16th Annual Meeting of NAFO. The FAO Compliance Agreement lays down legal conditions for the regulation of *High Seas* fishing by Flag States and provides a suitable basis on which the Government of \_\_\_\_\_ could prevent its vessels from fishing in the NAFO Regulatory Area, undermining the conservation measures applied by NAFO Contracting Parties.

On behalf of the Contracting Parties to NAFO present at its 16th Annual Meeting: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union, Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland and the Russian Federation.

**Annex 3 (Letter 2). Letter from the President of NAFO to the  
Foreign Ministers of Non-Contracting Parties with no  
Vessels Currently in the Regulatory Area**

I have been instructed by all members of the Northwest Atlantic Fisheries Organization (NAFO) present at its 16th Annual Meeting to raise at the highest level their concern about fishing activity by vessels flying your flag in the NAFO Regulatory Area.

NAFO was established in 1979 *inter alia* to implement the obligations of States under international law regarding conservation and management of fishery resources in the Northwest Atlantic beyond the areas in which coastal States exercise fisheries jurisdiction, referred to as the "Regulatory Area" of NAFO.

The Contracting Parties to NAFO have agreed to further express their co-operation in the conservation and management of living resources in the Regulatory Area.

The Contracting Parties to NAFO have made very substantial reductions in their permitted catches and introduced moratoria for the most severely depleted stocks. The fishing interests of the Contracting Parties of NAFO have thus made sacrifices in order to sustain resources for the future. They therefore expect that Non-Contracting Parties will respect their actions and not undermine them.

The Contracting Parties are deeply concerned at the fact that vessels flying the flags of Non-Contracting Parties to NAFO and which do not comply with their obligations to cooperate with other States in conservation and management have since our last Annual Meeting been present in the NAFO Regulatory Area fishing on resources which are at historically depleted and critical levels. While fishing interests from all NAFO Contracting Parties respect moratoria and significant conservation restrictions, vessels from \_\_\_\_\_ have fished in the area to the severe detriment of critical resources.

The Government of \_\_\_\_\_ has stated that it does not wish to undermine the effectiveness of NAFO's conservation and management regime. The Contracting Parties to NAFO have collectively and individually taken diplomatic initiatives to urge States which do not cooperate with NAFO to withdraw their vessels from the Regulatory Area. The Contracting Parties to NAFO express their pleasure that none of your flag vessels are in the NAFO Regulatory Area at this time. NAFO urges the Government of \_\_\_\_\_ to continue its efforts to ensure that none of its vessels return to the NAFO Regulatory Area. There is real urgency for the immediate withdrawal of all vessels whose activities undermine NAFO conservation and management measures given the critical state of many of the NAFO-managed fish stocks.

The Contracting Parties to NAFO draw the attention of the Government of \_\_\_\_\_ to the FAO's Compliance Agreement adopted unanimously at the November 1993 meeting of the FAO Council and to the attached Resolution adopted at the 16th Annual Meeting of NAFO. The FAO Compliance Agreement lays down legal conditions for the regulation of High Seas fishing by Flag States and provides a suitable basis on which the Government of \_\_\_\_\_ could prevent its vessels from fishing in the NAFO Regulatory Area, undermining the conservation measures applied by NAFO Contracting Parties.

On behalf of the Contracting Parties to NAFO present at its 16th Annual Meeting: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union, Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland and the Russian Federation.





## SECTION IV

(pages 121 to 165)

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## PART I

### Report of the Meeting of the Fisheries Commission

16th Annual Meeting, 19-23 September 1994

Dartmouth, Nova Scotia, Canada

#### 1. Opening Procedures (items 1-5 of the Agenda)

- 1.1. The meeting was called to order by the Chairman, Mr. H. Koster (EU) on 20 September 1994 at 11:15 hours. Representatives from the following Contracting Parties were present: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, the European Union (EU), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, and the Russian Federation. (Annex 1)
- 1.2 Mr. R. Steinbock (Canada) was appointed Rapporteur.
- 1.3 The provisional agenda was adopted. (Annex 2) On the request of Canada the wording "Management and technical measures for the following stocks, if available in the Regulatory Area in 1995: i) Cod in Div. 3L" was reinserted under agenda item 18.9. The EU disagreed since this language does not properly reflect the decisions taken by the Fisheries Commission as from 1992. The EU proposed that this agenda item should read "cod in 2J3KL". The Chairman noted the different views.
- 1.4 Representatives of the United States of America were welcomed to the Meeting as observers.
- 1.5 It was agreed that normal NAFO practice should be followed in relation to publicity and that no statements would be made to the media until after the conclusion of the meeting when a press release would be adopted by the General Council and issued by the NAFO Secretariat to the public.

#### 2. Administrative (item 6)

- 2.1 The Republic of Korea was welcomed as a Member of the Fisheries Commission pursuant to the decision of the General Council under provisions of Article XIII of the Convention.

#### 3. Conservation and Enforcement Measures (items 7 to 15)

- 3.1 Item 7, Incorporation of a Catch Reporting System into the Hail System (Canadian proposal in FC Doc 92/3) was referred to STACTIC and the budgetary aspects were referred to STACFAD. The Representative of Canada suggested that the Commission ask STACTIC to review the Canadian proposal and working on the assumption that the concept in principle is acceptable, determine if there are any amendments that could or should be made to the proposal to increase its effectiveness or to make it more acceptable

on an operational basis to Contracting Parties. The Representative of the EU agreed with this reference but emphasized that the effective functioning of the current hail system should be ensured. The EU Representative emphasized that the full functioning of the current hail system should be ensured before upgrading it.

At the closing session, the Commission **decided to defer** this item to the 17th Annual Meeting.

- 3.2 Item 8, Effort Plans for the Vessels of Contracting Parties operating in the Regulatory Area, **was referred** to STACTIC. It was clarified that the Canadian proposal was to require notification of effort plans with a view to increasing transparency regarding quotas and fishing effort.

At the closing session, the Commission **decided to defer** this item to the 17th Annual Meeting.

- 3.3 Item 9, Nominal Catches by Contracting Parties Exceeding Quotas, **was referred** to STACTIC with a request to suggest improvements to the current proposed table. On presentation by STACTIC, the modified table was **adopted** by the Meeting.

- 3.4 Item 10, NAFO Rules Regarding Incidental Catches, was **withdrawn** at the request of the Representative of Canada. This item was a Canadian proposal at the 1993 STACTIC meeting and was no longer considered appropriate by Canada.

- 3.5 Item 11, Annual Return of Infringement, Surveillance, Inspection Reports, **was referred** to STACTIC.

At the closing session, the Commission **accepted** in principle the Canadian proposal on the understanding that the Contracting Parties will do their best in accordance with their legislation to increase "transparency" of disposition of apparent infringements.

- 3.6 Item 12, Fishing Vessel Registration, **was referred** to STACTIC, which recommended to discontinue this presentation. This was **agreed** by the Meeting.

- 3.7 Regarding Item 13, Review of the NAFO Observer Scheme Pilot Project, the Chairman of STACTIC (D. Brock - Canada) reported the conclusions of the Special Meeting of STACTIC, August 30-September 1, 1994 (FC Doc 94/5). The Representative of the EU questioned the effectiveness of the observer scheme. Following a suggestion by the Representative of Canada, it was agreed to refer the following three questions to STACTIC:

- 1) How can we best ensure that key fisheries (i.e. 3M shrimp, 2+3 Greenland halibut) are targeted for observer coverage, rather than the current system where 10% coverage is spread over all fisheries?
- 2) How can we make the program more time relevant thereby allowing the observer to call attention to serious infringements on a timely basis so that inspectors, or Contracting Party authorities, can deal with the situation immediately?

- 3) Could STACTIC advise on the criteria to be used for evaluation of an observer scheme?

At the closing session, it was proposed to extend the Pilot Project until 31 December 1995 with modification targetting on Greenland halibut fishery (up to 20% coverage). The representative of the EU noted that if the Pilot Project should be continued that he could only agree with an unchanged extension. The Chairman suggested to extend the Pilot Project unchanged and that the Fisheries Commission would recommend to Contracting Parties to ensure 20% observer coverage in the *Greenland halibut fishery*. The Commission agreed with the unchanged extension and the recommendation as suggested by the Chair. (Annex 3)

- 3.8 Item 14, Minimum Fish Size (witch, redfish, Greenland halibut) and Minimum Size of Processed Fish (witch, redfish, Greenland halibut, cod, A. plaice, yellowtail flounder) **was referred** to STACTIC. The Scientific Council could not provide advice to STACTIC on minimum sizes for Greenland halibut and flatfishes since the necessary data had not been made available (SC Working Paper 94/44).

