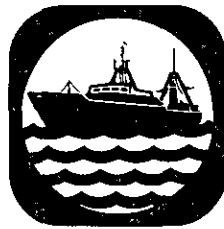
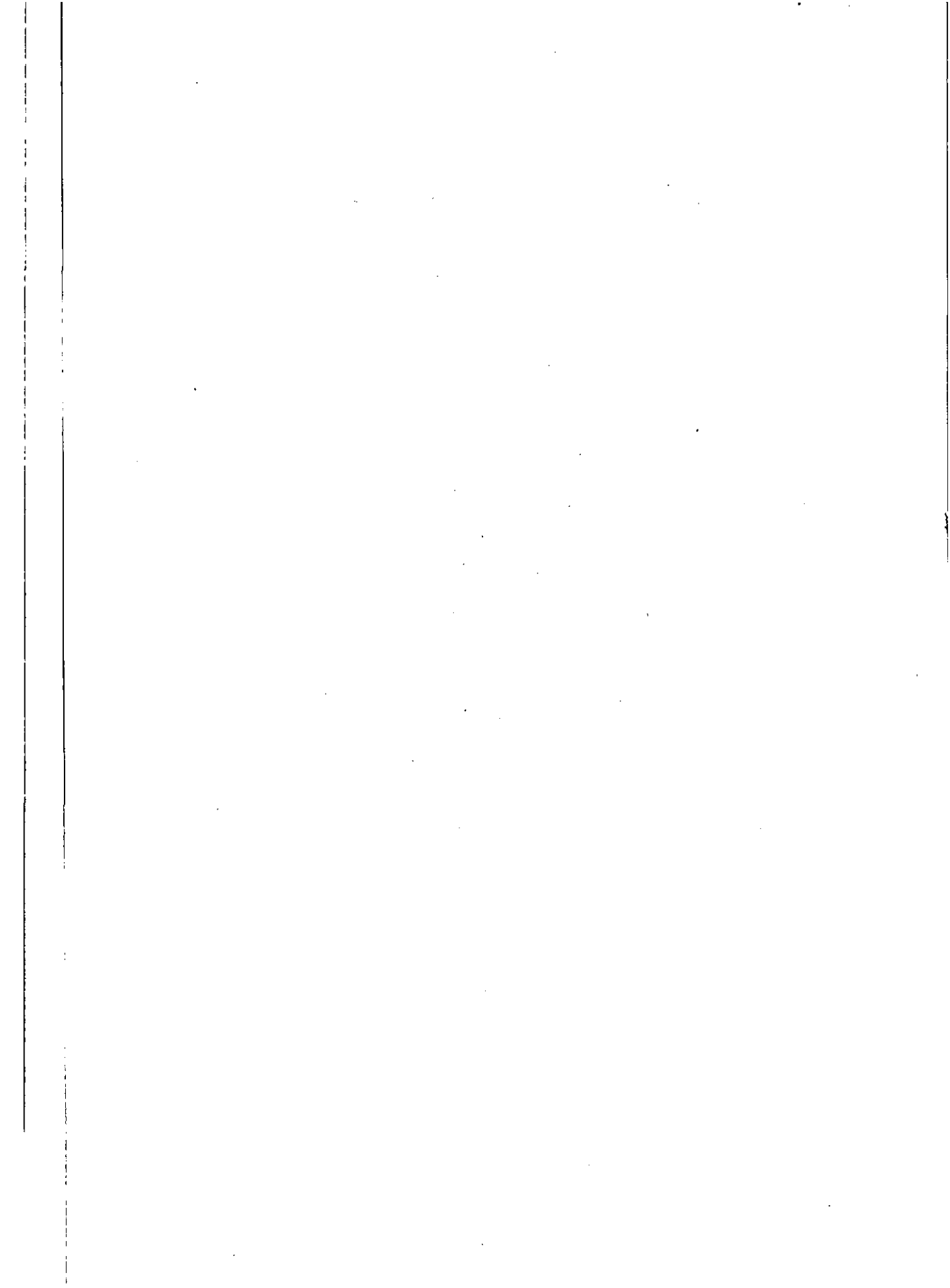


Northwest Atlantic Fisheries Organization (NAFO)



Meeting Proceedings of the General Council and Fisheries Commission for 1996

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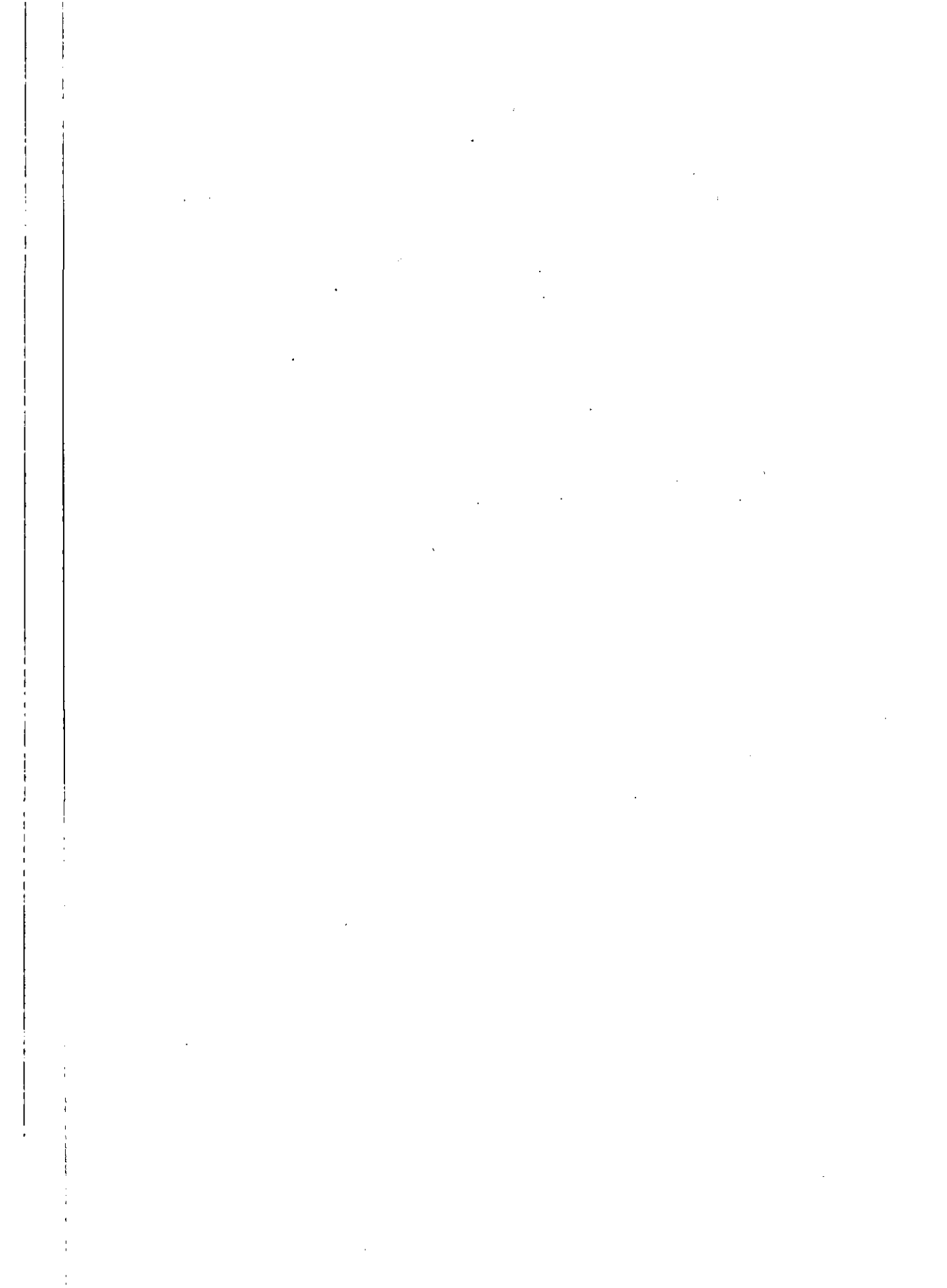
Foreword

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 1996. 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 Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC), 22-24 May 1996, Brussels, Belgium.

SECTION II contains the Report of the General Council including subsidiary bodies reports (STACFAD and STACFAC), 18th Annual Meeting, 09-13 September 1996, St. Petersburg, Russia.

SECTION III contains the Report of the Fisheries Commission including subsidiary body (STACTIC), 18th Annual Meeting, 09-13 September 1996, St. Petersburg, Russia.