The Representative of Canada noted the Canadian proposal in STACTIC to establish processed length equivalents for minimum fish sizes (STACTIC Working Paper 94/15) but asked that it be withdrawn at this time to permit further discussions on the subject. The Representative of Denmark noted the difficulty in addressing this issue given that some Parties have legislation prohibiting discards. The Fisheries Commission **decided to defer** this item to the 17th Annual Meeting.

- 3.9 Item 15, Report of STACTIC at the Annual Meeting, was presented by the Chairman of STACTIC (D. Brock - Canada) at the closing session on 23 September 1994, and the report **was adopted** by the Commission (see Part II of the Fisheries Commission Report).

The STACTIC Chairman noted an absence of agreement on many of the agenda items. He summarized STACTIC's conclusions as follows:

a) Re the Canadian proposal regarding disposition of details on infringements, there was no consensus in favour of the Canadian proposal but agreement was reached on the commitment to make returns in a timely manner and to pursue specific points of interest bilaterally.

b) Re NAFO Observer Scheme Pilot Project, the Special Meeting of STACTIC was held through 31.08-01.09.94 at NAFO Headquarters, and the report was presented to the Fisheries Commission for comments and adoption (FC Doc. 94/5). At the current meeting, delegations concluded that the Fisheries Commission, on the basis of advice from the Scientific Council, should recommend to Contracting Parties what the target species should be for conservation purposes. It was agreed not to put forward recommendations in respect of enforcement targets. Regarding the expeditious handling of serious infringements, difficulties had been raised about changing the role of the observer. It was not possible to develop assessment criteria but it was felt by some that the relationship between costs and benefits of the program could be outlined.

c) Re Minimum fish sizes, there was broad support for the principle of establishing minimum processed length equivalents however the EU envisaged practical difficulties and Russia could not accept the principle.

d) Re operation of the Hail System, costs of any enhancements to the existing system were a key concern of delegations. It was suggested that the pilot project Phases I and II of a Communication Project for the NAFO Hail System be concluded at the earliest opportunity so that an appreciation of the technical difficulties and costs could be better understood before further consideration by STACTIC.

e) Re the Canadian proposal to remove fishing vessels less than 19.8 metres from notification of Fishing Vessels List. STACTIC had been unable to fully discuss this matter and further consideration had to be deferred to the next STACTIC meeting.

f) Re Review of the Inspectors Manual, no substantive discussion took place. It was agreed that Contracting Parties would send any comments to the Executive Secretary on the understanding that no changes would be made to the manual without STACTIC's review.

g) Re the Canadian proposal for effort plan notification for the vessels operating in the Regulatory Area, the STACTIC Chairman suggested that the plans be entitled "Planned effort in fishing days in the NAFO Regulatory Area for regulated species". He noted that as non-regulated species were not covered, the plans therefore could not be really representative of the total effort in the Regulatory Area. He noted the EU delegation's concerns with difficulties in linking effort with quotas given the difficulty in anticipating the extent of fishing opportunities.

h) Re nominal catches by Contracting Parties exceeding quotas, there was support for amendments to the current table which could refer to all species and quotas, however the Canadian delegation wished to delete the entry for autonomous quotas.

i) Re report on registration of vessels fishing in the Regulatory Area, it was concluded that this report was no longer necessary and need not be produced in future.

3.10 Canada tabled a proposal (FC Working Paper 94/19 - Annex 4) providing specific criteria against which the Pilot Scheme could be evaluated as well as criteria for an intersessional meeting of STACTIC to evaluate the effectiveness of the Pilot Project Observer Scheme.

#### 4. Conservation of Fish Stocks in the Regulatory Area (items 16 to 20)

4.1 The Chairman of the Scientific Council (Mr. H. Lassen - EU), gave a summary of the June 1994 Report of the Scientific Council (SCS Doc. 94/19) and the Preliminary Report from the Scientific Council (SC Working Paper 94/44) which provided the following management advice for 1995 for fish stocks in the NAFO Regulatory Area (NRA):

- Cod 2J3KL in NRA	no directed fishery
- Cod 3M	no directed fishery
- Cod 3NO	no directed fishery
- Redfish 3M	20 000 tons
- Redfish 3LN	not exceeding 14 000 tons

- American plaice 3M	not exceeding 1 000 tons
- American plaice 3LNO	no directed fishery
- Yellowtail flounder 3LNO	no directed fishery
- Witch flounder 3NO	no directed fishery
- Capelin 3NO	no directed fishery
- Squid (SA 3 and 4)	no advice
- Greenland halibut (2+3)	Reduce effort and catches
- Shrimp 3M	Continue mandatory use of grates in shrimp fishery but bar spacing of less than 28 mm be enforced. (appropriate spacing unknown at present)

- 4.2 This presentation was followed by a number of questions and requests for clarification.
- 4.3 With respect to Greenland halibut 2+3, the Representative of Canada sought confirmation that a reduction in effort would require a catch level below 40 000 tons. The Chairman of the Scientific Council noted that a projection of the catch in 1995 at 1993 effort levels is estimated to be 40 000 tons, however there was considerable uncertainty to the catch estimates for 1991, 1992 and 1993. He could not advise the actual reduction in effort and catch which would be necessary to halt the decline in the biomass and secondly to allow the rebuilding of the stock.
- 4.4 The Representative of Japan expressed concern about the significant amounts of redfish by-catch in the shrimp fishery and requested a table showing shrimp catches, the corresponding estimated by-catches of redfish and future yield losses of redfish. The Representatives of Norway and Iceland reported that experiments with the spacing in separator grates had shown that at 23mm redfish by-catch could be reduced significantly without any loss of shrimp catches. The Representative of Denmark suggested that a working group of experts could help determine the optimal spacing to reduce redfish by-catch.
- 4.5 With respect to Greenland halibut, the Representative of the EU asked about the source for determining the status quo predicted catch level of 40 000 tons and the degree of uncertainty attached to this determination. The Chairman of the Scientific Council noted that this figure was derived as a matter of judgement based on catch rates, biomass estimates and the expected reduction in catch rates. He noted that while a number of stock surveys pointed to a sharp decline in biomass, the uncertainty about catch estimates complicated the inevitable uncertainty from surveys.
- 4.6 The Representative of the EU asked whether the Scientific Council had examined all the scientific data to date for 3NO cod. The SC Chairman confirmed that the preliminary results of the Canadian spring 1994 survey had been incorporated and these indicated extremely low stock size.
- 4.7 In response to a question from the EU regarding the impact of a food subsistence fishery permitted by Canada for 2J3KL cod during 1994, the Representative of Canada provided a clarification which indicated a catch in the range of 700-750 tons (FC Working Paper 94/13).

- 4.8 With respect to 3M cod, the Representative of Denmark noted the strength of the 1990-91 year classes upon which he expected a fishery would continue in 1995. He expressed concern about cod by-catches in the 3M shrimp fishery and the need for better technical measures to protect juvenile fish. The Representative of Canada stated that Canada's approach was to follow the Scientific Council's advice for no directed fishery. He asked what would be the potential benefits of a continued moratorium and how soon could these benefits be expected. The SC Chairman advised that as the 1990-91 year classes will enter into the spawning stock at age 6, we could expect an increased spawning stock for 1996-97. He would try to advise on when a fishery could be opened and what quantity of fish could be expected at that time.
- 4.9 With respect to 3M shrimp, the Representative of Denmark noted its approach was for appropriate conservation measures to permit continuation of the fishery. He proposed a working group to examine shrimp management issues and the reduction of by-catches.
- 4.10 Concerning 3NO cod, the Representative of Canada stated that consistent with the scientific advice, he took the view that a continued ban on directed fishing was the only way to protect the 1989 year class and allow rebuilding of the stock.
- 4.11 Consistent with the SC advice for 3LNO American plaice, 3LNO Yellowtail flounder and 3NO Witch, the Representative of Canada expressed the position that continuation of the current bans on directed fishing was essential to halt the decline and allow rebuilding of these stocks.
- 4.12 With respect to 3NO capelin, the Representative of Norway expressed the view that the current fishing ban on directed fishing should be continued.
- 4.13 With respect to 3L cod, the Representative of Canada endorsed the SC position for no directed fishery.
- 4.14 With respect to Greenland halibut, the Canadian side gave a Geographic Information Systems (GIS) presentation to illustrate the status of the stock as per the SC advice and to show catch and biomass trends inside the Canadian zone relative to those in the Regulatory Area. The tables used in the presentation were provided as FC Working Paper 94/14. The Representative of Canada took the position that Greenland halibut in 2+3 needs to be managed as a single stock complex. The Representative of Canada noted the clear SC advice for reduction in fishing effort. He outlined various options that could be considered - in ascending order of risk to the conservation of the stock: firstly, no fishing in 1995, secondly to set a TAC at 25% of the recent catch levels which would allow a TAC of about 15 000 tons for 1995, which would be comparable to the reductions that Canada had taken inside its zone in July 1994. A third option, and a higher risk to conservation would be a TAC of 20 000 tons based on the average stable catches from 1981-1986 of 25 000 tons but taking into account the age composition of the biomass. He stated that 15 000 tons would seem a reasonable compromise and would be Canada's preferred approach. He acknowledged that there were comments that actual catches may have been as low as 42 000 tons rather than the 62 000 tons figure used by the Scientific Council. He stated that these differences showed the need for a targeted observer scheme for Greenland halibut. He also noted the need for coordinated deep water research on this stock for which Canada was open to cooperate with the other Parties.