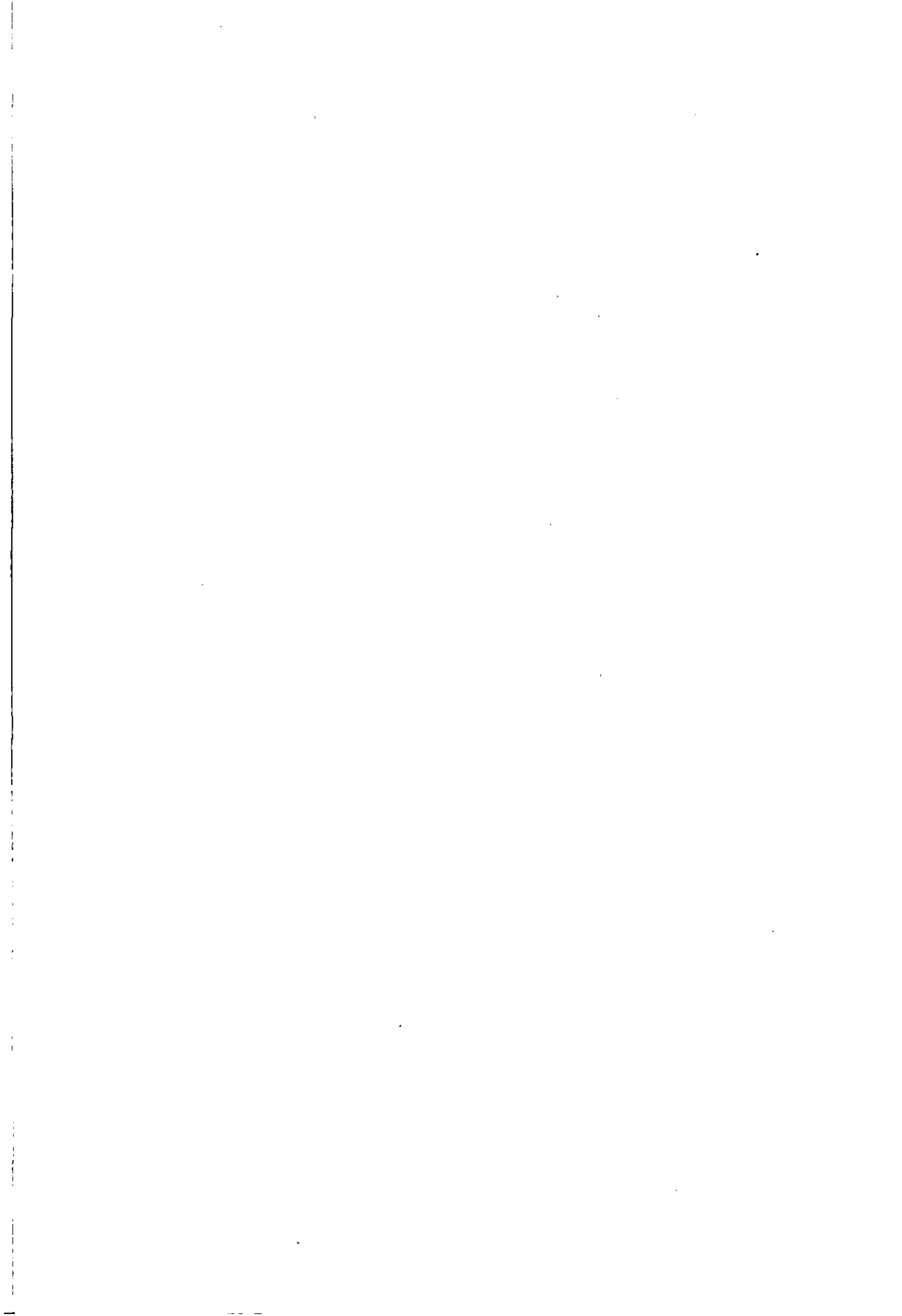


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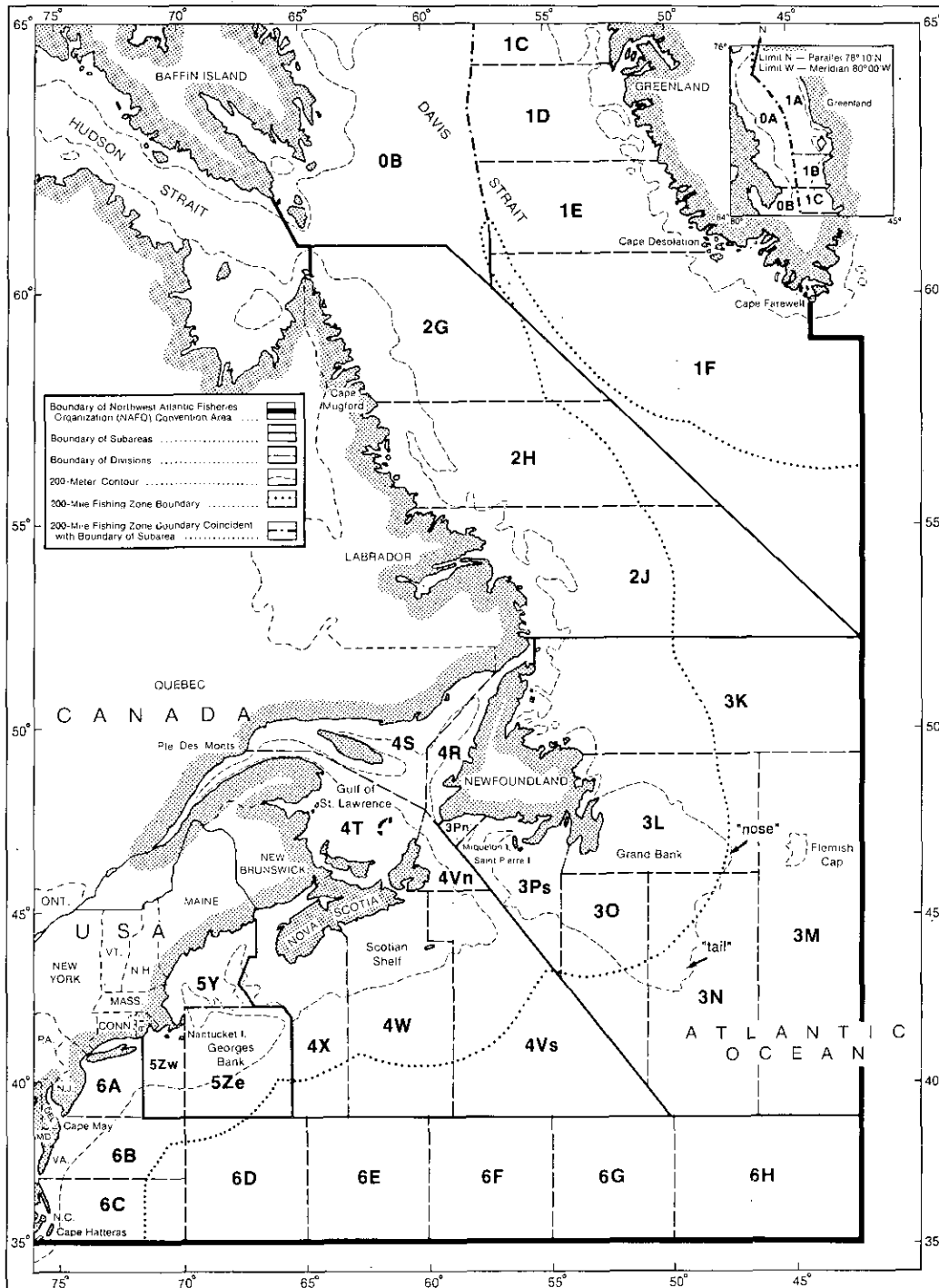
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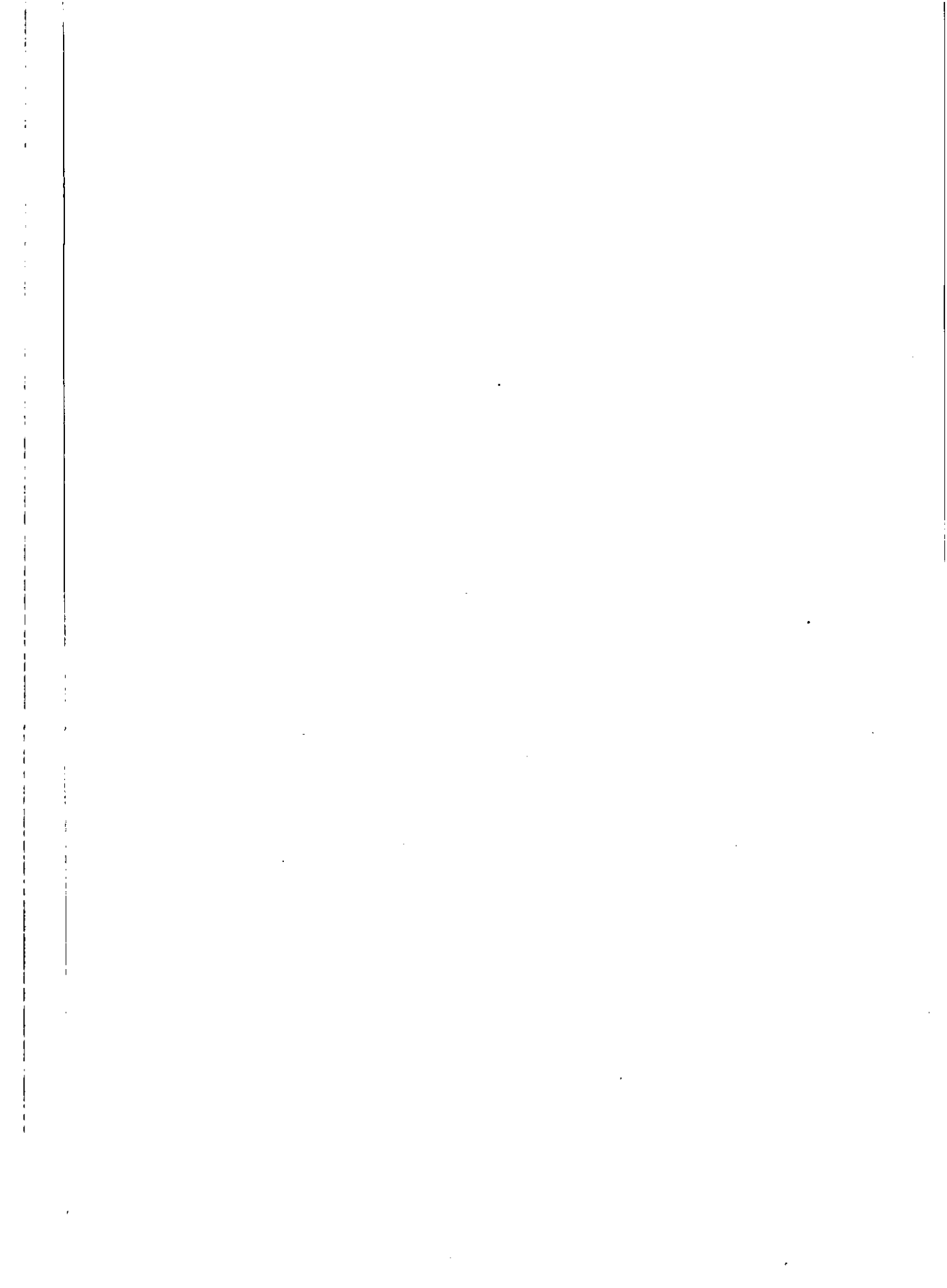
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The Convention Area to which the Convention on Future Multilateral Cooperation in the Northwest Atlantic applies





**Structure of the Northwest Atlantic Fisheries Organization (NAFO) in 1996
(as at 18th Annual Meeting, September 1996)**

Contracting Parties

Bulgaria, Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union (EU), France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, Romania, Russia and United States of America (USA).

President

A. Rodin (Russia)

Constituent Bodies

General Council	Bulgaria, Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, EU, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Korea, Latvia, Lithuania, Norway, Poland, Romania, Russia and USA.	<i>Chairman</i> - A. Rodin (Russia) <i>Vice-Chairman</i> - R. Dominguez (Cuba)
Scientific Council	Bulgaria, Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, EU, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Korea, Latvia, Lithuania, Norway, Poland, Romania, Russia and USA.	<i>Chairman</i> - W. R. Bowering (Canada) <i>Vice-Chairman</i> - H. P. Cornus (EU)
Fisheries Commission	Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, EU, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Korea, Latvia, Lithuania, Norway, Poland, Russia and USA.	<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> - G. F. Kingston (EU)
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General Council (cont'd)	Standing Committee on Fishing Activity of non-Contracting Parties in the Regulatory Area (STACFAC)	Chairman - J. P. Plé (USA) Vice-Chairman - B. Buch (Denmark in Respect of Faroe Islands and Greenland)
Scientific Council	Standing Committee on Fishery Science (STACFIS) Standing Committee on Research Coordination (STACREC) Standing Committee on Publications (STACPUB) Standing Committee on Fisheries Environment (STACFEN) Executive Committee	Chairman - W. B. Brodie (Canada) Chairman - D. Power (Canada) Chairman - H. P. Cornus (EU) Chairman - M. Stein (EU) Chairman - W. R. Bowering (Canada)
Fisheries Commission	Standing Committee on International Control (STACTIC)	Chairman - D. Bevan (Canada)

Secretariat

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

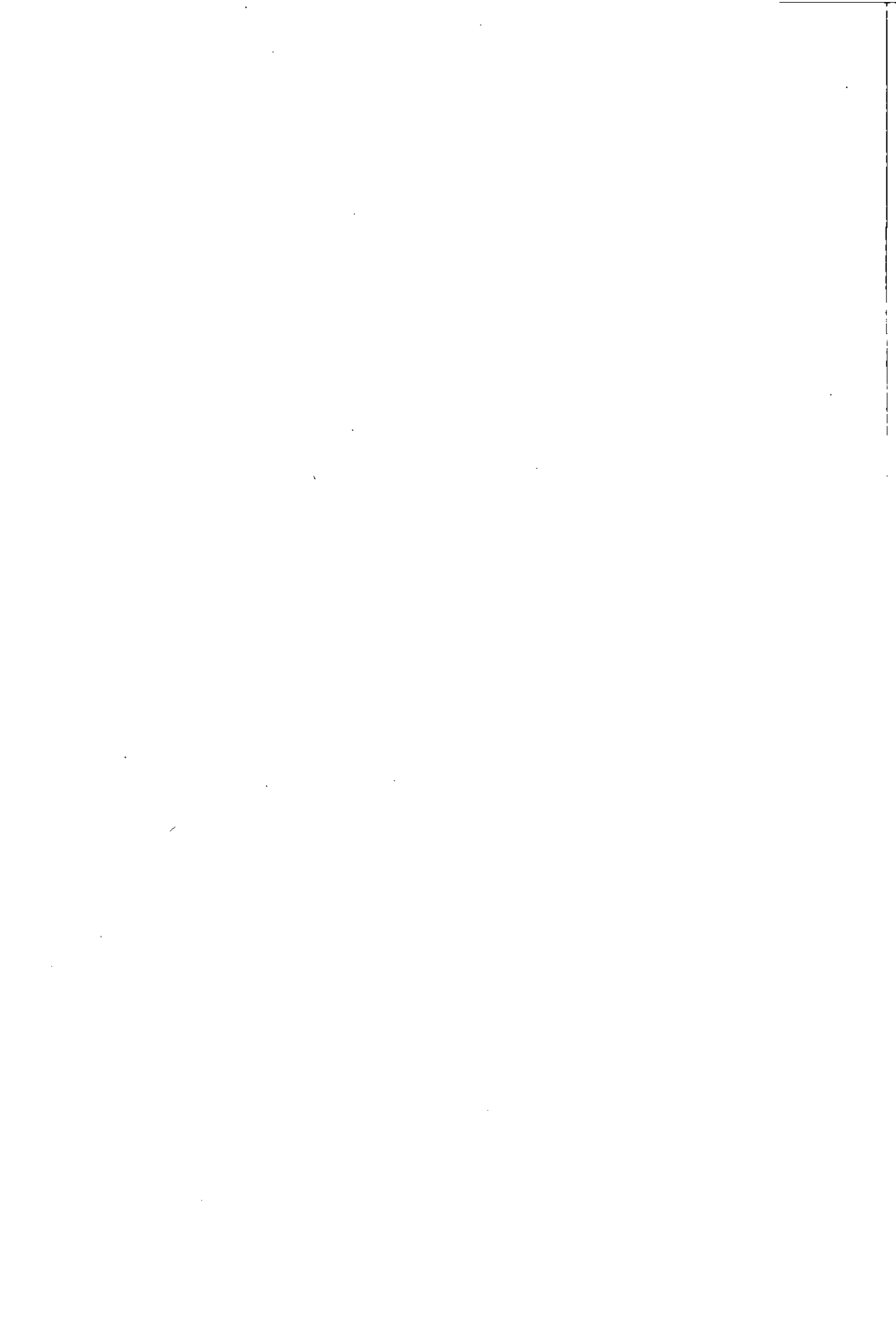
192 Wyse Road, Dartmouth, Nova Scotia, Canada

SECTION I

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Report of the Meeting of STACFAC

(GC Doc. 96/5)

**22-24 May 1996
Brussels, Belgium**

This intersessional meeting was held in accordance with the decision by the General Council (GC Doc. 95/5, Part I, items 4.2-4.3) to call a STACFAC Meeting in Spring 1996.

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

- 1.1 The meeting was opened by the Chairman, C. C. Southgate (EU) at 1015, 22 May 1996. Sessions were held through 24 May 1996.
- 1.2 The following Contracting Parties were present: Canada, Denmark (in respect of Faroe Islands and Greenland), European Union, Iceland, Japan, Lithuania, Norway, Poland and USA (Annex 1).
- 1.3 Mr Wieland (EU) was appointed Rapporteur.
- 1.4 Dr M. Windsor was admitted as observer from NASCO. He presented his statement to the Meeting with thanks to being a participant of these discussions.
- 1.5 The Agenda was adopted as presented (Annex 2).

2. Information on Activities of non-Contracting Parties and Diplomatic Contacts by Contracting Parties (items 4-5)

- 2.1 The Representative of Canada presented its substantial summary report on non-Contracting Parties activities for the period January-December 1995 (Working Paper 96/2) indicating a decrease of the number of non-member vessels fishing in the Regulatory Area (RA). There were 12 vessels (7-Belize, 2-Honduras, 1-Panama, 2-Sierra Leone) in 1995 against 27 vessels in 1994 and up to 47 vessels back to 1989. Groundfish catches by non-Contracting Party vessels in 1995 were estimated at 10 950 tons, about 70% redfish.
- 2.2 The Representative of the European Union introduced the report on landings by non-Contracting Parties in the EU ports. The total landings were approximately 3 850 tons, mostly cod delivered to Portugal by Sierra Leone vessels (approximately 2 900 tons) (Working Paper 96/3).
- 2.3 The Representative of Japan explained its Working Paper 96/1 re Japanese import of 5 species from non-Contracting Parties in 1995. Those figures were in the range of 700 tons of different species.
- 2.4 The Chairman summarized all reports with optimistic view that the non-Contracting Parties activities are on the decline in the Regulatory Area (RA). However, he emphasized that this activity is still high and unacceptable, and therefore the Contracting

Parties should continue to explore all means for the curtailment of the *unregulated* fishing. He invited the delegates to present their reports on diplomatic contacts with non-Contracting Parties.

- 2.5 The Representative of Canada informed that Canada has had a number of diplomatic contacts with non-Contracting Parties governments on the subject. Nevertheless, non-Contracting Parties vessels are continuing to fish in the Regulatory Area.
- 2.6 The Chairman presented the reply from New Zealand on the 1995 diplomatic demarche (from the General Council) which stated that according to the *interpretation* by New Zealand on the factual and legal issues concerning the activities of their vessel, there were in fact no conservation or management measures in place for the targeted stock (shrimp). Therefore, New Zealand understood that the vessel was not fishing in contravention of any NAFO regulations.

The Chairman noted there were no other replies to the NAFO diplomatic demarches 1995 (to: Belize, Honduras, Sierra Leone).

3. Consideration of Measures to Discourage Activities by non-Contracting Parties in the NAFO Regulatory Area (items 7 to 9)

- 3.1 The Chairman introduced an idea to consider items 7 to 9 of the agenda as one complex issue on discouragement of non-Contracting Parties through the combination of several joint actions like diplomatic demarches, refusal of landings of fish, and denial of port access. To his opinion, the diplomatic demarches alone could not resolve the problem.
- 3.2 The Representatives of Contracting Parties agreed in principle with this approach. The European Union representative was very *supportive* to develop and consider a whole scope of new ideas around the items 7-9 of the Agenda, in a "brain storming" session at the current meeting. At the same time, he asked to put on record that "the European Union delegation was very disappointed that there were not all Contracting Parties present at the current so important meeting, which was scheduled long ago and well in advance (in September 1995)."

Further, he stated that at this stage, STACFAC should be committed to discussions of uncommitted ideas which should be both effective to deprive the non-Contracting Parties vessel operators *concerned* of the economic benefits of fishing in the Regulatory Area and be fully consistent with the relevant international law. The ideas developed at this meeting will be then introduced to Contracting Parties at the September Annual Meeting, (in St. Petersburg 1996).

- 3.3 The USA representative expressed his compliments to the work of this Standing Committee, STACFAC. He emphasized that one possible option could be to urge the Contracting Parties to sign and ratify the UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks. The Representative of Canada noted her support with the USA statement.

The Chairman said that ratification of both the UN Agreement and the "FAO Compliance Agreement" would make things more easy and urged the delegates to bring this message to all Contracting Parties.

- 3.4 The Representative of Denmark (in respect of Faroe Islands and Greenland) supported the statements of the previous speakers regarding the ratification of both the UN Agreement and the FAO agreement. However, he noted that most importantly would be to remember that the implementation and execution of any measures will be rested with a regional international body. He noted that certain countries were establishing unilaterally their own rules of denial of port entries as an instrument. However, NAFO should be in the forefront with its own legal procedures based on the international law.
- 3.5 The observer for NASCO introduced a paper (Annex 3) explaining the NASCO experience in non-Contracting Parties problem.

To this presentation, the Chairman noted a principle difference between NAFO and NASCO problems as NASCO deals with anadromous (Salmon Salar) species, which are already well protected by the 1982 UN Law of the Sea Convention.

- 3.6 The representatives of Contracting Parties agreed to the idea of contemplating all possible options in a "brainstorming exercise". The view was expressed that it would be appropriate to draw up a "Resolution concerning Action Plan to ensure effectiveness of the conservation and management measures of NAFO regulated species in the NAFO Regulatory Area" (Annex 4). The view was also expressed that in order to facilitate discussions, it would be appropriate to table "discussion papers" reflecting relevant principles and possible courses of action.

The Chairman received five "discussion papers" (Annexes 5 to 9) which were then discussed in numerical order.

- 3.7 The Representative of Canada observed that none of the discussion papers mentioned the UN Agreement.

The Chairman said that a number of stocks occurring in the NAFO Regulatory Area were not straddling fish stocks but agreed that it would be pertinent to cite the UN Agreement as well as other relevant international instruments.

The Representative of the European Union laid emphasis on four basic principles for the implementation of measures to be applied to non-Contracting Parties which fail to cooperate. He explained the meanings of openness of the regional fishing organizations, common measures against non-Contracting Parties, relevance to the International Law and the importance of cooperation of obligations. In this context, the USA Representative indicated the US is studying the ICCAT made mechanisms with a view to their application in the NAFO context.

The NASCO observer noted on horizontal coherence with other international bodies which would be very helpful as the principles are the same regardless different goals of international bodies.

- 3.8 Through the discussions, the Representative of Iceland and the USA made an introduction to their national legislations re denial port access for the vessels fishing in contravention to their national legislation. The USA has fisheries legislation which allows the denial of port privileges to vessels identified to have circumvented regional

conservation and management measures. The Icelandic Representative provided a copy of national law which prohibited port calls for foreign vessels fishing "exploitable marine stocks either within or outside Iceland's EEZ...". Canada noted that non-Contracting Parties fishing vessels that fish in the Regulatory Area denied access to Canadian ports, except in cases of force majeure.

The very profound debates then developed around landing rights, port closure, etc., and the delegates exchanged many views and ideas.

3.9 The Chairman summarized all discussions that all Contracting Parties were willing to discuss and develop acceptable ideas on landing rights and port access for their implementation (by NAFO). The most important question would be around the interpretation of relevant provisions of international law and the provisions of GATT/WTO.

3.10 The major topics were described in several scenarios/options which the Contracting Parties might envisage apply to the fishing by non-Contracting Parties in the Regulatory Area. The debates were extremely rich and profound with great contributions from all delegates.

Based on these discussions, the consensus was established that the Chairman should develop his summary presentation to this meeting.

3.11 The Chairman introduced his paper as instructed by the Meeting (Annex 10). He further explained that based on this paper NAFO should develop and introduce a comprehensive system to tackle the non-Contracting Parties problem. In summary, the following ideas and thoughts were expressed by the Delegates:

- i) To item 1 of the Chairman's paper - "Cooperation/non-Cooperation of States", the EU Representative noted the very important task would be to identify those states who are unwilling to discharge their obligation to cooperate by either joining NAFO or agreeing to apply NAFO conservation and management measures.

The Representative of Denmark supported the EU comments and explained re "joining the Organization" that we cannot invite the states to join if those states were interested in granting flags of convenience only. He further considered the issue of cooperation/non-cooperation as very sensitive and difficult noting that states will cooperate in the way they can cooperate. Therefore, in addition to diplomatic demarches, there should be more practical steps agreed by NAFO. The Representative of the USA explained that there would be two (2) major approaches to identify cooperation/non-cooperation - diplomatic demarches to the flag state requesting deregistration and individual owners of the vessels which were fishing in contravention of the NAFO regulations by denying the landing and trade of the products.

The Representative of Canada considered that third States should be to some extent qualified to joining NAFO if they respond in a positive way on diplomatic demarches and that those States should demonstrate a real interest by cooperating first with NAFO, before being invited to join NAFO. She noted

that non-Contracting Parties should not be rewarded with membership in NAFO, which would be an inappropriate signal to other states of registry.

She noted that the four (4) principles introduced by the EU Representative would require some theoretical modification and possibly redrafting.

- ii) Item 2 of the Chairman's paper - "Openness of the Organization" was discussed in the context of the previous debates with emphases on the criteria of joining NAFO.

The Chairman said that too theoretical a discussion on openness of regional fisheries organizations should be avoided.

- iii) The item 3, "Courtesy Boardings" generated discussions around the ideas of more effective inspection. The Representative of Canada, the EU and USA supported the views of more expanded and efficient inspections at sea as well as in ports. The EU representative said that possible measures against non-Contracting Parties could be based only on the results of the inspections in port. The USA Representative stated that "a compulsory boarding" was not an early implementation of the UN Agreement but this is already an international practice.

- iv) To the item 4 - "Measures directed at State or vessel", the Representative of Denmark commented that the UN Agreement, Article 19 contains major provisions on the flag state duties. Therefore, our task would be to introduce practical steps.

The delegates agreed on the general idea to develop a list of non-cooperative states, or so called "black list" of individual vessels for NAFO actions. The question from USA was how long will we maintain the vessels on the list? Other practical problems were raised, such as re-flagging.

The Chairman underlined that full objective information on non-Contracting Parties activities in the Regulatory Area would be crucial for this aim.

- v) On the item 5 - "NAFO Measures as Minimum Standards or Common Rules", the delegates observed that the requirement of NAFO common agreed rules would be most important to this task. The EU Representative supported by Denmark stressed the importance of consistency of the rules with World Trade Organization (WTO) and other international bodies. Therefore, any unilateral actions should be excluded in our business.

The Representative of Canada agreed in principle with the idea of common NAFO rules but reaffirmed its position that there should be a way for an individual Contracting Party to exercise its own interpretation of its rights and duties under international law. In this case Canada reserves its position.

The Chairman summarized all debates as a general consensus to recommend for NAFO to develop its own comprehensive scheme, and to this idea, there should not be any contradictions with the right of a state to introduce its own law.

- vi) The other items of the Chairman's paper (6 to 8) were reviewed by the delegates on the principles of the previous discussions re denial of landings and port access.

The Chairman stressed the importance to tackle a main problem - landings by individual vessels and, as requested by the US Representative, transshipments.

The Representative of Lithuania noted that appropriate documentation and labels should be one of the methods to monitor transshipments. However, it is not easy.

The delegates considered that the most difficult task would be the identification of individual transshipments.

The general consideration was that all fish caught in contravention of NAFO regulations (quotas, fish size, mesh size, moratorium, etc.) should be denied for landing. There remained differing views as to whether a possible scheme should also consist of denial of access to ports.

At the final stage of discussions on the Chairman's paper, the delegates agreed to refer the paper for further discussions to the September Annual Meeting, 1996 (in St. Petersburg, Russia). The outcome of the Annual Meeting discussions in STACFAC will be presented as a final recommendation to the General Council.

4. Other Matters (item 10)

- 4.1 There were no other matters or ideas for discussions.

5. Adjournment (item 11)

- 5.1 The Meeting adjourned at 1300 on May 24, 1996

Annex 1. List of Participants

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B. J. Cruikshank, Senior Secretary

Annex 2. Agenda

1. Opening by the Chairman, C. C. Southgate (EU)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Admission of Observers
5. Review of available information on activities of non-Contracting Party vessels in the Regulatory Area in 1995-1996.
6. Reports by Contracting Parties on diplomatic contacts with non-Contracting Party governments concerning fishing activities by their vessels in the Regulatory Area.
7. Consideration of measures to discourage non-Contracting Party vessels from fishing activities which undermine NAFO's conservation and enforcement measures for the Regulatory Area.
8. Consideration of a scheme to prevent landings of fish caught in the Regulatory Area by identified non-Contracting Party vessels.
9. Discussion of the implications of a NAFO system of denial of port facilities to fishing vessels from non-Contracting Parties which fail to cooperate.
10. Other Matters
11. Adjournment

Annex 3. Fishing for Salmon in International Waters within the NASCO Convention Area (by Dr. Malcolm Windsor)

The North Atlantic Salmon Conservation Organization (NASCO, estab. 1984) has the objectives of the conservation, restoration, enhancement and rational management of salmon stocks in the North Atlantic. Under Article 2 of the NASCO Convention, fishing of salmon is prohibited beyond areas of fisheries jurisdiction of coastal States.

However, during early 1990 NASCO received reports that a small number of vessels with experience of long-lining in the former Northern Norwegian Sea fishery had re-registered to countries which are not parties to the NASCO Convention (Panama and Poland) in order to avoid the provisions of the Convention. Sightings from Norwegian and Icelandic airborne patrols showed that these vessels were operating in the area of international waters north of the Faroe Islands.

All of the sightings of activity in international waters received by NASCO were obtained from maritime patrol flights by the Icelandic and Norwegian coastguards. The Icelandic patrols are by Fokker F-27-200 aircraft based in Reykjavik. The patrols of the eastern boundary of the 200 nautical mile EEZ take the aircraft into the south-western corner of the area of international waters but diversions further east may be made when vessels are detected by radar. The information obtained by airborne surveillance is restricted to the vessels' position, name and registration number (if displayed) and the type of gear in use. To date, there have been sightings of six vessels with unconfirmed reports that two other vessels have been involved.

Estimated catches by non-Contracting Parties were maximum 180-350t in 1989/90 and then decreased to the range of 25-100t annually in 1991-1995.

Actions taken by NASCO were the following:

- 1) In 1990 the Council of NASCO adopted a resolution which called for the Organization and the individual contracting Parties to take action through diplomatic channels to end the fishery. As a result of these actions the Panamanian authorities issued a Resolution requiring compliance with NASCO's prohibitions and as far as we can tell from the surveillance information the Polish-registered vessels ceased to participate in the fishery.
- 2) In 1992 the Council adopted a Protocol to the NASCO Convention, which extends the prohibitions contained in the Convention to those States which sign it.
- 3) While NASCO's main approach to the problem has been diplomatic measures, NASCO has also been able to alert those countries whose ports might have been used to land the salmon and sought their cooperation in denying their port facilities to the vessels concerned.
- 4) The following recommendations were endorsed by the Council of NASCO: - there should be a cooperative salmon fishery surveillance project utilizing all available resources designed so as to assess the extent of the problem at the time of the project. This project was conducted during 1995/96; - a specific effort should be made to improve the extent of salmon related surveillance throughout the year; - the possibility of obtaining surveillance information from military sources should be examined including information from AWACS flights; - efforts should be made to increase awareness of the problem among coastal communities and port authorities; - procedures should be agreed for communication of information; - advances in satellite technology should be kept under review.

While it is likely that the various fishery Commissions will take different approaches to dealing with the problem in their respective areas, there would appear to be potential benefits from closer cooperation between these organizations. This cooperation might take the form of a regular exchange of information on the nature of the problem and the actions that are being taken. We have already started this process of cooperation with NEAFC and ICCAT and we welcome the opportunity to develop similar cooperation with NAFO.

Annex 4. Draft Resolution

RESOLUTION BY NAFO

CONCERNING ACTION PLAN TO ENSURE EFFECTIVENESS OF THE CONSERVATION AND MANAGEMENT MEASURES OF NAFO REGULATED SPECIES IN THE NAFO REGULATORY AREA

Recognizing that the goal of NAFO is to maintain populations of regulated species in the Regulatory Area at levels which will permit harvesting maximum sustainable yield;

Being aware that the link between trade and environment is being addressed in other international fora;

Considering the continuing need for action to ensure the effectiveness of the NAFO conservation and management measures of regulated species;

Recognizing that a significant number of vessels registered to nations which are non-Contracting Parties to NAFO are catching regulated species in the Regulatory Area;

Noting that NAFO's ability to manage regulated species in the Regulatory Area on a sustainable basis is diminished by harvesting contrary to NAFO recommendations and recognizing the need to take further strenuous measures to ensure the effectiveness of the NAFO conservation and management measures;

The Northwest Atlantic Fisheries Organization (NAFO) resolves that:

- a) STACFAC shall review on an annual basis the implementation by each Contracting Party of accepted NAFO recommendations. NAFO shall decide annually any necessary new measures to ensure compliance by Contracting Parties.
- b) STACFAC shall identify annually these non-Contracting Party whose vessels have been fishing for regulated species in the Regulatory Area in a manner which diminishes the effectiveness of the relative conservation and management recommendations of the Fisheries Commission, based on the catch data compiled by NAFO, the trade information obtained through national statistics and other information obtained in ports and at the fishing grounds.
- c) NAFO shall request those Parties identified in paragraph (b) to rectify their fishing activities so as not to diminish the effectiveness of NAFO conservation and management measures and to advise to NAFO of actions taken in this regard.
- d) The Contracting Parties shall jointly and individually request that non-Contracting Parties fishing for regulated species in the Regulatory Area cooperate fully with NAFO in implementing the NAFO conservation and management program.
- e) STACFAC shall review annually the actions by those Parties identified and requested in paragraphs (b), (c), and (d), and identify Parties which have not rectified their fishing activities.
- f) To ensure the effectiveness of NAFO conservation and management measures, NAFO will recommend the Contracting Parties to take non-discriminatory trade restrictive measures, consistent with their international obligations, on regulated species products in any form, from the Parties identified in paragraph (e).