- 4.15 The Representative of the EU noted that increases in catches also had occurred for Greenland halibut in Areas 0 and 1. He noted the uncertainties as background to the SC stock assessment. There was uncertainty in the SC advice regarding the harvest of 2+3 Greenland halibut, i.e. as high as 62 000 tons and perhaps as low as 42 000 tons. He also noted the questions regarding the quality and comparability of the data, the uncertainty regarding Catch per Unit of Effort, all of which allowed room for different interpretations. However he understood the SC advice recommending that fishing effort be reduced so as not to exceed a harvest of 40 000 tons. He noted that the EU was cognizant of the fact that 2+3 Greenland halibut may need to be regulated and that he would listen to other delegations' statements on how the situation could be improved. He noted the EU's support for preparation of a list of research items on 2+3 Greenland halibut by the Scientific Council and that the EU would try to allocate the necessary funds towards this research. The Representative of Canada noted that in Area 0, Canada had cut its 1994 quota from 12 000 tons to 5 500 tons in June 1994. He also clarified that the SC was not recommending a TAC of 40 000 tons; rather that current effort levels were estimated to catch 40 000 tons and there was a need for a significant cut in this effort.

### 5. Management and Technical Measures for Fish Stocks in the Regulatory Area (items 17.1 to 17.4)

#### 5.1 Cod 3M

The Representative of Denmark proposed a TAC of 11 000 tons which was supported by the Representative of the EU. The Representative of Canada stated that in view of the scientific advice for no directed fishery in 1995, Canada could not support the proposal. Following a vote, a **TAC of 11 000 tons was adopted**. The vote was carried by six Parties in favour (Denmark (in respect of the Faroe Islands and Greenland), Estonia, EU, Latvia, Lithuania, Poland). Four Parties abstained (Japan, Korea, Norway and Russia) and three Parties opposed (Canada, Cuba and Iceland).

#### 5.2 Redfish 3M

The Representative of Russia proposed a TAC of 26 000 tons.

**A TAC of 26 000 tons for 1995 was adopted** by consensus.

#### 5.3 American plaice 3M

The Representative of Canada proposed no directed fishery consistent with the scientific advice. It was clarified that the expected by-catches would be approximately 1 000 tons.

It was agreed by consensus that **no directed fishery** shall be carried out in 1995.

#### 5.4 Shrimp 3M and 3LNO

The Chairman of the Working Group, Mr. E. Lemche, Denmark (in respect of the Faroe Islands and Greenland) provided a report of the Working Group on Shrimp in the Regulatory Area (FC Working Paper 94/15). He noted that the discussions were constructive and highlighted a number of problems. The Working Group recommended that the 40mm mesh size for shrimp fisheries in 3M be continued for 1995 and that the

Fisheries Commission ask the Scientific Council to identify research activities necessary to assess the status of the 3M shrimp stock, however it could not reach consensus on the other issues with respect to 3M and 3LNO shrimp.

The SC Chairman reported on the loss of yield of 3M redfish as a result of by-catches (FC Working Paper 94/15, FC Working Paper 94/12 - Third Revision). In response to a question from the Representative of Estonia, the SC Chairman noted that seasonal and area variations in by-catches were well documented for one year so far however it was not known whether these occurred regularly on an annual basis.

Following discussions by heads of delegations, the Chairman summarized a proposal for shrimp as follows:

- 1) No shrimp fishery in 3LNO for 1995;
- 2) In 3M shrimp, reduce the bar space from 28 to 22mm;
- 3) In 3M shrimp, reduce the groundfish by-catch ceiling from 10% to 5% which triggers the requirement to move fishing grounds;
- 4) In 3M shrimp, maintain the same level of observer coverage as in 1994 - 10%;
- 5) In 3M shrimp, maintain the same mesh size at 40 mm.

The foregoing proposal was adopted. (Annex 3)

#### **6. Management and Technical Measures for Fish Stocks Straddling National Fishing Limits (items 18.1 to 18.10)**

##### **6.1 Cod 3NO**

The Representative of Canada proposed a continuation of the moratorium in light of the scientific advice. The Representatives of Russia and Cuba supported the proposal.

It was agreed by consensus that **no directed fishery** shall be carried out in 1995.

##### **6.2 Redfish 3LN**

The Representative of the EU proposed a TAC of 14 000 tons.

**A TAC of 14 000 tons was adopted by consensus.**

##### **6.3 American plaice 3LNO**

The Representative of Canada proposed continuation of the moratorium.

It was agreed by consensus that **no directed fishery** shall be carried out in 1995.

##### **6.4 Yellowtail flounder 3LNO**

The Representative of Canada proposed a continued moratorium.

It was agreed by consensus that **no directed fishery** shall be carried out in 1995.

6.5 **Witch flounder 3NO**

The Representative of Canada proposed no directed fishery.

It was agreed by consensus that **no directed fishery** shall be carried out in 1995.

6.7 **Capelin 3NO**

The Representative of Norway proposed **no directed fishery** for 1995.

It was agreed by consensus that **no directed fishery** shall be carried out in 1995.

6.8 **Squid (Illex) Subareas 3 and 4**

The Representative of Cuba proposed to maintain the TAC at 150 000 tons.

A TAC of 150 000 tons for 1995 was adopted by consensus.

6.9 **Shrimp 3LNO**

This was covered under item 5.4.

6.10 **Management and Technical Measures for the following stocks, if available in the Regulatory Area in 1995: Cod in Division 3L**

The Representative of Canada proposed in light of the available scientific advice for a moratorium that directed fisheries for cod in Division 3L in the Regulatory Area should continue to be prohibited in 1995.

**This proposal was adopted** by consensus.

6.11 **Greenland halibut 2+3**

On the basis of the EU's understanding of the best scientific advice, the Representative of the EU proposed a TAC of 40 000 tons. There was no support for this proposal.

The Representative of Norway proposed in the spirit of compromise a TAC of 27 000 tons. The Representatives of Russia and Canada supported this proposal.

**A catch limitation of 27 000 tons was adopted** by the Fisheries Commission. The European Union abstained.

6.12 **Quota Table**

The Representative of Korea requested an allocation of 2 000 tons of squid for 1995. The Representatives of Canada and Cuba supported an allocation of 2 000 tons to be transferred from the Squid - "Others" Quota. **This proposal was adopted** by consensus.

The Representative of Russia objected to the block quotas and to footnote 1 of the Quota Table. The Representative of Estonia stated that the block quota was harmful and undermined the principle of compliance with the TAC. He requested all Contracting Parties to contribute to a speedy resolution of this issue and called upon the countries sharing the collective quota to stop fishing once the quota has been reached. The Representative of Latvia supported the statements of Russia and Estonia and requested that resolution of the block quotas be added to the agenda of the Special Meeting of the Fisheries Commission. The Representative of Lithuania also supported the need to resolve the block quota question. The Meeting agreed to handle this issue at a Special Meeting of the Fisheries Commission Meeting.

With respect to Greenland halibut in Subareas 2+3, the Meeting agreed that decisions on allocation of quotas to Contracting Parties would be made at a Special Meeting of the Fisheries Commission to be called by the Fisheries Commission before January 1, 1995. The Meeting further agreed that until these decisions are made, the provisions of Part I, Section A.3 of the NAFO Conservation and Enforcement Measures shall apply and that any catches taken as from January 1, 1995 by a Contracting Party would be deducted from the quota of this Contracting Party to be agreed by the Fisheries Commission at its Special Meeting. This was noted in footnote 6 of the Quota Table. With respect to the timing of the Special Meeting, the Chairman announced that "the Fisheries Commission has requested the Chair to call for a Special Meeting of the Fisheries Commission before the first of January 1995. The Chair will undertake all efforts to organize this meeting before this date".

The Fisheries Commission adopted the Quota Table as attached (Annex 5), in accordance with Schedule 1 of the NAFO Conservation and Enforcement Measures with the exception of four Parties - Estonia, Latvia, Lithuania and Russia, for which a "block quota" was allocated on the same conditions as last year as is noted in footnote 1 thereto.

#### **7. Formulation of Request to the Scientific Council for Scientific Advice on the Management of Fish Stocks in 1995 (item 19)**

- 7.1 Following a proposal by the Representative of Canada, it was agreed to submit a request to the Scientific Council (Annex 6) for scientific advice on management in 1996 of certain fish stocks in Subareas 3 and 4. It was agreed to amend this working paper to also include the recommendation of the Shrimp Working Group to identify research activities necessary to assess the status of the 3M shrimp stock. It was noted that the Scientific Council had provided a report on research needed to address the uncertainties about stock structure and status of Greenland halibut (Annex 7).

#### **8. Transfer of Quotas Between Contracting Parties (item 20)**

- 8.1 It was agreed that the NAFO Executive Secretary would prepare a table outlining any transfer of quotas during 1994.

#### **9. Closing Procedures (items 21 to 23)**

- 9.1 The 17th Annual Meeting will be held on 11-15 September 1995 in the Halifax-Dartmouth area subject to the decision of the General Council.

- 9.2 There was no other business to discuss at the Meeting.
- 9.3 The Representative of Canada thanked the Chairman of the Fisheries Commission on behalf of the Meeting for his efforts and objectivity in conducting the meetings of the Fisheries Commission.
- 9.4 The Annual Meeting of the Fisheries Commission was adjourned at 1330 hours on 23 September 1994.

#### **Adoption of Report**

The Report of the Fisheries Commission was reviewed and adopted by unanimous consent by the Fisheries Commission on 12 January 1995 (according to GF/94-633 of 12 December 1994).

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## **Annex 2. Agenda**

### **I. Opening Procedures**

1. Opening by the Chairman, H. Koster (EU)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Admission of Observers
5. Publicity

### **II. Administrative**

6. Review of Commission Membership

### **III. Conservation and Enforcement Measures**

7. Incorporation of a Catch Reporting System into the Hail System
8. Effort Plans for the Vessels of Contracting Parties Operating in the Regulatory Area
9. Nominal Catches by Contracting Parties Exceeding Quotas
10. NAFO Rules Regarding Incidental Catches
11. Annual Return of Infringement, Surveillance, Inspection Reports
12. Fishing Vessel Registration in the Regulatory Area
13. Review of the NAFO Observer Scheme Pilot Project
  - 13.1 Reports by Contracting Parties on the results of pilot projects
  - 13.2 Evaluation of any administrative or operational problems of the program
  - 13.3 Assessments of the effectiveness and the costs of the program
  - 13.4 Appropriateness of including an observer scheme in the NAFO Conservation and Enforcement Measures
  - 13.5 Decision on proposals for a NAFO Observer Scheme
14. Minimum Fish Size (witch, redfish, Greenland halibut) and Minimum Size of Processed Fish (witch, redfish, G. halibut, cod, A. plaice, yellowtail flounder)
15. Report of STACTIC at the Annual Meeting

#### IV. Conservation of Fish Stocks in the Regulatory Area

16. Summary of Scientific Advice by the Scientific Council
17. Management and Technical Measures for Fish Stocks in the Regulatory Area
  - 17.1 Cod in Div. 3M
  - 17.2 Redfish in Div. 3M
  - 17.3 American plaice in Div. 3M
  - 17.4 Shrimp in Div. 3M
18. Management and Technical Measures for Fish Stocks Straddling National Fishing Limits
  - 18.1 Cod in Div. 3NO
  - 18.2 Redfish in Div. 3LN
  - 18.3 American plaice in Div. 3LNO
  - 18.4 Yellowtail flounder in Div. 3LNO
  - 18.5 Witch flounder in Div. 3NO
  - 18.6 Capelin in Div. 3NO
  - 18.7 Squid (*Illex*) in Subareas 3 and 4
  - 18.8 Shrimp in Div. 3LNO
  - 18.9 Management and Technical Measures for the following stocks, if available in the Regulatory Area in 1995:
    - i) Cod in Div. 3L
  - 18.10 Greenland halibut
19. Formulation of Request to the Scientific Council for Scientific Advice on the Management of Fish Stocks in 1996
20. Transfer of Quotas Between Contracting Parties

#### V. Closing Procedures

21. Time and Place of the Next Meeting
22. Other Business
23. Adjournment

### Annex 3. Decisions by the Fisheries Commission on the Conservation and Enforcement Measures in the Regulatory Area

- I. To amend: Part I - Management, Other Measures, item E  
to read: Cod in Div. 3L

Noting differences that have been expressed on the subject of 2J3KL cod by Contracting Parties,

Noting the need to avoid prejudice to the legal position of any Contracting Party on this subject,

Noting the current moratorium that is being applied by Canada to the fishing of this stock,

Noting the available scientific advice,

Directed fisheries for this cod in Division 3L in the Regulatory Area shall not be permitted in 1995.

- II. To amend: Part I, - Management, Other Measures, items F & G  
to read: Shrimp in Div. 3M and 3LNO

- F. Vessels fishing for shrimp in Division 3M in 1995 shall use nets with a minimum mesh size of 40 mm.

Vessels fishing for shrimp in Division 3M in 1995 shall use sorting grids or grates with maximum spacing between the bars of 22 mm.

In the event that total by-catches of all regulated groundfish species in any haul exceed 5 percent by weight, vessels shall immediately change fishing area (minimum of 5 nautical miles) in order to seek to avoid further by-catches of regulated groundfish.

A Contracting Party shall ensure that its vessels fishing shrimp in Division 3M in 1995 are included in its implementation of the pilot project for a NAFO observer scheme, as outlined in Part VI of the Conservation and Enforcement Measures. A Contracting Party shall further deploy observers so as to ensure that a minimum of 10 percent of the Contracting Party's total estimated fishing days on ground for shrimp in Division 3M in 1995 are subject to observation.

- G. Due to biological considerations, all Contracting Parties shall ensure that their vessels shall not conduct a directed fishery for shrimp in division 3LNO in 1995.

- III. To amend: Part VI-Pilot Project for a NAFO Observer Scheme  
to modify: The Pilot Project shall be extended to 31 December 1995 and all dates in Part VI be modified accordingly.

## **Annex 4. Canadian Proposal to Continue the Pilot Project Observer Scheme to Increase Coverage Levels, and to Define Criteria Which Could be Used to Measure the Effectiveness of the Pilot Project**

### **Background**

The pilot project observer scheme was implemented on January 1, 1993. The project requires Contracting Parties, that anticipate their annual fishing operations to exceed 300 fishing days, to deploy trained individuals on 10% of their vessels to monitor compliance with the Conservation and Enforcement Measures.

At a Special Meeting (August 30 - September 1, 1994), STACTIC could not reach a conclusion on the effectiveness of the pilot project observer scheme.

Some STACTIC representatives expressed the view that observer deployments simply confirmed information reported by inspectors while others felt that masters were deterred from committing apparent infringement by the presence of observers.

It is important that the Fisheries Commission be provided with a detailed assessment of the pilot project observer scheme to determine if such a scheme is an appropriate and effective means to monitor compliance by fishing vessels with Conservation and Enforcement Measures.

The current pilot project terminates December 31, 1994.

### **Proposal**

Canada proposes that the Fisheries Commission continue the pilot project observer scheme continue in 1995.

Canada further proposes that coverage levels for certain fisheries be increased. Specifically, coverage levels should be increased to 20% for the Greenland halibut and shrimp\*. This proposal would require minor amendments to paragraph 3(b) of Part VI of the Conservation and Enforcement Measures.

Paragraph 3(b) of Part VI should be amended as follows:

- 3(b) Deploy those observers appropriately to ensure that a minimum of 20% of the Contracting Party's total estimated fishing days for Greenland halibut and shrimp in the Regulatory Area during 1995 are subject to observation. Other fisheries in the Regulatory Area should be subject to coverage levels of 10%.

Increased coverage levels will provide additional information on the levels of compliance by fishing vessels with all Conservation and Enforcement Measures. Increased coverage levels will also provide additional data against which the pilot project could be properly evaluated.

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\* NOTE: Canadian Representative noted at the Meeting that 20% coverage for shrimp should be changed to 10% as result of earlier agreement at the Commission.