Annex 5. Discussion Paper No. 1

Scenario

Fishing by Non-Contracting Parties in International Waters

- Principle It is the responsibility of the flag state and vessel to cooperate with international conservation measures (Article 63, 117, 118 UNCLOS), not the duty of port states or Contracting Parties to assume such responsibility.
- Effect A state which allows its vessels to fish in the NAFO Regulatory Area without seeking to join NAFO or otherwise cooperate is prima facie non-cooperative. A vessel from a non-Contracting State, which fishes in the area is prima facie in breach of NAFO conservation measures.
- Consequence The onus is on such a vessel, seeking to land its catch into the port of a Contracting Party, to demonstrate that, despite the prima facie evidence, its catch has not been taken contrary to NAFO conservation measures. In principle, landing rights are denied without convincing logbook or other evidence.
- Resolution "Reaffirming the openness of NAFO to new participants and the duty of states to cooperate in the conservation and management of the living resources of the high seas, NAFO Contracting Parties resolve that they will not permit landings into their ports of fish prima facie taken contrary to the NAFO conservation rules by vessels from non-Contracting Parties."
- Mechanism The Executive Secretary notifies each Contracting Party [fortnightly] of the names, flags and dates of sightings of non-Contracting Party vessels. If a vessel on the current or recent list seeks to land into a Contracting Party port can either be denied port access or advised that catches from the Regulatory Area may not be landed and documentation and catch examined by the port state.

Annex 6. Discussion Paper No. 2

Scenario

Fishing by Non-Contracting Parties in International Waters

It would seem to be advantageous that any action on this matter is applicable to a number of fisheries commissions such as NAFO, NASCO, ICATT, NEAFC, etc. Thus would show an international coherence which would benefit all organizations.

A two-stage process might be universally acceptable though the details might vary slightly from organization to organization. The two stages would consist of defining whether a non-Contracting Party is in a state of non-cooperation with international organizations and then, if it is, bringing in graduated responses.

- (A) A non-Contracting Party might be defined as being in a state of non-cooperation with an international organization or organization if
- it does not respond positively to diplomatic initiatives by the member parties;
 - it does not give a commitment to cooperate with the organization(s);
 - it does not accept an invitation to join the Organization [if it is appropriate to issue one]
- (B) If the non-Contracting Party is defined by the Council of the appropriate international organization as being in a state of 'non-cooperation' as defined in (A) above the following responses, in order, would be applied to fishing vessels of that Party
- (i) Prohibition of landing of catches of the species concerned
 - (ii) Prohibition of landing of any fish species or fish product
- (under (i) and (ii) the vessels would have access to port facilities fuel, water, supplies, etc.).
- (iii) Prohibition of access to port facilities of any kind
- (under (iii) there would be an exception made in the case of injury or other emergency).

Within item (B) there is the sub-option of applying the measure *only* to the vessel(s) which are acting in contravention of the measures adopted by the international body concerned. However, the sanctions are probably more appropriate and more effective if applied to the flag state. This would automatically include the vessel(s) concerned.

Annex 7. Discussion Paper No. 3

Scenarios/Options

EVIDENCE

1. In order to obtain evidentiary facts that vessels of non-Contracting Parties are operating contrary to the NAFO conservation and management measures, NAFO inspectors should attempt to conduct consensual/courtesy boarding on all non-Contracting Party vessels suspected of harvesting regulated species in the Regulatory Area. Reports of these boardings and inspection should be forwarded to STACFAC.
2. For vessels of non-Contracting Parties suspected of harvesting regulated species in the Regulatory Area which deny consensual/courtesy boardings by NAFO Inspectors, NAFO working through the government of the inspectors Party, should immediately approach the Government of the non-Contracting Party to coordinate a registration check and an ad hoc special arrangement seeking flag-State authority to board and inspect the vessel. Reports of these boardings and inspections should be forwarded to STACFAC.
3. For vessel of non-Contracting Parties suspected of harvesting regulated species in the Regulatory Area, Contracting Parties shall inspect documents, fishing gear and catch on board these non-Contracting fishing vessels, when such vessels are voluntarily in its ports or at its offshore terminals.

PROCEDURES

4. When vessels of non-Contracting Parties are determined to harvest regulated species in the Regulatory Area, NAFO and all Contracting Parties should provide the non-Contracting Party with diplomatic demarches noting the activity of the vessel and calling for the cessation of this activity by the vessel and/or de-registering of the vessel.
5. Contracting Parties should adopt regulations empowering the relevant national authorities to prohibit landing and transshipments where it has been established that the catch has been taken in a manner which undermines the effectiveness of NAFO conservation and management measures. When the vessels of the non-Contracting Party engage in repeated and flagrant fishing operations in the Regulatory Area which seriously threaten the NAFO conservation and management measures, Contracting Parties shall implement national legislation to prohibit the entry of fish in any form of species suspected of being harvested contrary to the NAFO conservation and management measures from the non-Contracting Party.
6. Contracting Parties should adopt a resolution concerning an action plan to ensure the effectiveness of the conservation and management measures of NAFO regulated species in the NAFO Regulatory Area. The Resolution includes specific reference to the use and potential effectiveness of multilateral trade measures on non-Contracting Parties who repeatedly ignore diplomatic approach regarding this activity.

RESOLUTION BY NAFO

CONCERNING ACTION PLAN TO ENSURE EFFECTIVENESS OF THE
CONSERVATION AND MANAGEMENT MEASURES OF NAFO REGULATED
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- c) NAFO shall request those Parties identified in paragraph (b) to rectify their fishing activities so as not to diminish the effectiveness of NAFO conservation and management measures and to advise to NAFO of actions taken in this regard.
- d) The Contracting Parties shall jointly and individually request that non-Contracting Parties fishing for regulated species in the Regulatory Area cooperate fully with NAFO in implementing the NAFO conservation and management program.
- e) STACFAC shall review annually the actions by those Parties identified and requested in paragraphs (b), (c), and (d), and identify Parties which have not rectified their fishing activities.
- f) To ensure the effectiveness of NAFO conservation and management measures, NAFO will recommend the Contracting Parties to take non-discriminatory trade restrictive measures, consistent with their international obligations, on regulated species products in any form, from the Parties identified in paragraph (e).

Annex 8. Discussion Paper No. 4

Basic principles for the implementation of measures to be applied to non-Contracting Parties to Regional Fisheries Organizations, which fail to cooperate

1. Regional fisheries organizations should be open on a non-discriminating basis to accepting as contracting parties States with a real interest in the fisheries.
2. Measures against non-Contracting Parties should be agreed and implemented on a multilateral basis.
3. Such measures should be multilaterally acceptable and in principle could be implemented by other regional fisheries organizations; they should be in full accordance with international law.
4. The measures should only be implemented when all other measures to encourage cooperation by non-Contracting Parties have been exhausted.

Annex 9. Discussion Paper No. 5

I. Definition of non-cooperation

Criteria

1. Diplomatic demarches for cooperation have not had a positive result.
2. Invitation to accede to a regional fisheries organization has not received a positive reaction.
3. Invitation to specifically agree to cooperate on conservation and management measures established by the organization has no positive effect.

II. Consequences of non-cooperation

1. All fishing vessels flying the flag of that State and fishing in contravention of applicable conservation and management measures may be prohibited from landing or making transshipments in Contracting Party ports.
2. In case of continuous sightings and repeated and flagrant fishing operations which are contrary to applicable conservation and management measures, vessels fishing in area of regional fisheries organization may be denied access to ports.

Annex 10. Chairman's Paper

Fishing by Non-Contracting Parties in the NAFO Regulatory Area: Elements for Discussion

1. Cooperation/Non Cooperation of States

- What is the sequence of steps to be taken vis-a-vis Non-Contracting States before we move to denial of landings/port access on other measures (see below)?
 - diplomatic demarches
 - invitation to join NAFO? (see 2 below)
 - invitation to cooperate in respecting NAFO conservation regime?
- Have we done all these things in respect of Non-Contracting States?
- Do we have to identify a particular state as non-cooperative?
 - on what basis, using what criteria?
 - how often do we meet to decide (annually, by postal vote...)
 - what timetable for determining that cooperation is so inadequate as to constitute non-cooperation (vessel still fishing after six months?)
 - how do we notify a state of its non-cooperative status? Is there room for an appeal or explanation?
- Is denial of landings/port access the final stage in dealing with non-cooperative states, in NAFO and other fisheries organizations?
 - not necessarily. It may become the final stage where the Contracting Parties are the principal market (as, apparently, with NAFO-regulated stocks at present and as with bluefin tuna in ICCAT). In effect a non-Contracting Party takes part of NAFO's fish and offers to sell it back to a Contracting Party which refuses to buy (denies landings) or even refuses to assist the non-Contracting Party with its fishery (denies access to ports).
 - if the non-Contracting Party lands the fish other than into a Contracting Party, NAFO would still protest that the fishery was undermining the NAFO conservation regime and would eventually be forced to seek redress other than through denial of landings or port access. This redress would be the regime of the UN Agreement on Straddling Stocks.

2. Openness of Organization

- Do we take the initiative to invite the state to join NAFO?
 - on what basis? (it has demonstrated a "real interest" by fishing outside NAFO?)
 - is it entitled to quotas? which?

- Should we leave it to the state to apply to join NAFO and argue its own case for a "real interest"? If it wants a quota only of over-subscribed and depleted resources can we decline to accept its "real interest"?
- Is the Organization to be so "open" that any state can join, without quotas, and participate in decision-making?

3. Courtesy Boardings

- Is information obtained from courtesy boardings essential for a NAFO measure? (eg to demonstrate use of illegal gear, catch, etc., or to demonstrate beyond question that the vessel did indeed undermine NAFO conservation). Or is sighting and inspection by port state sufficient?
- If a vessel declines a courtesy boarding, do we seek flag state authority to board and inspect (see Discussion Paper No. 3, para 2; this would constitute an early implementation of elements of the UN Agreement on Straddling Stocks).

4. Measures Directed at State or Vessel?

a) State

- Having defined a state as non-cooperative, do we inform that state that any of its vessels fishing (see below) in the Regulatory Area are liable to a ban on landings etc., or that all its vessels are banned from ports etc.?
- What if the vessels take new flags of convenience (see 1 above)?

b) Vessel

- Do we establish a blacklist of vessels? Can we prove they have undermined the effectiveness of NAFO conservation? Do we differentiate between one fishing trip and "repeated and flagrant undermining"?
- What if the vessel changes name or ownership or no longer fishes in the Regulatory Area? Does it come off the blacklist?
- Do we declare that all non-Contracting Party vessels giving rise to reasonable suspicion of undermining NAFO conservation (on the basis of fishing, or of courtesy boarding, or of reasonable evidence from surveillance?) should be checked in port and landings (of regulated species, of undersized fish?) denied?

5. NAFO Measures as Minimum Standards or Common Rules?

- If there is a multilaterally-agreed NAFO measure can some Contracting Parties apply tougher measures (eg denial of port access, liability to arrest under national laws, trade bans)?
- or must be NAFO scheme applied without variation by all Contracting Parties?

6. Should we take measures to restrict landings or trade?

Do we restrict landings of fish caught in the Regulatory Area by vessels from a non-cooperative state or do we ban imports of fish products transhipped? (If the latter, how can we confirm that the fish products were caught in the Regulatory Area?)

7. Which fish should be denied landing?

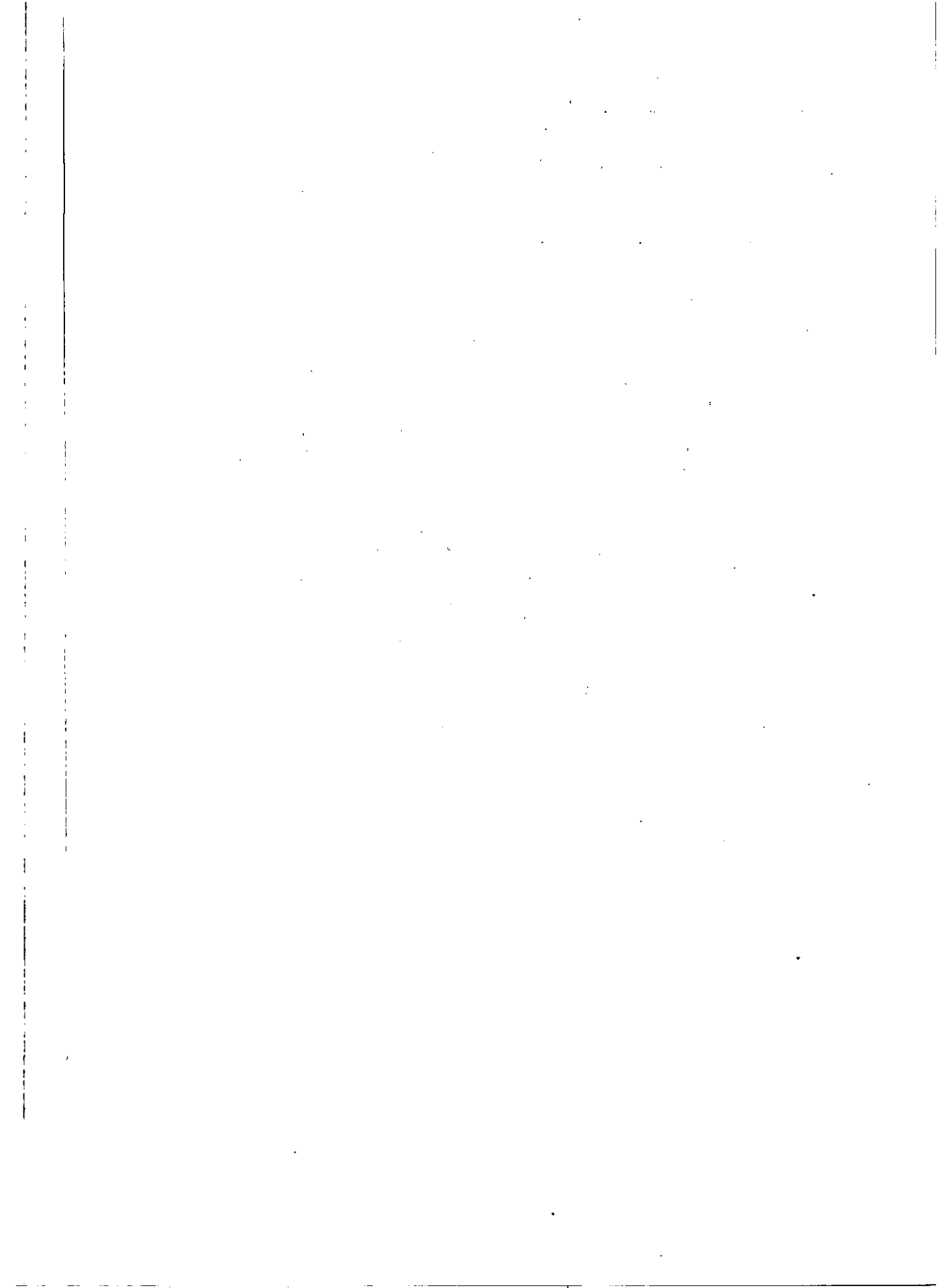
- NAFO regulated stocks (subject to TAC, moratorium, etc.)
- Undersized fish?
- By-catches of fish demonstrably caught alongside regulated stocks?
- Fish of unknown provenance (inadequate logbook, etc.)?
- Fish taken with one-net rule or 130mm mesh size not respected (how do we know, other than by courtesy boarding)?
- All fish from a country identified as non-cooperative?
- Are NAFO conservation rules so comprehensive by stock, gear type, etc. that we can state that any fishing by non-Contracting Parties is prima facie undermining the conservation regime (subject to investigation by port state)?