To ensure that the effectiveness of the pilot project can be properly assessed, Canada proposes that the Fisheries Commission instruct STACTIC to develop specific criteria against which the scheme can be evaluated.

These criteria should, as a minimum, include comparative analysis of the fishing practices of observed and non-observed vessels. This analysis should focus on observed and non-observed vessels that fish in the same NAFO divisions during similar time periods and could include analysis of:

- variations in compliance levels for significant Conservation and Enforcement Measures
- variations in reported by-catch and discard levels
- variations in reported catches of regulated and non-regulated species

Other analyses could include a comparison of the costs/results of observer coverage and inspection vessels.

STACTIC should meet in advance of the 17th Annual Meeting to evaluate the effectiveness of the pilot project Observer Scheme and present a report to the Fisheries Commission at the 17th Annual Meeting.

## Annex 5. Quota Table for 1995

QUOTA TABLE: Total allowable catches (TACs) and quotas (metric tons) for 1995 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 fishing zone, where applicable.

Contracting Party	Cxd		Redfish			A. plaice			Yellowtail		Witch		Capelin		G. halibut		Squid (Illex) <sup>1,2</sup>	
	Division:	3M	3NO*	3M	3LN	3M*	3LNO*	3LNO*	3LNO*	3NO*	3NO*	SA 2+3	SA 3+4					
1. Bulgaria			N	390	-	N	N	N	N	N	N		500					
2. Canada		85	O	650	5 964	O	O	O	O	O	O		N.S. <sup>4</sup>					
3. Cuba		407		2 275	1 372								2 250					
4. Denmark (Faroe Islands and Greenland)		2 461	D	-	-	D	D	D	D	D	D		N.S. <sup>4</sup>					
5. European Union		5 485	I	4 030	476	I	I	I	I	I	I							
6. Iceland			R	-	-	R	R	R	R	R	R							
7. Japan			E	520	-	E	E	E	E	E	E		2 250					
8. Korea			C	-	-	C	C	C	C	C	C		2 000					
9. Norway		1 018	T	-	-	T	T	T	T	T	T							
10. Poland		424	E	-	-	E	E	E	E	E	E		1 000					
11. Estonia			D	-	-	D	D	D	D	D	D							
12. Latvia			F	-	-	F	F	F	F	F	F							
13. Lithuania		1 078 <sup>1</sup>	I	18 005 <sup>1</sup>	6 104 <sup>1</sup>	I	I	I	I	I	I		5 000 <sup>1</sup>					
14. Russia			S	-	-	S	S	S	S	S	S							
			H	-	-	H	H	H	H	H	H							
			I	-	-	I	I	I	I	I	I							
			N	-	-	N	N	N	N	N	N							
			G	42	84	G	G	G	G	G	G		3 000					
Total Allowable Catch	11 000	*	*	26 000	14 000	*	*	*	*	*	*	27 000 <sup>6</sup>	150,000 <sup>5</sup>					

<sup>1</sup> Quotas to be fished by vessels from Estonia, Latvia, Lithuania and the Russian Federation. The provisions of Part I, Section A.3 of the NAFO Conservation and Enforcement Measures shall apply.

<sup>2</sup> The opening date for the Squid (Illex) fishery is 1 July.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> The TAC would remain at 150 000 tonnes subject to adjustment where warranted by scientific advice.

<sup>6</sup> Decisions on catch shares to be made at a Special Meeting of the Fisheries Commission. Until these decisions are made, the provisions of Part I, Section A.3 of the NAFO Conservation and Enforcement Measures shall apply. Any catches taken as from 1 January 1995 by a Contracting Party will be deducted from the quota of this Contracting Party to be agreed by the Fisheries Commission at its Special Meeting.

\* The provisions of Part I, Section A.4b) of NAFO Conservation and Enforcement Measures shall apply.

## Annex 6. Fisheries Commission's Request for Scientific Advice on Management in 1996 of Certain Stocks in Subareas 3 and 4

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 1995 Annual Meeting, provide advice on the scientific basis for the management of the following fish and invertebrate stocks or groups of stocks in 1996:

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)  
 Shrimp (Div. 3M)  
 Greenland halibut (Subareas 2 and 3)

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. As general reference points the implications of fishing at  $F_{0.1}$ ,  $F_{1994}$  and  $F_{max}$  in 1996 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 1996 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. 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 offered that specifically respond to such concerns.
- 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 1996 over a range of fishing mortality rates (F) at least from  $F_{0.1}$  to  $F_{max}$ .
    - a graph showing spawning stock biomass at 1.1.1997 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 is asked to review all data available on the implications of using 90 mm minimum mesh size in mid-water trawls when fishing for redfish in Div. 3LN, in comparison to 130 mm. This should include consideration of fish lost during haulbacks.
5. Noting that the Scientific Council held a Symposium on Seals in the Ecosystem, the Fisheries Commission requests a detailed report on the nature and extent of analyses that were tabled at the Symposium with respect to the interrelation between seals and commercial fish stocks, together with recommendations on research needed to quantify further interactions.

6. Noting the Scientific Council's recommendations for coordinated research on Greenland halibut, the Fisheries Commission and the two Coastal States emphasize the urgency of acquiring information on the distribution and stock status. The Scientific Council is requested to pursue its coordinated efforts and member countries are urged to commit the necessary resources to the research.

## Annex 7. Request From Fisheries Commission With Respect to Research Requirements for Greenland Halibut

In response to a request of the Fisheries Commission, the Council reviewed the research requirements considered necessary to significantly enhance knowledge on the biology and assessment of Greenland halibut in NAFO Subareas 2 and 3.

The major requirements are

- 1) survey coverage of the total stock area to depths of at least 1500 meters
- 2) data from the commercial fisheries including biological data

At present, part of the distribution area is being surveyed but coverage of deep strata has not been carried out except on an occasional basis. It is recognized that for proposals for expanded surveys to deeper water than usual some vessels currently used do not have the capacity to carry out surveys in deeper waters. Therefore, vessels with the necessary capability to fish deep water would be required as a complement.

In reviewing the current survey activity in comparison to the major requirement the Council noted that:

- 1) There has been no recent stratified random bottom trawl survey in Divisions 2GH.
- 2) The annual Canadian groundfish surveys conducted in autumn in Divisions 2J+3K and 3LNO extends only to 1000 meters and to 730 m respectively.
- 3) The only deeper water survey in 3KLMN was a Canadian survey carried out in the winter of 1994. If this is repeated, it should (at least) use the same design, gear and the same or similar vessel as used in 1994. In addition, the survey should be expanded to cover additional area in Divisions 3NO to where the commercial fishery has also expanded in recent years.
- 4) The annual groundfish survey conducted by the European Union in Division 3M during summer (mainly July) does not extend below 700 meters nor does it include the area of the Flemish Pass.
- 5) The European Union proposed Greenland halibut survey in the NAFO Regulatory Area using longlines to depths of 2000-2500 meters should be carried out in autumn 1995 in conjunction, and as a complement, to the Canadian groundfish surveys.
- 6) There is a need to expand sampling of the commercial fishery for biological data such as length, sex, maturity and age especially from deepwater fixed gear fisheries in Canada's far north where current sampling is very limited.

- 7) For the purpose of examining migratory patterns especially in the deepwater of 3LMNO, tagging studies should be conducted. As a first initiative, this should be conducted, in part, during the proposed European Union longline survey since longline gear offers an increased chance of survival from tagging.
- 8) In response to continued requests from the Fisheries Commission regarding minimum landing size for Greenland halibut, some gear selectivity studies using current regulated mesh size would be informative.

In addition to the above proposals, it would be advisable to continue the trawl surveys in Subarea 1 being the longest continuous survey time series on the stock in recent years, and further to supplement this with surveys in Division 0B offshore so as to cover the offshore distribution area.

Besides a thorough collection of biological data including length, sex, maturity, fecundity, diet etc., from the above proposed surveys and expanded surveys, a complete set of appropriate environmental observations should be collected.