8. Denial of Landing or Closure of Ports?

- Should we close our ports for all purposes to non-cooperative vessels? (except for force majeure, no entry into the EEZ, no taking on of supplies, etc.)
- or should we allow free access to ports, subject to the warning that specified types of fish (see above) may not be landed?

9. What are the relevant legal bases to cite in support of any measure?

- UNCLOS (which Articles? including 116?)
- UN Agreement on Straddling Stocks?
- FAO "Compliance" Agreement?
- FAO Code of Conduct on Responsible Fisheries?
- GATT (especially XXg)?



SECTION II

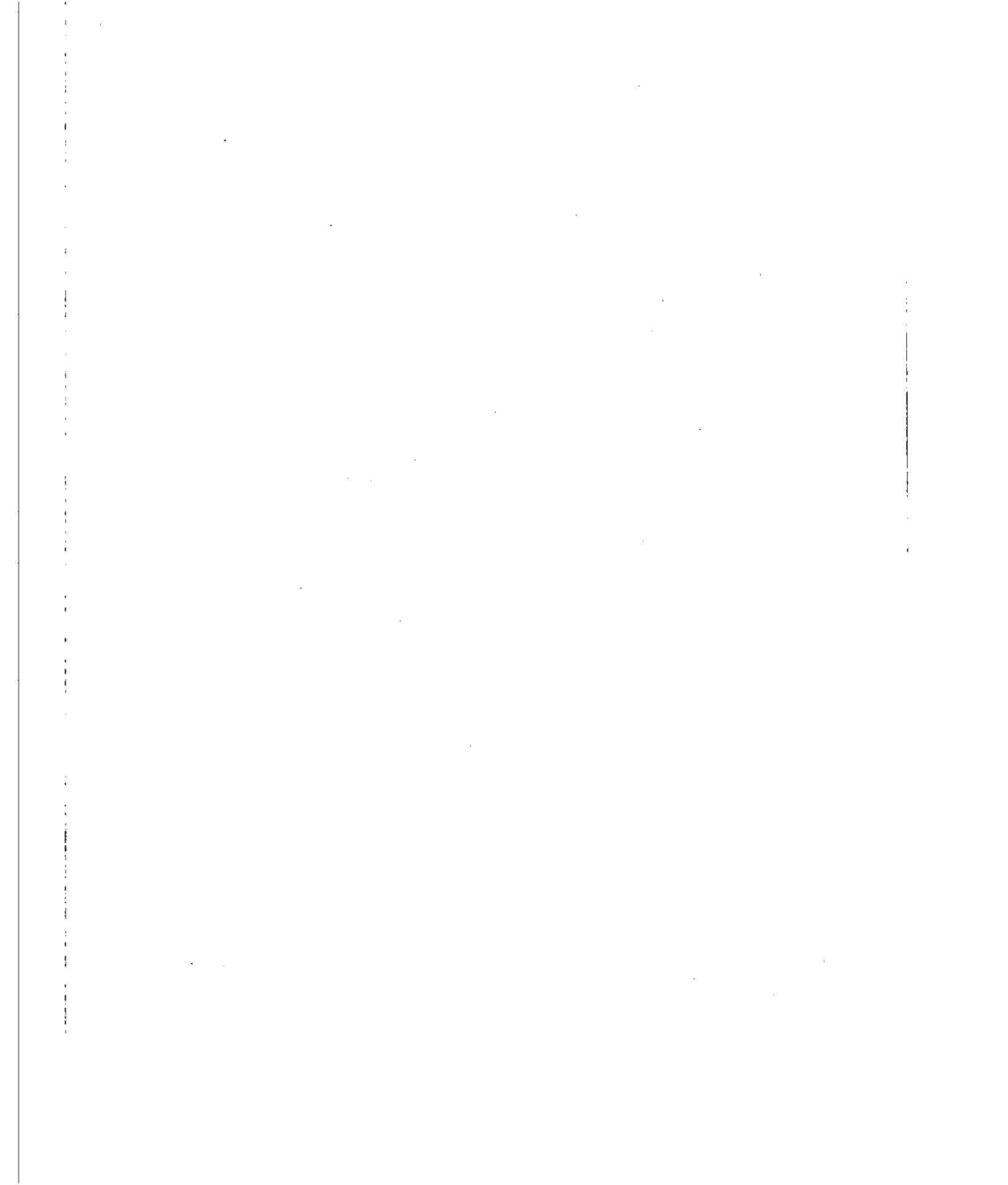
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PART I

Report of the General Council Meeting

(GC Doc. 96/9)

18th Annual Meeting, 09-13 September 1996 St. Petersburg, Russia

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

- 1.1 The meeting was opened by the Chairman of the General Council, A. V. Rodin (Russia) at 1020 on 10 September 1996.

He cordially welcomed all participants to the city of St. Petersburg of Russia and wished the Meeting constructive and fruitful accomplishments.

- 1.2 Representatives of the following fifteen (15) Contracting Parties were present: Canada, Cuba, Denmark (in respect of Faroe Islands and Greenland), Estonia, European Union, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Korea, Latvia, Lithuania, Norway, Poland, Russia and the United States of America (Annex 1).

- 1.3 The meeting **appointed** the Executive Secretary as Rapporteur.

- 1.4 The delegate of Russia presented an opening welcome speech to the Meeting (Annex 2).

The Representative of Denmark thanked the Russian delegation on behalf of all participants for the invitation to St. Petersburg.

- 1.5 The Provisional Agenda was **adopted** without amendment (Annex 3). A modified timetable developed by the Chairmen of the NAFO bodies was introduced by the Chairman asking to finalize all reports of the Standing Committee on Wednesday, 11 September 1996; for their distribution to pigeon holes Thursday morning 12 September at the latest. This was approved by the Meeting.

- 1.6 There has not been any application for observership at this meeting.

- 1.7 For Publicity (item 5), it was **decided** to continue the NAFO practice that a Press Release be worked out by the Executive Secretary through consultations with the Chairmen of NAFO bodies. The Press Release was issued at the closing session (Annex 10).

2. Supervision and Coordination of the Organizational, Administrative and Other Internal Affairs (items 6-10)

- 2.1 Under item 6, "Review of Membership", the Chairman welcomed the new members of NAFO - France and the United States of America, which acceded to the NAFO Convention on 14 August 1996 and 29 November 1995, respectively. In accordance with the NAFO Convention on the date of the accessions those Countries became

members of the General Council and Scientific Council. Their Fisheries Commission membership was **decided** by the General Council according to the provisions of Article XIII of the Convention on presentation by France and the United States.

- 2.2 The Representative of the USA presented its opening statement on participation as a full member of the Fisheries Commission (Annex 4), and he addressed the Meeting in the following terms: The USA is pleased to join NAFO and work together to conserve and manage valuable fish resources and sharing the benefits of those efforts. The USA has a significant history of fishing of what is now known as the NAFO Regulatory Area, and as a coastal State the USA shares an extensive boundary between USA, other coastal States and the NAFO Regulatory Area. Many of our fishermen currently fish in the NAFO Regulatory Area for highly migratory species, and we have many other fishermen who fish for other regulated species in our own Economic Zone, and many of those fishermen expect to fish in the NAFO Regulatory Area during 1997. To that end, the USA consistent with the FAO Compliance Agreement has issued the fishing permits to fish in the Regulatory Area. Accordingly, the USA wishes to be a member of the NAFO Fisheries Commission pursuant to Articles 3, 11 and 13 of the Convention.
- 2.3 The Representative of France introduced its opening statement and application to the membership of the Fisheries Commission (Annexes 5 and 6), and explained basic objectives of the application emphasizing that the islands of St. Pierre et Miquelon as an archipelago have always been highly dependent on fishery activity, which provides to the population of those Islands main economical resources. He underlined that France (in respect of St. Pierre et Miquelon) like the United States and Canada in this region is also a coastal State according to the definition and scope of the NAFO Convention, and is presenting this statement in accordance with Article XIII.1b) of the NAFO Convention to participate in the fisheries of the Regulatory Area.
- 2.4 The General Council **determined on consensus** to accept France and the USA to the Fisheries Commission membership. The total number of the Fisheries Commission membership was recorded as fifteen (15) members.
- 2.5 The Chairman informed the Council that two (2) Contracting Parties (Bulgaria and Romania) did not participate in the NAFO business for a number of years (13) and have not paid their contributions to the NAFO budget; Bulgaria, from 1992 and Romania from 1983. The Chairman made his contacts with Bulgarian and Romanian officials in Moscow asking for their participation at NAFO. However, no feedback has been received on the Chairman's requests.

To this subject, STACFAD recommended the General Council continue dialogue with those two (2) members through the NAFO Secretariat and Chairman enquiries during 1997. This was **agreed** by the General Council.

- 2.6 Under item 7 of the Agenda, "Participation of Intergovernmental and Non-Governmental Organizations", the USA Representative introduced a proposal (GC Working Paper 96/2) on transparency in the decision-making process and other activities of NAFO according to Article 12 of the UN Fish Agreement, on straddling fish stocks and highly migratory fish stocks. He proposed to call a Working Group for this purpose and the USA delegate to coordinate the organization of the Working Group.

- 2.7 The Representative of Denmark welcomed the USA proposal for the Working Group and noted that under the UN Agreement there are many legal and technical details which should be addressed under this item including authorities of different constituent bodies of NAFO (General Council, Fisheries Commission, Scientific Council) and financial issues. He emphasized on the topics of criteria for NGOs; payments, publicity and press regarding the sensitive issues under discussions at NAFO Meetings urging the Meeting to avoid at NAFO controversial situations of other international organizations dealing with marine resources where NGOs *de-facto* possessed monopoly to informing the media in their own way as the media does not have the same free access to meeting proceedings and documentation. He concluded that the Danish delegation cannot be committed at this stage to invite NGOs without proper and agreed by NAFO procedures.

The majority of the Delegations agreed in principle with the basic observations given by the Representative of Denmark (in order of speakers - Norway, Japan, Iceland, Canada, Russia, the EU, France, Cuba, Estonia, Latvia). The Representatives at the Meeting noted their consensus to the idea of the Working Group. At the same time, they cautioned that any decision on this subject should be carefully elaborated through discussions and consensus among the Contracting Parties.

- 2.8 The Chairman read the provisions of the NAFO Rules of Procedure, Rule 1.2, that the General Council may invite any non-member Government and international organization as an observer or observers explaining that the basic principle for the pending item is already established at NAFO. He announced the decision to set a Working Group on item 7 during this Meeting.

The Representative of USA acknowledged the comments and concerns expressed by the Delegations and proposed to cooperate closely with the Contracting Parties regarding the outcome of the Working Group and decisions of this meeting.

- 2.9 The Working Group on transparency met in several sessions under the Chairmanship of Dean Swanson (USA), and referred its Report to the closing session of the General Council (Annex 7).

The Report was accepted in principle by the Meeting with the agreement that Contracting Parties will continue their consultations on this issue, and further study/presentations of the relevant rules from other international organizations would be required.

- 2.10 The Representative of the USA proposed to call an intersessional Working Group meeting on this item in Washington, D.C. in spring 1997.

The Representative of the European Union supported the idea of transparency and of further discussing this issue within a Working Group. He noted, however, that the very tight NAFO schedule for 1997 might create difficulties for delegations to attend an intersessional Working Group. He proposed to proceed through exchange/study of the international practice for this purpose and to develop a draft paper for NAFO rules. All this communication could be available through the NAFO Secretariat in cooperation with the Chairman of the Working Group. After study of the draft, the Contracting Parties will take further decision on how to proceed.

This proposal was supported by the delegations from Canada, Denmark, Iceland, Japan and Russia.

The Representative of the USA clarified its understanding of the current procedure proposing the USA delegation will prepare draft rules based on international practice and distribute the draft to all Contracting Parties.

The Chairman ruled that this shall be a **decision** of the General Council as it was noted in the EU proposal and specified by the USA Representative. Any available information to this issue will be forwarded to the General Council by mail during the year.

- 2.11 The item 8, "Administrative Report" was referred to STACFAD. At the closing session of the General Council, on presentation by STACFAD, the Report was **adopted** by the Meeting.
- 2.12 The item 9, "Review Decision at 1995 Annual Meeting regarding Interpretation of the Provisions for "Quorum" in the NAFO Convention and Rules of Procedure" was introduced by Canada explaining that this subject could be reviewed if any objection to the interpretation (Rule 2.2) was presented by a Contracting Party (from 1995 Annual Meeting, GC Report, item 2.4d).

The Representative of Canada asked if there have been any reservation or objection to this procedure during 1995/1996. There have been none to report to the Meeting.

The Representative of Japan informed the Council that Japan does not have any legal reservation to the provision as quoted by Canada.

- 2.13 The item 10, "Request by the Scientific Council for modification of the boundaries of the statistical divisions (Div. 3P)" was explained by the Chairman that the request was supported by Canada, and this subject was presented in accordance with the Article XX.2 of the NAFO Convention. There was **unanimous consent** by the General Council to this proposal (Annex 8).

3. Coordination of External Relations (items 11-12)

- 3.1 Under the item 11, "Communication with other International Organizations and Events", the Chairman introduced sub-items:
- a) Re: "Kyoto Declaration and Plan of Action, 1995". The Meeting **agreed** with the draft text proposed by Canada as a reply to the *Government of Japan*. The NAFO Secretariat will handle this communication in a due manner.
- Note: A letter, GF/96-469 signed by the Executive Secretary was sent to the Government of Japan on 26 September 1996.
- b) On this subitem, "Second World Fish Congress in Brisbane", the Chairman informed that he could not attend the Congress, therefore, the NAFO Statement was forwarded to the Congress by the NAFO Secretariat. In addition, the Chairman noted a Working Paper (GC Working Paper 96/4) prepared by the participant of Denmark, H. Lassen, informing on major features and presentations of papers from the North Atlantic to the Congress.

- c) Under this item, "the UN Resolutions (50/24 and 50/25, December 1995)", the Meeting **endorsed** the UN Resolutions and asked the Executive Secretary to inform the UN Secretariat accordingly.

Note: A letter, GF/96-470 signed by the Executive Secretary was sent to the UN Secretariat on 26 September 1996.

- 3.2 To the item 12, "NAFO Observership at NAMMCO", the Representative of Norway presented a Report (GC Doc. 96/2). There were no comments to the Report.

4. Fishing Activities in the Regulatory Area Adverse to the Objectives of the NAFO Convention (items 13-15)

- 4.1 The item 13, "Consideration of non-Contracting Parties activities in the Regulatory Area and agreement on the task of STACFAC at the current meeting", did not generate any discussions or additions to the STACFAC task(s) introduced in the STACFAC agenda at the current meeting (please see Part III, STACFAC Report, incorporated in this Report).

- 4.2 The item 14, "STACFAC Report" was presented to the Meeting by the STACFAC Chairman, Jean-Pierre Plé (the USA), who emphasized the following basic information and recommendations to the General Council (Part III of this Report):

- a) There has been a decrease in the number of non-Contracting Parties (NCPs) vessels during 1996 from the same time in 1995 from 12 to 6 vessels, but that activity still posed a significant threat to NAFO stocks, which were mostly under moratoria. The flag nations fishing vessels were from Belize (1 vessel), Honduras (1), Panama (1) and Sierra Leone (3), total of six fishing vessels.
- b) The actions by Contracting Parties and NAFO diplomatic demarches have had some positive effect probably contributing to the decrease of non-Contracting Parties fishing. It was noted that New Zealand responded to the NAFO demarche, and their vessel left the Regulatory Area. Official responses were not received from the other NCP governments.
- c) STACFAC recommended the following measures to the General Council:

- to adopt the texts of diplomatic demarches signed by the Chairman of the General Council to Belize, Honduras, Panama and Sierra Leone (Annexes 3-6 of Part III);

Note (by Executive Secretary): The demarches were delivered through diplomatic channels by Canada, to Honduras and Panama and by the USA, to Belize and Sierra Leone.

- to call an intersessional STACFAC meeting in February 1997 at which the basic idea would be to consider the grounds, procedures and measures for a NAFO Scheme to further address and review NCP fishing problem in the NAFO Regulatory Area.

to adopt the STACFAC Report (GC Doc. 96/5) of the Brussels, May 1996 Meeting as modified and reviewed at the current meeting.

- 4.3 The Representative of the European Union asked to put on the record the EU position on the invitation of an expert from the World Trade Organization (WTO) to address the forthcoming intersessional meeting of STACTIC (see Annex 9). He regretted that the EU proposal was not agreeable to other delegations and emphasized that it aimed at contributing to a successful accomplishment of the task of STACFAC, as input from WTO would provide useful guidance for possible concepts to deal effectively with NCP activities in accordance with the relevant international law. The Representative of France noted its support to the EU position.
- 4.4 The General Council **adopted** the STACFAC Report and its recommendations. The place of the intersessional meeting will be the NAFO Secretariat Headquarters, in Dartmouth, Nova Scotia, Canada. The concrete dates in February 1997 will be decided through consultations between the STACFAC Chairman and the Executive Secretary.
- 4.5 Item 15, "Consideration of Protocol to the NAFO Convention for a dispute settlement mechanism to deal with disputes arising from use of the objection procedure" was introduced and explained by the Canadian Representative (proposal GC Working Paper 96/3) as follows: This problem was identified by NAFO as long ago as 1988-1989 (GC Doc. 88/8, Resolution 89/4) when the General Council addressed the problem of compliance with NAFO measures since 1979 in order to provide for conservation and maintain a traditional spirit of cooperation and mutual understanding within the Organization. The UN Fish Agreement on Straddling Stocks and Highly Migratory Stocks requires states to agree on efficient and expeditious decision making and compulsory binding settlement of disputes related to straddling stocks and highly migratory stocks. The intention of this Canadian draft proposal is to minimize conflicts by providing an objective third party mechanism to resolve disagreements which can lead to overfishing and confrontation. This Canadian proposal is intended to adapt the UN Agreement to the needs of NAFO. Those UN Agreement procedures will only apply when the Agreement enters in force following thirty (30) ratifications. However, the Agreement will not apply to the 3M discrete stocks managed by NAFO. Following this presentation, the Canadian Representative proposed the establishment of a Working Group to review the issue of dispute resolution, to make as much progress as possible during this Annual Meeting and to appoint Canada's Ambassador for Fisheries Conservation, P. Lapointe to chair this Working Group.
- 4.6 The Chairman of the General Council invited comments on the Canadian proposal. The following comments and positions were presented to the Meeting:
- i) The USA Representative appreciated the effort by Canada in presenting the proposal reflecting the provisions and intents of the UN Agreement, and noted that this proposal and NAFO work could be a cornerstone to build up NAFO policy on the UN Agreement. He supported the establishment of the Working Group.
 - ii) The Representative of the European Union emphasized that the UN Agreement on Straddling Fish Stocks was signed only a few months ago and, therefore, it

would be inappropriate to already start changing the agreement at this point in time. He further emphasized that if a Working Group were set up, the corresponding terms of reference should be drafted very carefully so that discussion would not be restricted to a mechanism relating only to objections.

- iii) The Representative of Norway supported the idea of the Working Group noting that this proposal was formulated on the provisions of the UN Agreement and directed to strengthening NAFO as such.
- iv) The Representative of Latvia appreciated the Canadian initiative to introduce the proposal. He addressed the pending problem of objection as the problem which is presently sitting inside of this Organization, and that the General Council should develop a comprehensive paper to solve the problem, which is not to solely rest with the objection procedure as this is just one method to address and object to NAFO problems. Therefore, he continued, NAFO should work to resolve the problem(s) and as the result there would not be any need for objections for NAFO decisions, because an objection comes always after the problem.

On behalf of Latvia, he mentioned that problems at NAFO are wider than just the procedure of objection and noted Latvia's reservation to any decision/recommendation of the Working Group.

- v) The Representative of Lithuania agreed to begin discussions in a Working Group noting that there should not be limitation only to objection procedure and that Lithuania requires some more time to study the proposal. He announced the Lithuanian reservation, at this stage, to any recommendation of the Working Group.
- vii) The Representative of France brought the attention of the Meeting to Part 15 of the UNCLOS, which contains relevant provisions as well, to the UN Fish Agreement, 1995, which developed some relevant provisions regarding this pending issue. To his opinion, the Working Group shall be established and tasked based on agreed terms of reference and the results of the Working Group should not be prejudged. He further especially emphasized that the Working Group will face very difficult legal task and it is doubtful that this task could be accommodated during this meeting or otherwise there should be consensus at this Meeting to proceed with discussions at the Working Group.
- viii) The Representative of Korea supported the Canadian proposal to proceed with discussions in a Working Group and proposed that the Contracting Parties should have time to review the report of the Working Group before the next Annual Meeting.
- ix) The Representative of Poland supported the Canadian proposal to establish a Working Group and agreed with statements made by USA and Norway.
- x) The Representative of Russia recalled that this issue has been on NAFO agendas at some time and place during last three (3) years and this was a difficult legal issue. However, this time NAFO has a new "weapon" - the UN

Agreement and the issue could be discussed in a Working Group as proposed by Canada. He mentioned that probably the deficit of time due to a very busy NAFO Annual Meeting agenda(s) and absence of legal advisers would not provide a good opportunity for thorough discussions and decision making on this subject.

- xi) The Representative of the European Union again pointed out that a Working Group should work under clear and sufficiently broad terms of reference.
- xii) The Representative of Canada explained its proposal again that at this point the task would be to review the issue of dispute resolution mechanism in a broad sense, and the Working Group will add some more details to the terms of reference after the discussion.
- xiii) The Representative of Korea questioned the exact schedule of the Working Group during this meeting and after the meeting, and what would be a precise mandate of the Working Group regarding developing terms of reference and continuation of the work during the year after this meeting.
- xiv) The Representative of Canada presented his summary of the proposal in the following terms:
 - the proposal at this point that the Working Group is set up immediately;
 - it should look at the issue of dispute resolution;
 - the Working Group will develop and define in more detail the terms of reference;
 - make as much progress as possible this week.
- xv) The Representative of Denmark reflected on the Canadian proposal that the Working Group could start and continue during this week, and it should make as much progress as possible. Nevertheless, the delegation from Denmark cannot participate in any final decision on this issue.
- xvi) The Representative of the European Union said that his delegation could agree to the proposal to set up a Working Group, but that it could not take a final decision on the substantive issues in the course of the current meeting. He also said that the Working Group would have to choose its Chairman.
- xvii) The Representative of Estonia emphasized the sensitive and legal sides of the issue, which is very difficult for Estonia, and therefore, his delegation took the same stand as Denmark and the EU.
- xviii) The Chairman of the General Council suggested that in this situation the issue could be referred for discussion between the Heads of the Delegations and invited opinions from the floor.

- xix) The Canadian Representative provided his understanding there was support for:
- setting up a Working Group;
 - discussions of a dispute resolution issue;
 - proceeding to work-out more details for the terms of reference;
 - the Chairmanship should be established somehow by the Group itself;
 - a number of Contracting Parties have expressed their reservations towards a conclusion of the issue this coming week.

He proposed that General Council take a decision based on the above-noted summary.

- xx) The European Union again reflected on the issue of the terms of reference clarifying that the reference has to be approved by the General Council considering all sensitivity of the pending issue.

The Representative of France supported the EU position and proposed to work-out the terms of reference at the Heads of Delegations meeting.

- xxi) The Representative of the USA considered that the Canadian presentation and explanation of the proposal probably would be sufficient for the Working Group to proceed, and then the Working Group will decide on further requirements, but the major objective will be to address the problem of dispute settlement.

- xxii) The Representative of Iceland noted its agreement in principle on the proposal, but underlined that Iceland, like many other Contracting Parties at the meeting, cannot participate in any final decision of the Working Group.

- xxiii) The Representative of Russia observed on several opinions to the Canadian proposal and supported the Chairman's suggestion to move this issue to the discussion between the Heads of Delegations.

- xxiv) The Chairman summarized all discussion that in this situation he preferred to move the issue to be discussed between the Heads of Delegations. It was decided to establish a Working Group.

- xxv) The Heads of Delegations held several meetings on this issue. The final decision was the following (from GC Working Paper 96/8, Revised):

The General Council **decided** to proceed with further discussions during the year and for this purpose to:

1. Establish a Working Group on Dispute Settlement Procedures with a mandate of:
 - (a) examining the desirability and, as appropriate, the development of dispute settlement procedures, taking into account relevant international agreements;
 - (b) reporting on the results of its work and its recommendations at the next annual meeting of NAFO; and

2. The Executive Secretary of NAFO convene a meeting of the Working Group as **early as possible in 1997** taking into account other intersessional meetings in the framework of NAFO.

5. Finance (items 16-17)

- 5.1 The items 16 and 17 of the General Council Agenda as well as item 8, "Administrative Report", were referred to STACFAD for discussion in the Committee and presentation of its recommendations to the Council.
- 5.2 The Chairperson of STACFAD, J. Quintal-McGrath (Canada), report was presented to the Meeting by the Vice-Chairman, F. Kingston (EU) on 13 September. The STACFAD Report included the following basic information and *recommendations*:
- a) Auditors Report transmitted to the Contracting Parties in March 1995 and Administrative Report at the current meeting were recommended for adoption;
 - b) The activity and participation of the NAFO Secretariat in the Pension Society (Pension Plan for NAFO employees) were approved by STACFAD and this was recommended for approval by the General Council;
 - c) The major budgetary items of the STACFAD Report were agreed as follows:
 - the budget for 1997 to be adopted in the amount of \$1,006,500 Cdn dollars;
 - the Accumulated Surplus Account be maintained at a level of not less than \$75,000 Cdn.
 - the outstanding contributions owing from Bulgaria (1996) and Romania (1996) be deducted from the Accumulated Surplus Account in the amount of \$32,063 Cdn.
 - d) Attempts to contact the Governments of Bulgaria and Romania concerning their unpaid NAFO contributions was once again futile. It is recommended that the NAFO Secretariat and the President of NAFO continue their efforts in contacting both Bulgarian and Romanian authorities.
 - e) The dates of the next Annual Meetings recommended as follows:

1997	-	Scientific Council	-	10-19 September
	-	Fisheries Commission	-	15-19 September
	-	General Council	-	15-19 September
1998	-	Scientific Council	-	09-18 September
	-	Fisheries Commission	-	14-18 September
	-	General Council	-	14-18 September
1999	-	Scientific Council	-	08-17 September
	-	Fisheries Commission	-	13-17 September
	-	General Council	-	13-17 September

The location of the Annual Meeting, 1997, was scheduled to be held in St. John's, Newfoundland. The location of the Annual Meetings for 1998 and 1999 will be held in the Halifax Regional Municipality area if no invitations to host the Annual Meetings are extended by a Contracting Party and accepted by the Organization (see item 5.5 below).

- 5.3 The Chairman of the General Council invited the Contracting Parties comments to the STACFAD Report and stated that to his opinion, the situation with Bulgaria and Romania non-participation/non-payment to the NAFO budget should be again seriously addressed at the next Annual Meeting, and in the interim the Chairman and NAFO Secretariat will try to establish contacts with those countries' officials.
- 5.4 The Representative of the European Union suggested a modification to the STACFAD Report, item 12 "Other Business", to read the final phrase of the first sentence as follows: "... unless there is a need to ensure that all Contracting Parties are informed of major NAFO decisions, matters, etc., at about the same time as a matter of principle." It was **accepted** by the General Council.

The STACFAD Report and the recommendations were **adopted** by the General Council

- 5.5 The Representative of the European Union invited the Annual NAFO Meeting 1998 to be held in Lisbon, Portugal. This invitation was **accepted** by the General Council with acclamation.

6. Closing Procedures (items 18-21)

- 6.1 Item 18, "Time and Place of the Next Annual Meeting" was referred to STACFAD. It was recommended and adopted that the 1997 Annual Meeting will be held in St. John's, Newfoundland, Canada, during 10-19 September.
- 6.2 There were no matters to discuss under item 19 "Other Business".
- 6.3 The Press Release was prepared by the Executive Secretary and modified by the Contracting Parties (Annex 10).
- 6.4 The Chairman of the General Council addressed the Meeting with his closing remarks (Annex 11).

He especially emphasized on the need to upgrade and improve NAFO cooperation in the field of science and research in the framework of NAFO.

He thanked all NAFO delegates and the Secretariat for participation and meeting arrangements.

- 6.5 The 18th Annual Meeting of NAFO was adjourned at 1600 hrs on 13 September 1996.

Adoption of Report

The Report of the General Council including proceedings of its Committees - STACFAD and STACFAC - has been finalized through two (2) circulations of the drafts to the Heads of Delegations and, therefore, adopted in accordance with the established procedure.

Annex 1. List of Participants

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- G. Moulton, Statistical Officer
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Annex 2. Opening Welcome Speech by the Delegate of Russia

Distinguished Mr. President, *Distinguished* Representatives of the High Contracting Parties, Ladies and Gentlemen:

Allow me, on behalf of the Russian Delegation to welcome all the participants and guests at the Eighteenth Annual Meeting of the Northwest Atlantic Fisheries Organization and wish it a success. It gives us special pleasure to receive members and guests to this meeting here in the city established by Peter the Great, in the city of fishermen and seamen, the city of St. Petersburg.