**Annex 8. List of Decisions and Actions by the Fisheries Commission  
(16th Annual Meeting; 19-23 September 1994)**

Substantive issue (propositions/motions)	Decision/Action (FC Doc. 94/13; item)
1. Incorporation of a Catch Reporting System in the Hail System	Deferred to 17th Annual Meeting (item 3.1)
2. Effort Plans for the Vessels of Contracting Parties Operating in the Regulatory Area	Deferred to 17th Annual Meeting (item 3.2)
3. Nominal Catches by Contracting Parties Exceeding Quotas	Modified (item 3.3)
4. NAFO Rules Regarding Incidental Catches	Withdrawn (item 3.4)
5. Annual Return of Infringement, Surveillance, Inspection Reports	Canadian proposal adopted as Revised (item 3.5)
6. Fishing Vessel Registration	Agreed to discontinue this presentation (item 3.6)
7. NAFO Observer Scheme Pilot Project	Extended to 1995 (item 3.7)
8. Minimum Fish Size (Part I.D of the Measures)	Deferred to 17th Annual Meeting (item 3.8)
9. Report of the STACTIC Special Meeting (30.08-01.09.94) on the Pilot Project Observer Scheme (FC Doc. 94/5)	Adopted (item 3.9)
10. Report of STACTIC at the 16th Annual Meeting (Part II, FC Doc. 94/13)	Adopted (item 3.9)
11. TACs/Regulatory Measures for major species for 1995 in the Regulatory Area:	Adopted (items 5 and 6)
Cod in Div. 3M	
Redfish in Div. 3M	11,000 tons
A. plaice in Div. 3M	26,000 tons
Cod in Div. 3NO	no directed fishery
Redfish in Div. 3LN	no directed fishery
A. plaice in Div. 3LNO	14,000 tons
Y. flounder in Div. 3LNO	no directed fishery



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Substantive issue (propositions/motions)	Decision/Action (FC Doc. 94/13; item)
Witch flounder in Div. 3NO Capelin in Div. 3NO Squid in Subareas 3+4	no directed fishery no directed fishery 150 000 tons
12. Regulatory Measures for shrimp fishery 3M and 3LNO	Adopted (item 5.4)
13. No directed fishery for Cod in Div. 3L of the Regulatory Area in 1995	Adopted (item 6.10)
14. Regulatory Measures for Greenland halibut in 2+3: Catch limitation of 27,000t	Adopted (item 6.11)
15. Schedule I-Quota Table for 1995 for NAFO Conservation and Enforcement Measures (Part V) for international regulation of the fisheries for particular stocks	Adopted (item 6.12)
16. Request to the Scientific Council for scientific advice on management of fish stocks in 1996	Adopted (item 7.1)

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## PART II

### Report of the Standing Committee on International Control (STACTIC)

16th Annual Meeting, 19-23 September 1994  
Dartmouth, Nova Scotia, Canada

#### 1. Opening of the Meeting (item 1 of Agenda)

The Chairman of STACTIC, D. Brock (Canada) welcomed the delegates to the meeting. The STACTIC delegations comprised Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), the EU, Estonia, Iceland, Japan, Republic of Korea (Korea), Latvia, Lithuania, Norway, Poland and Russia. (Annex 1)

#### 2. Appointment of Rapporteur (item 2)

Miss C. J. Bowles (EU) was appointed Rapporteur.

#### 3. Adoption of Agenda (item 3)

The Chairman invited observations on the Provisional Agenda. The Canadian delegation proposed that Agenda item 10a) be amended to read:

"Canadian proposal regarding notification of fishing vessels",

and that an item 10b) be added:

"Canadian proposal regarding disposition of apparent infringements".

The Russian delegation indicated that they would be submitting additional information to supplement the report to be considered under agenda item 7 - Review of the NAFO Observer Pilot Project.

There were no further comments on the Agenda which was adopted as amended above and by those items referred by the Fisheries Commission (Annex 2).

#### 4. Review of Annual Return of Infringements and Canadian Proposal Regarding Disposition of Apparent Infringements (item 4)

4.1 The Chairman invited comments on the Annual Return (FC Working Paper 94/3, Revised) which represented the first report compiled in the new format. The Canadian delegation sought clarification of the summary totals information which the Executive Secretary explained enabled the data from Canada/Denmark/EU to be condensed to a single entry. The Danish delegation considered this could be further clarified by moving the country names above the summary total.

- 4.2 The Canadian delegation sought clarification of the terms "cited" and "convicted" in the column headed "Disposition of apparent infringements and/or catch record discrepancies".
- 4.3 The EU delegation explained that "cited" was used when their own review of inspection reports led them to add missing details which were then notified to the flag states. Details of what was covered by "convicted" were not to hand but could be obtained by other Contracting Parties should they request specific information. Other data missing from the report on disposition of infringements would be forwarded as soon as possible to the Executive Secretary. Canada pointed out the EU had provided detailed information on fines in previous years.
- 4.4 The Canadian delegation explained the instances in which warning letters were sent to vessel owners. These were used in respect of only minor infringements, where, for instance, vessels might be unfamiliar with the hail system and report catch in pounds instead of kilograms. The Danish and Russian delegations provided updates to the annual report which the Executive Secretary would further amend in the light of discussions.

The Canadian delegation introduced its proposal regarding disposition of apparent infringements (STACTIC Working Paper 94/19-Canadian Proposal for Enhanced Reporting on Disposition of Apparent Infringements) by which it sought to give greater precision to the requirement to report "in specific terms" on the penalties imposed by flag states in respect of infringements. In addition, the proposal sought to change the reporting period from an annual to a quarterly basis. In clarification to the EU delegation, the Canadian delegation explained that written warnings would be included under the proposed heading of "administrative action".

- 4.5 Both the Russian and Danish delegations expressed their support for the Canadian proposal.
- 4.6 The EU delegation had both difficulties of principle and of practice. In practice, because of judicial secrecy, it would be difficult to supply some of the information sought while litigation was pending. In principle, it doubted the value of having the detail requested, particularly relating to amounts of fines as they could vary greatly depending on circumstances.

The EU delegation suggested that renewed commitment be given to the regular and timely submission of information to NAFO and that Contracting Parties could seek further details on a bilateral basis on particular cases of interest.

- 4.7 The Chairman concluded that there was no consensus in favour of the Canadian proposal, but agreement was reached on the commitment to make returns on the disposition of infringements in a timely manner and to pursue specific points of interest bilaterally.

## 5. Review of Surveillance and Inspection Reports (item 5)

- 5.1 The Canadian delegation presented its report on surveillance activities and inspections in the Regulatory Area (STACTIC Working Paper 94/14). There were no comments or questions from the other delegations.

- 5.2 The Russian delegation reported an observer of the Russian Federation on board its vessel "Vaygach" sighted a Honduran vessel ("Danica") engaged in fishing activity in Div. 3M of the Regulatory Area.
- 5.3 There were no comments on the annual returns from Canada and the EU summarized in FC Working Paper 94/7.

#### **6. Review of Registration of Vessels Fishing in the Regulatory Area (item 6)**

- 6.1 The Chairman introduced the report, FC Working Paper 94/6. The Executive Secretary pointed out that general information on the total number of vessels sighted was available but not necessarily reported by individual vessel. The Chairman asked delegations to indicate how useful they found this summary table.
- 6.2 The EU delegation queried the usefulness of giving data on sightings when the hail already gives an indication that vessels are in the Regulatory Area. He asked the Canadian delegation to comment in the light of some of its vessels being excluded from the obligation to hail.
- 6.3 The Canadian delegation outlined the requirement for all groundfish vessels and offshore shrimp vessels to hail. Those fishing for other species not under the control of NAFO are not required to hail. In the case of inshore vessels with an allocation of straddling stocks where they could take that allocation within or outside the 200-mile limit complicated this registration process. This latter complication would be addressed by the proposal to be considered under Agenda item 10a).
- 6.4 The EU delegation referred to the desirability of minimizing needless enforcement action in respect to vessels fishing in the Regulatory Area but not under NAFO control. It suggested producing appropriate lists for inspectors' use. The Canadian delegation agreed that there was a problem to be solved and suggested, in respect of its own vessels, that this was best done by its own internal measures. It would be able to make available a list of those Canadian vessels which might enter the NAFO Regulatory Area but which would be fishing for those species in respect of which no hail is necessary. This should be made available as soon as possible and in any case before the start of the 1995 fishing season.
- 6.5 As a result of further discussion, delegations concluded that the report in its current form would only be made useful with considerable effort. They expressed their gratitude to the Executive Secretary for his efforts but concluded that this report need not be produced in future.

#### **7. Review of the NAFO Observer Scheme Pilot Project (item 7)**

- 7.1 The Chairman introduced the two reports comprising this item (NAFO/FC Doc. 94/5 and NAFO/FC Doc. 94/6). The Russian delegation supplied further information to supplement the reports (STACTIC Working Paper 94/21) and explained its conclusions that the pilot project had not demonstrated any particular benefits. The Cuban delegation explained that it had not participated in the pilot scheme over the past two years but intended to do so next year.