It was not by chance that the city of St. Petersburg was chosen as the place for the present meeting. Northwest Atlantic fishery plays a special role in the development and in the economic activities of the coastal regions of the Russian North and West.

Mr. Chairman, the year's work of the Organization has shown in our view, that the member countries succeeded in joining their efforts to establish a mechanism for international cooperation in order to facilitate conservation of fish stocks in the Northwest Atlantic. At the same time we realize that there is yet much to be done that this mechanism becomes effective indeed.

It is our pleasure to separately welcome the delegations, newcomers to NAFO, of the United States of America and France.

In conclusion, Mr. Chairman, I would like on behalf of our delegation to wish to all of us a successful meeting, and to all of our guests, an enjoyable stay in St. Petersburg.

Annex 3. Agenda

I. Opening Procedure

1. Opening by Chairman, A. V. Rodin (Russia)
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. Participation of Intergovernmental and Non-governmental Organizations
8. Administrative Report
9. Review Decision at 1995 Annual Meeting regarding Interpretation of the Provisions for "Quorum" in the NAFO Convention and Rules of Procedure
10. Request by the Scientific Council for modification of the boundaries of the statistical divisions (Div. 3P)

III. Coordination of External Relations

11. Communication with other International Organizations and Events
 - a) Kyoto Declaration and Plan of Action, 1995
 - b) Second World Fisheries Congress in Brisbane, Australia, 1996
 - c) United Nations Resolutions (50/24 and 50/25 of 5 Dec 1995) re straddling fish stocks and large-scale pelagic drift-net fishing
12. NAFO Observership at NAMMCO

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

13. Consideration of Non-Contracting Parties activities in the NAFO Regulatory Area and agreement on the task of STACFAC at the current meeting
14. Report of STACFAC at the Annual Meeting and decisions on actions
15. Consideration of Protocol to the NAFO Convention for a dispute settlement mechanism to deal with disputes arising from use of the objection procedure

V. Finance

16. Report of STACFAD at the Annual Meeting
17. Adoption of the Budget and STACFAD recommendations for 1997

VI. Closing Procedure

18. Time and Place of Next Annual Meeting
19. Other Business
20. Press Release
21. Adjournment

Annex 4. Statement by the Representative of the United States of America on Participation as a Full Member of the Fisheries Commission

USA Fishing Activity in NAFO Subarea 3

1893 - 1993

This paper summarizes U.S. fishing activity in NAFO Subarea 3 during the past 100 years. Data were obtained from several sources. U.S. catches of Atlantic cod, haddock, and Atlantic halibut taken in Subarea 3 between 1893 and 1951 were obtained from tabular information provided in the ICNAF Second Annual Report for the Year 1951-1952 (Part 4). Catches of all species from 1953 through 1993 were obtained from ICNAF and NAFO Statistical Bulletins (Volumes 3-42) and NAFO SCS Document 94/24, as well as updated information from NAFO Table 5 database files.

Historical data reflect considerable activity by U.S. vessels in the Grand Banks area during the latter part of the 19th century and early 20th century. U.S. landings of cod from this region ranged between 10,000 and 24,000 metric tons (mt) per year until 1905, and generally exceeded 1,000 mt annually until 1923. Landings of Atlantic halibut by U.S. vessels generally exceeded 1,000 mt annually until 1909, but have been below 100 mt per year since 1939. Annual U.S. haddock landings from the Grand Banks region have been less than 500 mt throughout the entire 20th century. U.S. vessels landed considerable quantities of redfish from Subarea 3 between 1951 and the mid-1960s. Annual landings generally exceeded 10,000 mt between 1951 and 1963, and were greater than 30,000 mt per year between 1952 and 1954.

Examination of U.S. catch and effort data since 1955 (by NAFO Division) reveals a sharp distinction between the spatial distribution of groundfish trips and large pelagic trips. Between 1955 and 1970, U.S. catches were almost exclusively comprised of groundfish, primarily cod and redfish. Groundfish landings were negligible throughout the 1970s and early 1980s, but increased temporarily between 1985 and 1990 as U.S. vessels pursued flatfish fisheries (yellowtail flounder, witch flounder, and American plaice) on the "tail of the Bank." Throughout the entire period covered by the ICNAF and NAFO Division datasets, most U.S. groundfish catches in Subarea 3 were taken from Division 3N, with lesser amounts from Division 3O and occasional catches from Divisions 3K, 3L, and 3P. Except for small amounts of redfish reported in 1956 and 1958, no groundfish catches have been reported from Division 3M.

U.S. catches of large pelagic species from Subarea 3 increased during the 1970s and have since dominated U.S. landings from the region. The principal species taken has been swordfish, with lesser amounts of yellowfin tuna, bluefin tuna, and large sharks also reported. As with groundfish, most of the large pelagic catches have been taken in Division 3N, but substantial catches have also been reported from Division 3M, with lesser amounts from Division 3O.

Annex 5. Opening Statement by the Representative of France (in respect of St. Pierre and Miquelon), Mr. G. Grignon

Mr. President,
Ladies and Gentlemen,
Members of Delegations,
Members of the NAFO Secretariat,

At the start of the NAFO Annual Meeting, I wish to speak to you briefly, as France is actually taking part for the first time in your work.

I ought to recall that it is in response to the request from the population and the elected representatives of the territorial authority of Saint-Pierre et Miquelon that the French government decided to accede to NAFO on account of our archipelago. Prime Minister Alain JUPPE of France confirmed this will while visiting our Islands last June; the law was passed in July by the French parliament and the instruments of accession were deposited in August.

The French government has done me the honour of asking me, in my capacity as member of the French National Assembly for Saint-Pierre et Miquelon, to head the present delegation. I accepted most willingly, in view of the great importance of the work of NAFO for our archipelago of *Saint-Pierre et Miquelon*.

I am thus opening up with you a new path of regional cooperation in fishing. I know that French experts, notably scientific ones, have always played an active part in this forum, within the European Union delegation, and I feel I must take this opportunity of paying tribute to their work.

We are entering this organization with a will to become more deeply involved in the management of Northwest Atlantic fisheries. Saint-Pierre et Miquelon is located at the heart of this region, and I believe that many of the sea-fishermen you represent have called at Saint-Pierre and therefore know its port. Life on our archipelago has always been devoted for the most part to fishing, to the processing of marine products and to welcoming calling trawlers. The port of Saint-Pierre has modern facilities which make it possible to welcome them and to provide them with all the services they may require, not limited to transshipment and supply capacities but including also traditional medical assistance to sea-fishermen. This is what earned Saint-Pierre the nickname of "service station of the Shoals".

Today, naturally we are suffering from the consequences of diminishing exploitable fish stocks. Our sea-fishermen, fishing industry workers and all harbour trades are being hurt by this situation. Courageously, some of them have embarked on the utilization and the valorization of hitherto unknown species.

Concerned with the conservation of stocks, the French authorities are truly making an effort to support rational management as a means to preserve fishery resources. Regulations applicable in the Saint-Pierre et Miquelon exclusive economic zone are currently being adapted in order to meet these ever-improving criteria. We also have gained significant experience in international cooperation on preservation and the joint management of stocks in French and Canadian maritime spaces. This cooperation focuses on research, exchanges of information, provision of scientific data, notably on the assessment of stocks and on ways of implementing arrangements for the monitoring of fishing. We regard, I assure you, international cooperation in conservation and management of stocks as of primary importance.

We also greatly value effective and efficient monitoring of fishing zones in order to ensure that management decisions are respected. In the Saint-Pierre et Miquelon economic zone France is in fact making very significant efforts in this sphere through the taking on board of observers and the permanent presence of fishery surveillance vessels.

I can assure you that the aim of our participation in NAFO is to cooperate with all partners which are already NAFO members, whether coastal or fishing States. In this respect France intends to apply for full membership of the Fisheries Commission and intends accordingly to exercise fully its duties and rights.

We are of course aware that the resources available are inevitably limited. For this reason we also intend putting at the service of the Organization our experience and our capacities in matters of surveillance, notably the availability of Saint-Pierre harbours facilities.

Lastly, we hope that it will be possible, in a near future, that the Annual Meeting will be held at Saint Pierre et Miquelon.

These are, Mr. President, Ladies and Gentlemen, Members of Delegations, and Members of the NAFO Secretariat, the items I wish to bring to your attention at the start of this meeting.

Allow me to thank our Russian hosts for their welcoming us in the very beautiful setting of Saint Petersburg - the City of Peter - as this can be of good omen.

I thank you for your attention and wish us all good luck in our work.

Annex 6. Argumentation presented by France on Behalf of Saint Pierre and Miquelon to become a Member of the Fisheries Commission

1. For over five centuries the fishery activity has occupied the most important place in the life of the Islands of St. Pierre and Miquelon. For this reason the population of the Islands was always a community open to sea and it was traditionally dependent on fishery activity.

In this connection it is necessary to remind that before the great crisis of the sea resources in the Northwest Atlantic one third of the whole salary in private sector was contributed by jobs related directly to fisheries. Therefore the entire population of the Islands was principally dependent on this single branch of production activity.

Furthermore a recent bilateral agreement between France and Canada has stated the right of fishery for France in the 3Ps area to be shared with Canada as well as rights of France in Canada's area.

Therefore France would like to have in the NAFO Regulatory Area a complementary quantity of resources which is necessary to proceed a viable fishery activity of the Islands of St. Pierre and Miquelon.

It is for this reason that France intends to begin a fishery activity in the NAFO Regulatory Area starting from the year 1977. Up to date, the fishery itself and activities related to it remain at the centre of the economic life of the Archipelago.

2. Concerning the status of the Archipelago, one could remind that France is a Coastal State in accordance with Article 1, paragraph 3 of the NAFO Convention, as far as the French EEZ of Saint Pierre et Miquelon is located within the scope of the Convention.

With this regard, France wishes to carry out in full scale the functions corresponding to international law, the basis of which come under Article 63, paragraph 2 of the United Nations Convention on the Law of the Sea. This article states that:

"Where the same stock or stocks of associated species occur both within the exclusive economic zone and in an area beyond and adjacent to the zone, the coastal State and the States fishing for such stocks in the adjacent area shall seek, either directly or through appropriate subregional or regional organizations, to agree upon the measures necessary for the conservation of these stocks in the adjacent area."

This substantial provision, which recognizes the rights of the coastal State, together with the necessary complementarity of conservation and enforcement measures, is mentioned in all the relevant texts agreed recently agreed by the international community as far as fisheries are concerned. One could quote, among other, the U.N. Straddling Stocks Agreement (Article 7, paragraph 1a and 2a) and the Code of Conduct for responsible fishing (Article 7, paragraph 14).

3. The intention revealed by France to carry out fishery activity in the Regulatory Area, in accordance with Article XIII paragraph 1b of the Convention, as well as its status as a coastal State, mainly concerned by the complementarity of the conservation and management measures justify its request to become a full member of the Fisheries Commission.

Annex 7. Report of the Working Group on General Council Agenda Item 7 Participation of Intergovernmental and non-Governmental Organizations

The meeting was opened by Dr. Dean Swanson (USA) on September 11, 1996 at 1430 and it was agreed that he chair the meeting. The following Contracting Parties were present: Canada, Cuba, Denmark (in respect of Faroes and Greenland), European Union, France (in respect of Saint Pierre et Miquelon), Japan, Norway, Poland and the USA.

The chair reviewed the U.S. proposal on improving transparency in NAFO proceedings consistent with Article 12 of the United Nations Agreement on Straddling and Highly Migratory Fish Stocks (UN Fish Agreement) (NAFO/GC Working Paper 96/2). He noted the U.S. view that Article 12 would establish an obligation to permit appropriate and reasonable access and participation of non-governmental organizations and intergovernmental organizations to the meetings of regional fisheries management organizations such as NAFO. NAFO should therefore address the issue of transparency and develop procedures and operations to permit such access and participation while ensuring the integrity of NAFO objectives and processes.

The member from Japan stated he was willing to discuss the transparency issue but expressed a reservation with referencing Article 12 of the UN Fish Agreement and to the U.S. interpretation of obligation. He saw no need to get into a legal discussion at this time and believed that common ground could be found on this matter.

The member from Canada expressed support in principle to developing guidelines and conditions. He noted that other international fisheries commissions such as ICCAT had in recent years developed guidelines and criteria for admission and participation of observers which could be instructive in terms of the range of considerations. It was noted however that Article 12 establishes a higher standard which could require other considerations be taken into account.

The member from the EU supported the development of rules and conditions for observers regardless of the legal status of Article 12 of the UN Fish Agreement. He acknowledged the risks in providing greater transparency. He put forward the following considerations: care in drafting the rules to minimize the risks, the nature of the participation, opportunities and constraints to oral presentations, determining the qualifications of NGO organizations and the press, admission of the press, recovery of additional costs from observers through a fee.

The member from Denmark endorsed rules in principle but expressed concern about how to avoid the types of problems other organizations such as the IWC have experienced.

The Working Group reviewed NAFO's current rules of procedure and practices to date for the admission of observers. It was agreed that it would be useful to produce a document which reviewed the rules and procedures of other relevant international organizations dealing with living marine resources including ICCAT, NASCO, IWC, NAMMCO, NPAFC, NEAFC, IPHC, ICES, CCALMR, and the UN Fish Agreement procedures for admission of observers. It was recognized while this may be instructive, it would not necessarily provide a model if NAFO were to develop rules consistent with Article 12 of the UN Fish Agreement.

The Working Group recommended that pursuit of this matter could be achieved through further study of the rules of other organizations. The U.S. offered to produce a non-paper outlining their views on the subject including a compilation of the rules and procedures used by the organizations named above subsequent to the 1996 NAFO Annual Meeting. Other Contracting Parties were encouraged to provide their views on this issue as well. It is possible that an intersessional Working Group meeting could be necessary to elaborate views further and produce recommendations before the 1997 NAFO Annual Meeting. Therefore General Council may wish to consider the need and timing for such a meeting.

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Gedion Jeremiassen	Denmark (in respect of Faroes and Greenland)
Bent Buch	Denmark (in respect of Faroes and Greenland)
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Akihiro Mae	Japan
Naoko Hamaguchi	Japan
Ole Tougaard	EU
Fred Kingston	EU
Andrzej Kiedrzyn	Poland
Raul Dominguez	Cuba
P. Lurton	France (in respect of St. Pierre et Miquelon)

Annex 8. Modification of Division 3P Boundaries

On the request of the Scientific Council (SCS Doc. 96/16, item IV.4c, page 6) and with concurrence of Canada, the General Council agreed to modify the Division 3P boundaries according to the provisions of Article XX.2 of the NAFO Convention as follows:

- define "Cape Ray" as 47°37.0' north 59°18.0' west
- define "Cape North" as 47°02.0' north 60°25.0' west
- replace "Burgeo Island" with 47°30.7' north 57°43.2' west
- replace 46°50' north 58°50' west with 46°50.7 north 58°49.0' west

Annex 9. Statement of the Representative of the European Union

The European Union notes with satisfaction that this year's STACFAC sessions made considerable progress in identifying principles that could shape an agreed NAFO system, to ensure that NAFO conservation measures are not undermined by Non-Contracting Party activities.