- 7.2 The Chairman outlined the three questions which the Fisheries Commission had remitted to STACTIC in connection with the NAFO Pilot Observer Scheme:
- how could observers be targetted on fisheries of concern;
  - how could serious infringements be handled expeditiously; and,
  - was it possible to develop criteria to evaluate the observer scheme.
- 7.3 In respect of the first question, delegations, after some clarification, concluded that the Fisheries Commission, on the basis of advice from the Scientific Council, should recommend to Contracting Parties what the targetted species should be for conservation purposes. It was agreed not to put forward recommendations in respect of enforcement targets. The Fisheries Commission recommended that 3M shrimp and Greenland halibut should be targetted. The EU delegation asked whether those delegations with experience of deploying observers in the previous two years could comment. The Danish delegation outlined how its observers had specifically monitored both shrimp and redfish by-catches and offered to make this information available to interested Contracting Parties.
- 7.4 Turning to the second question, the EU delegation drew attention to the consequences of changing an observer's "innocent" status, the difficulties getting vessels to accept observers; how would serious infringements be determined, and how an observer would go about contacting an inspection vessel. The Russian delegation was not in favour of changing an observer's role and felt it would be resisted by vessel owners.
- 7.5 As far as criteria for assessment were concerned, the EU delegation repeated its suggestion that, given that it had previously proved impossible to draw up criteria, the best solution was to try to show the relationship between, on the one hand the costs of the observer scheme plus the difficulties encountered, (ie training, recruitment and declining performance after prolonged periods at sea) compared to the benefits derived.
- 7.6 The Chairman took note of the range of views expressed. In accordance with Fisheries Commission decision, 3M shrimp and Greenland halibut would be targetted. On the question of handling serious infringements he would make the Fisheries Commission aware of the delegation's opinions and ask them to indicate in the light of these whether there should be a change of the role of observers if the pilot observer scheme was to be continued. He would further report STACTIC's opinions on the assessment criteria.

**8. Minimum Fish Size (Witch, Redfish, G. halibut) and  
Minimum Size of Processed Fish (Witch, Redfish,  
G. halibut, Cod, A. plaice, Yellowtail) (item 8)**

- 8.1 The Chairman invited the Canadian delegation to speak on its proposal (STACTIC Working Paper 94/15 - Canadian Proposal to Amend the NAFO Conservation and Enforcement Measures to Establish Processed Length Equivalents for Minimum Fish Sizes).
- 8.2 The Canadian delegation explained that there are already minimum fish sizes for three species and that the views of the Scientific Council in respect of Witch, Redfish, Greenland halibut were expected. There was an additional issue, namely whether processed length equivalents could be established in order to be able to determine

whether certain forms of processed fish were below the minimum fish size. The Chairman explained that the Chairman of the Scientific Council (Mr. H. Lassen) was asked to provide some data, on a minimum size for Greenland halibut (STACTIC Working Paper 94/22 -Minimum Legal Length of Greenland Halibut in ICES Subareas I and II) and suggested criteria for legal by-catch of shorter specimens. This was presented for information only and it should be referred to the Scientific Council for consideration.

- 8.3 Discussion on the proposal revealed differing views on the treatment of undersized fish. The Russian delegation reported that its views remained unchanged from the previous STACTIC meeting. It also referred to its own requirements that all fish be retained on board without discarding, and vessels moving from the area where small fish in excess of 10% in any one haul were encountered. The Norwegian delegation referred to a ban on catching and a ban on landing undersized fish as two approaches of tackling this management problem.
- 8.4 The Danish delegation felt that the Canadian proposal plugged a loophole. The Icelandic delegation also sympathized with the proposal's intention but it would be necessary to reflect on the processed length figures selected. Iceland echoed the Russian delegation's stance on discards and made the point that landing all fish generated important information on the numbers of undersized fish caught.
- 8.5 The Canadian delegation explained that the processed length equivalents it was proposing were derived in part from consultations with its industry. The views of other delegations on these equivalent would be welcomed as would further consideration of the principle of using minimum sizes for some forms of processed fish.
- 8.6 In further discussion, delegations again considered whether it was possible to specify those absolute minimum processed equivalent lengths which, taking account of national processing variations, could, with certainty show that fish were below a minimum landing size. The Russian delegation maintained its opposition to the proposal and referred to difficulties it had encountered in trying to obtain convictions from using similar evidence. It felt that the Scientific Council should again be asked for its views but was additionally of the view (as was the Estonian delegation) that the proposal exceeded the mandate of the NAFO Convention because it meant the Contracting Parties were now being asked to concern themselves with fish processing.
- 8.7 The Chairman suggested that the Scientific Council could be asked for its judgement on what percentage of the length of a fish of average size was comprised of the head. This could result in a means of arriving at a processed length equivalent.
- 8.8 In an attempt to progress matters, the Chairman asked delegations to indicate whether they agreed to the principle of establishing minimum processed length equivalents. The Danish, Japanese, Norwegian, Cuban, Estonian and Korean delegations could accept, with Canada, the principle of establishing these minima. The EU delegation could accept the principle subject to what it saw as the practical difficulties (ie its application to Contracting Parties operating a discard ban and the question being able to prove a violation of a minimum processed fish size. The Russian delegation could not accept the principle of having processed fish equivalents.

- 8.9 The Chairman indicated he would report the views of STACTIC to the Fisheries Commission.

### 9. Review of the Operation of the Hail System (item 9)

- 9.1 The Chairman introduced the three papers, STACTIC Working Papers 94/13, 94/16 and 94/17 - Operation of the Hail System, Canadian Report re Operation of the NAFO Hail System, Canadian Proposal re Incorporation of ETA and Port of Landing, respectively. He clarified that the reference in the first line of the first paragraph describing the operation of the hail system (STACTIC Working Paper 94/13) was to a 24 hour period - 3 pm of one day to 3 pm of the day following. The Japanese delegation pointed out that the entry in column 1 "Number of vessels" in respect of Japan should read "2" rather than "3".
- 9.2 The Chairman reminded delegations that the Fisheries Commission had asked STACTIC to consider the Canadian proposal (FC Working Paper 94/10-Canadian Proposal re Addition of Catch Reporting to the Hail System) and to comment on the advantages (if any) of incorporating catch data into the hail system.
- 9.3 Turning to STACTIC Working Paper 94/16, Canadian Report re Operation of NAFO Hail System, the Canadian delegation drew attention to the key points in the paper. In answer to a request for clarification from the EU delegation it explained that the final paragraph under the heading "Assessment" referred to occasions where it appeared that in some instances, after an overflight the hail would take place later on the same day. Canadian officials were conducting an analysis of this possible practice and would report on it at the next meeting.
- 9.4 The Canadian delegation introduced its proposal for enhancing the hail system with the addition of prior notification of intended port of landing and estimated time of arrival (STACTIC Working Paper 94/17). The Russian delegation explained its voluntary participation in the hail system. It was not convinced they received any benefits from the existing system and did not support any enhancements. It was further concerned about excessive bureaucracy. It supported comments made by the Lithuanian and Japanese delegations concerning the problems of applying this proposal to trans-shipments. In response the Canadian delegation accepted that trans-shipments could cause problems, but its aim was to try to produce a proposal to improve the existing system, even if it was not perfect.
- 9.5 The EU delegation referred to STACTIC's requirement to advise the Fisheries Commission on control and enforcement measures in the NAFO Regulatory Area. It did not consider that this proposal was in keeping with this responsibility and wondered whether it stemmed from a misapprehension about the effectiveness of the control measures Contracting Parties already had in place.
- 9.6 The Estonian and the Icelandic delegations both felt that the proposed change was not unduly onerous. The Icelandic delegation further thought that it was appropriate to consider these issues and problems occurring outside the NAFO Regulatory Area. The EU Delegation understood that the additional to the hail system might not be onerous but what it was seeking answers on was whether it provided any additional control.

- 9.7 The EU delegation suggested that existing measures operated by Contracting Parties could be adequate. The EU indicated their system for EU vessels tackles the problem widely. Advance notice for landings to other than the flag state is required. Also notice of landings outside the EU are required to the flag state. Notice of landings to the flag state are required to flag state authorities but not to EU NAFO authorities in Brussels. The Chairman asked all delegations to explain their domestic controls. The Russian delegation explained the system of control, in respect of the Barents Sea and their experiment in satellite position recording. The Danish delegation which supported the Canadian proposal had this system of advance notification in place as did the following delegations: Iceland, the EU, Poland, Norway (partial system) Canada and Japan (although most fish is transhipped at sea). Lithuania and Estonia were both working to introduce systems.
- 9.8 The Canadian delegation outlined its proposal (FC Working Paper 94/10), explaining that it had not changed from the previous version. The advantages it saw were: a) enhanced quota monitoring and prevention of quota overruns, b) the potential of deterring misreporting and detection of apparent infringements, and c) better deployment of inspection platforms.
- 9.9 The EU delegation questioned the advantages attributed by the proposal of the Canadian delegation, especially given that difficulties with the system to date had to call into question its functioning within "real time". It suggested, that in general the Contracting Parties arrangements for quota management, such as the completion of logbooks were already adequate. The Russian delegation echoed these comments and referred additionally to the cost of hailing and the additional costs this proposal could entail.
- 9.10 The Chairman took note of delegations' comments on all of the above papers and concluded, that (with the exception of the Canadian delegation), delegations had expressed the view they had doubts that the advantages were sufficient to outweigh the costs.
- 9.11 The EU delegation indicated it may be appropriate to await the findings of the pilot project aimed at automating information transfer between Brussels, Canada and the NAFO Secretariat.
- 9.12 Costs of any enhancements to the existing hail system were a key concern of delegations.
- 9.13 The Chairman indicated he would ask the Fisheries Commission to have the pilot project Phase I and II concluded at the earliest opportunity so that an appreciation of the technical difficulties and costs could be better understood before STACTIC consider these matters any further.

#### **10. Discussion of Other Conservation and Enforcement Measures (by Fisheries Commission request) (item 10)**

##### **Canadian proposal regarding notification of fishing vessels (item 10a of the Agenda)**

- 10.1 The Canadian delegation introduced its proposal set out in STACTIC Working Paper 94/18, Canadian Proposal to Remove Vessels Less than 19.8 Metres (65') from Notification of Fishing Vessels List. By altering the current exemption from notification



from vessels of less than 50 Gross Registered Tons to those of less than 65 feet (19.8 m) overall length, this would fit in better with Canada's management systems. This particular length would describe vessels of Canada's inshore fishing fleet which might rarely wish to take their allocations of straddling stock in the Regulatory Area. The number of vessels likely to do so were small but unpredictable. The alternative of including them all in the notification to NAFO would be to increase Canada's already lengthy list by some 4,000 vessels. Even if exempted from notification these vessels would have to comply with the hail requirements and all conservation and technical measures.

- 10.2 In response to other delegations' questions, the Canadian delegation explained that trying to gauge future activity from those inshore vessels who might have gone into the NAFO area over the last two years was unlikely to be helpful because of the effects of the moratorium. Making this proposal was not an attempt to circumvent the Canadian proposal to submit effort plans for these vessels to be introduced later at the Fisheries Commission.
- 10.3 The Danish delegation stated its support for the Canadian proposal. The Russian delegation reserved its position, considering that since only a very few vessels were involved they should all be subject to notification.
- 10.4 The Chairman concluded that STACTIC had on this occasion been unable to fully discuss the matter. Further consideration would be deferred to the next STACTIC meeting.

**Canadian proposal regarding disposition of apparent infringements (item 10b of the Agenda)**

(Discussion reported under Agenda item 4)

**11. Review Inspector's Manual (item 11)**

- 11.1 No substantive discussion of this item took place. It was agreed that Contracting Parties would send any comments to the Executive Secretary on the understanding that no changes would be made to the Manual without STACTIC's prior consent.

**12. Items Referred to STACTIC during the Annual Meeting  
by the Fisheries Commission (item 12)**

**Canadian proposal regarding effort plans for the vessels of Contracting Parties operating in the  
Regulatory Area (FC Working Paper 94/11)**

- 12a.1 The Canadian delegation referred to the brief presentation of the proposal made to the Fisheries Commission. It stressed that the plans were not something to which Contracting Parties would in any way be bound; they were designed to be a demonstration that Contracting Parties were responsible over matters of conservation by indicating planned fishing effort in relation to fishing opportunities.

- 12a.2 The Cuban delegation had some doubts that the nature of its industry's fishing could be meaningfully described in such a plan. The Japanese delegation suggested that its fishing patterns meant that it would prefer to give information on the total number of days in the Regulatory Area but not on a by species/by division basis. The Russian delegation drew attention to the problems where vessel owners might not be able to disclose detailed information.
- 12a.3 The EU delegation felt that further consideration needed to be given to whether or not to cover non-regulated species. Either option had the potential to distort the "planned" fishing effort in respect of quota species, thereby undermining the usefulness of effort plans.
- 12a.4 The Chairman asked whether delegations could support the idea suggested by the Japanese delegation. The Danish delegation suggested that the plans could be expressed in terms of maximum numbers of fishing days. The Russian delegation felt that it could support an idea of not splitting plans down by NAFO division, but that more thorough study was needed. It would be important to highlight in the title of the plans their provisional nature. Plans should be drafted only in respect of regulated species since fishing for unregulated species was often done on an ad hoc basis.
- 12a.5 The Chairman suggested that the plans be entitled "Planned effort in fishing days in the NAFO Regulatory Area for regulated species". In reporting to the Fisheries Commission he would indicate that non-regulated species were not covered, and that the plans could not therefore be said to be really representative of total effort in the Regulatory Area. The EU delegation asked that the Fisheries Commission additionally be told that there were difficulties in linking effort with quotas given the difficulty in anticipating the extent of fishing opportunities.

#### **Nominal catches by Contracting Parties exceeding quotas (item 12b of the Agenda)**

- 12b.1 The Chairman explained that STACTIC had been asked to reconsider the format of the report (FC Working Paper 94/8) to see if it could be rendered more useful. He also reminded delegations that in the Fisheries Commission the Canadian delegation had proposed abandoning the form whereas the Danish delegation had spoken in favour of its retention.
- 12b.2 The Danish delegation outlined the reasons for drawing up the form. Whilst there was existing information detailing quotas and catches there was nowhere simply stated the position of quotas taking account of transfers. Nor was there a statement of the "others" quotas and autonomous quotas. It was necessary to set these out in order more fully to explain what might otherwise register as an overfish. All this information was valuable, but the way it was set out as present might cause confusion.
- 12b.3 Delegations considered what the purpose of the table was. It was generally concluded that in a suitably amended form, it could refer to all species and quotas. The Chairman proposed that the table should in future consist of the following columns:
- NAFO area/species
  - Name of Contracting Party
  - Original NAFO quota

- NAFO quota after any transfers. The source of quota transfers to be given as a footnote.
- Autonomous quotas (where applicable)
- Catch figures

12b.4 All delegations could accept the Chairman's proposal, with the exception of the Canadian delegation which wanted to delete the entry for autonomous quotas. The Chairman undertook to report this to the Fisheries Commission accordingly.

### 13. Time and Place of Next Meeting (item 13)

The next meeting of STACTIC will take place subject to the Fisheries Commission decision.

### 14. Other Matters (item 14)

There was no other business.

### 15. Adoption of Report (item 15)

The Report was adopted by the Committee.

### 16. Adjournment

The meeting adjourned at 1830 hrs on 22 September 1994.

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**Annex 1. STACTIC Heads of Delegations**

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Chairman: D. Brock (Canada)

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Canada	C. J. Allen
Cuba	J. Lopez Piedra
Denmark (in respect of Faroe Islands and Greenland)	K. Mortensen
European Union	P. Curran
Estonia	E. Noor
Iceland	A. Halldorsson
Japan	M. Yoshida
Korea	Y. H. Chung
Latvia	N. Riekstins
Lithuania	A. Rusakevicius
Norway	P. Gullestad
Poland	J. Fota
Russia	V. Tsoukalov

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## Annex 2. Agenda

1. Opening by the Chairman, D. Brock (Canada)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of Annual Returns of Infringements
5. Review of Surveillance and Inspection Reports
6. Review of Registration of Vessels Fishing in the Regulatory Area
7. Review of the NAFO Observer Scheme Pilot Project
8. Minimum Fish Size (Witch, Redfish, G. Halibut) and Minimum Size of Processed Fish (Witch, Redfish, G. Halibut, Cod, A. Plaice, Yellowtail)
9. Review of Operation of the Hail System
10. Discussion of Other Conservation and Enforcement Measures (by Fisheries Commission request)
  - a) Canadian proposal regarding notification of fishing vessels
  - b) Canadian proposal regarding disposition of apparent infringements
11. Review Inspector's Manual
12. Items Referred to STACTIC during the Annual Meeting by the Fisheries Commission
  - a) Canadian proposal regarding effort plans for the vessels of Contracting Parties operating in the Regulatory Area
  - b) Nominal catches by Contracting Parties exceeding quotas
13. Time and Place of the Next Meeting
14. Other Matters

*Adoption of Report*