The European Union regrets, however, that its proposal to invite an expert from the World Trade Organization to address the beginning of the forthcoming intersessional STACFAC meeting did not meet with the approval of other Contracting Parties. The objective of the proposal was to contribute constructively to the accomplishment of the task of STACFAC. Input from this Organization would provide guidance on the overall context and accelerate STACFAC's work in drawing up the intended system, which must be designed to deal effectively with Non-Contracting Party vessels whilst being fully consistent with the relevant international law.

Annex 10. Press Release

1. The Eighteenth Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO) was held in St. Petersburg, Russia during 09-13 September 1996, under the chairmanship of Alexander Rodin (Russia), President of NAFO. All sessions of the NAFO bodies - General Council, Fisheries Commission and Scientific Council convened at the Shuvalov Palace.
2. There were 200 participants from fifteen (15) Contracting Parties - Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union (EU), France (on behalf of St. Pierre & Miquelon), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, Russia and the United States of America. The Meeting extended its warm welcome to new members of NAFO - the United States of America deposited its instrument of accession on 29 November 1995 and France (in respect of St. Pierre and Miquelon) deposited its instrument of accession on 14 August 1996.
3. The following NAFO preparatory meetings were held prior to the Annual Meeting: Special Scientific Council Meeting (NAFO Headquarters, November 1995); Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC) Meeting (Brussels, May 1996); Regular Scientific Council Meeting (Keddy's Inn, Dartmouth, Canada, June 1996); Scientific Council Workshop on "Assessment of Groundfish Stocks based on Bottom Trawl Survey Results" (St. Petersburg, Russia, September 1996); Fisheries Commission Workshop on "Compatibility and Applicability of Discard/Retention Rules for Conservation and Utilization of Fishery Resources in the Northwest Atlantic" (St. Petersburg, Russia, September 1996). The results and recommendations from these two (2) Workshops will be very helpful to the management of fish resources in the Convention Area.
4. The **Scientific Council**, under the chairmanship of W. R. Bowering (Canada), reviewed and assessed the state of 25 fish stocks in the NAFO Convention Area. The Scientific Council advice and recommendations for the management and conservation of fishery resources in the NAFO Convention Area were provided to the Fisheries Commission with the following highlights: all major cod stocks were at all time lows or lowest on record, and all flatfish stocks (American plaice, witch flounder, yellowtail flounder) were at low levels. Moratoria were therefore advised for these stocks in 1997.

The trawlable biomass of the redfish stocks (Divisions 3M, 3L and 3N) in the Regulatory Area were considered uncertain. A conservative approach to management was thus recommended with catches not to exceed 14,000 tons in 3LN and 20,000 in 3M tons in 1997. The other two redfish stocks in Subarea 1 (completely inside Canada's 200-mile zone) were considered severely depleted. Accordingly, "no directed fishery" was recommended for these stocks.

Greenland halibut Subarea 2 + Divisions 3KLMNO showed improved recruitment for all year-classes of 1990-94 and can be expected to recover.

5. The **Fisheries Commission**, under the chairmanship of H. Koster (European Union), considered the Scientific Council recommendations and made the decisions described below for the conservation and management of the fishery resources in the Regulatory Area.

There was unanimous agreement on continuation (from 1994) the moratoria for the following stocks: Cod in Divisions 3L and 3NO, American plaice in Divisions 3M and 3LNO, 3LNO Yellowtail, 3NO Witch and 3NO Capelin. As in 1995, the 3LMNO Greenland halibut quota was restricted to 20,000 tons (see Quota Table attached). 3LNO shrimp will remain under moratorium and the 3M shrimp fishery will be regulated by 22 mm size sorting grates and 40 mm mesh size as well as a 10% reduction in fishing effort from the level established for 1996.

New conservation and enforcement measures were discussed and agreed as follows:

- discard/retention rules for conservation purposes will be enforced inter alia, via expanded duties for observers, who would be authorized to strictly monitor and collect discard data
- 90 mm mesh size for pelagic trawls in the 3LN redfish fishery will be allowed on an experimental basis under strict supervision by observers and strict controls regarding bycatch levels.

A precautionary approach to the conservation and management of fish stocks in the NAFO Regulatory Area was discussed by the Commission and the Scientific Council was requested to present a report on the implementation of this concept, with consensus reached that all Contracting Parties fishing in the Regulatory Area should prevent illegal by-catch and catches of young fish. The Fisheries Commission reiterated the importance of Contracting Parties adhering to deadlines for the reporting on the disposition of apparent infringements of the NAFO Conservation Measures.

6. The **General Council**, under the Chairmanship of A. V. Rodin (Russia), considered several issues regarding internal and external policy of NAFO:

- A Working Group discussed a USA proposal for improving transparency in NAFO proceedings and decided to pursue this issue further by studying the relevant rules of other Organizations;
- The Meeting discussed the necessity of a dispute settlement mechanism in NAFO. It was decided that Contracting Parties will continue their consultations and a Working Group will meet as early as possible in 1997 with timing to be determined;
- With regards to non-Contracting Parties fishing activity in the NAFO Regulatory Area, the Council stressed the harmful effect of unregulated fishing by non-members. Diplomatic demarches were issued to the following countries: Belize, Honduras, Panama and Sierra Leone;
- It was agreed that STACFAC will meet in February 1997.

7. The election of the following NAFO officers took place for the two-year period 1997-1998:

Chairman of the Standing Committee on Fishing Activity of non-Contracting Parties in the Regulatory Area (STACFAC)	- J. P. Plé (USA)
Vice-Chairman of STACFAC	- B. Buch (Denmark -Greenland)

General Council
NAFO
13 September 1996

NAFO Secretariat
St. Petersburg, Russia

QUOTA TABLE: Total allowable catches (TACs) and quotas (metric tons) for 1997 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		Greenland halibut		Squid (Illex) ^{2,3} Subareas 3+4	
	Div. 3M	Div. 3NO*	Div. 3M	Div. 3LN	Div. 3M*	Div. 3LNO*	Div. 3NO*	Div. 3LNO*	Div. 3NO*	Div. 3LNO*	Div. 3NO*	Div. 3LNO*	Div. 3MNO	Div. 3LMO	Subareas 3+4	
1. Bulgaria	-	-	-	-	-	-	-	-	-	-	-	-	-	-	500	
2. Canada	47	0	650	4 686	0	0	0	0	0	0	0	0	3 000	-	N.S. ⁴	
3. Cuba	222	-	2 275	1 078	-	-	-	-	-	-	-	-	-	-	2 250	
4. Denmark (Faroe Islands and Greenland)	1342	-	90	-	-	-	-	-	-	-	-	-	-	-	-	
5. European Union	2992	0	4 030	374	0	0	0	0	-	-	-	-	11 070	-	N.S. ⁴	
6. France (St. Pierre and Miquelon)	-	-	90	-	-	-	-	-	-	-	-	-	-	-	2000	
7. Iceland	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
8. Japan	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
9. Korea	-	-	520	-	-	-	-	-	-	-	0	-	2 050	-	2 250	
10. Norway	555	-	90	-	-	-	-	-	-	-	-	-	-	-	2 000	
11. Poland	231	-	-	-	-	-	-	-	-	-	0	-	-	-	1 000	
12. Estonia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
13. Latvia	588 ¹	0	18 005 ¹	4 796 ¹	0	-	-	-	0	0	0	-	-	-	5 000 ¹	
14. Lithuania	-	-	-	-	-	-	-	-	-	-	-	-	2 550	-	-	
15. Russia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
16. Unred Stares of America	-	-	90	-	-	-	-	-	-	-	-	-	-	-	2000	
17. Others	23	0	160	66	0	0	0	0	0	0	-	-	1 330 ⁶	-	3 000	
Total Allowable Catch	6 000	*	26 000	11 000	*	*	*	*	*	*	*	*	20 000	*	150,000 ⁵	

¹ 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.

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

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

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

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

⁶ Of which no more than 40% (532 t) may be fished before 1 May 1997 and no more than 80% (1064 t) may be fished before 1 October 1997.

⁷ Quota of Bulgaria to be distributed among Denmark (Faroe Islands & Greenland), France (St. Pierre & Miquelon), Korea, the USA and others for 1997.

* No directed fishing. The provisions of Part I, Section A.4b) of NAFO Conservation and Enforcement Measures shall apply.

Annex 11. Closing Address by the Chairman, A. Rodin

Distinguished Heads of Delegations, Ladies and Gentlemen:

Today we are concluding the work of the 18th Annual NAFO Meeting. The situation with the NAFO fish stocks as reported to us by the NAFO Scientific Council continues to be very serious, and many stocks are in depression. Therefore, efforts of all NAFO members, as before, shall be directed towards reasonable limitations and even in some cases, towards temporary moratoria.

At the same, I wish to note the positive trends which appeared in the environmental conditions of the NAFO Convention Area, and consequently we can expect with confidence that restoration of the stocks will take place.

This optimism in me has not only been caused by the natural process but also by the hard work of this Organization in the field of conservation and restoration of fish stocks.

I believe that everything which strengthens our Organization must be supported and encouraged. We have a rich history dated from ICNAF to the present NAFO, experience and traditions which should be preserved, and we must not change them abruptly or destroy them.

We have problems, and we should not be afraid of them. Our problems can be resolved through discussions, and every position should be based on clear and, as appropriate, scientific argumentation.

Confirming our adherence to the provisions of International Law of the Sea, Kyoto Declaration, UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks and so on - we shall understand that scientific basis becomes more and more necessary in our business.

I can frankly say that we still have much work to do to develop and coordinate activities in that field of NAFO science. The number of scientific cruises is still very limited, and not all NAFO members work actively in that direction. There were cases of duplication of scientific research and that was not very rational.

We, within NAFO, should know exactly what scientific cruises are planned annually, what priorities should be set for ourselves, what means are available to us and so on. The exchange of scientific information has to be improved and should be better than at present. To this background, I believe that NAFO requires consolidated impulse to expend and coordinate scientific research in the framework of this international panel of NAFO.

Considering this issue, I am asking the delegations for their advice: Would it be appropriate to call a special NAFO meeting, next winter, to discuss the improvements in organizing scientific research work? I would appreciate if delegations could submit proposals and ideas on this problem to the Secretariat.

In conclusion, I would like to thank all the participants of our meeting for their productive and fruitful work, which clearly demonstrated that the NAFO spirit is the spirit of cooperation.

As always, and deservedly so, special thanks should be extended to the NAFO Secretariat for its well organized work and professional services to this Meeting and during the year.

Thank-you.

**Annex 12. List of Decisions and Actions
by the General Council
(18th Annual Meeting; 09-13 September 1996)**

Substantive issue (propositions/motions)	Decision/Action (GC Doc. 96/9, Part I; item)
1. Membership of the Fisheries Commission	New members - France (in respect of St. Pierre et Miquelon) and the United States of America; items 2.1-2.4
2. Participation in NAFO by two Contracting Parties - Bulgaria and Romania	The President of NAFO and NAFO Secretariat will communicate with those countries; item 2.5
3. Transparency in the NAFO decision-making process (Participation of Inter-governmental and Non-Governmental Organizations)	Agreed to proceed through study of the international practice on this issue and develop a draft paper of relevant NAFO Rules in cooperation with the Chairman of the Working Group (USA) and NAFO Secretariat; item 2.10
4. Modification of the boundaries of the NAFO statistical division (Div. 3P); GC Doc. 96/8	Adopted; item 2.13 and Annex 7
5. Kyoto Declaration and Plan of Action, 1995	Agreed on the text proposed by Canada as reply to the Government of Japan; a letter GF/96-469 was sent by the Executive Secretary to Japan on 26 Sep 96
6. UN Resolutions 50/24 and 50/25 December 1995 re the UN Agreement on straddling and highly migratory fish stocks; and on large-scale pelagic driftnet fishing	Endorsed; the Executive Secretary informed the UN Secretary in GF/96-470 of 26 Sep 96
7. Report of STACFAC to the Meeting: - New diplomatic demarches to Belize, Honduras, Panama, Sierra Leone - Intersessional Meeting of STACFAC, NAFO Headquarters, Dartmouth, Canada, February 1997 - New Chairman of STACFAC - Mr. Jean-Pierre Plé (USA)	Adopted; item 4 Agreed; signed by the President; item 4.2c) Agreed; item 4.2c) For information
8. Protocol to the NAFO Convention for a dispute settlement mechanism to deal with disputes arising from use of the objection procedure	Decided to proceed with further discussions during the year and call a meeting of a Working Group in NAFO Headquarters, Dartmouth, N.S., Canada, early 1997; item 4.6 xxv)

Substantive issue (propositions/motions)	Decision/Action (GC Doc. 96/9, Part I; item)
9. Report of STACFAD to the Meeting: - Auditors Report - Accumulated Surplus Account - Bulgaria's and Romania's collectible debt for 1996	Adopted; item 5 Adopted Agreed: to maintain on the level not less than \$75,000 Cdn Agreed: \$32,063 Cdn to write-off from the Accumulated Surplus Account
10. Budget for 1997	Adopted; \$1,006,500 Cdn
11. Annual NAFO Meeting, 1998	Agreed (on invitation by the European Union and Government of Portugal): to call the 1998 NAFO Annual Meeting in Lisbon, Portugal, 09-18 September

PART II

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

Monday, 09 September 1996 (1440-1600 hours)
Tuesday, 10 September 1996 (1515-1800 hours)
Wednesday, 11 September 1996 (1050-1125 hours)
Wednesday, 11 September 1996 (1230-1240 hours)

1. Opening

The Chairperson, J. Quintal-McGrath (Canada), opened the meeting and welcomed the participants (Annex 1). She stated that STACFAD delegates had the task to maximize the operations of the NAFO organization while remaining fiscally responsible to each of their respective governments.

2. Appointment of Rapporteur

F. Keating and S. Goodick of the NAFO Secretariat were appointed Rapporteurs.

3. Adoption of Agenda

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

4. Auditors' Report for 1995

The Auditors' Report was circulated to the STACFAD participants for their review and comments.

The Executive Secretary informed STACFAD participants that the Auditors' Report was circulated to the Heads of Delegations in early March, 1996 and no comments had been received on the Report.

The European Union representative inquired if there were any items in the report that should be highlighted and brought to the attention of STACFAD. The chairperson replied that she had reviewed the report and noted nothing out of the ordinary from the prior year.

At this point the agenda item was deferred until the following day to give the committee time to review the report. Upon further review by members of the STACFAD committee, no issues were raised.

STACFAD recommended to the General Council that the Auditors' Report for 1995 be adopted.

5. Meeting of the Pension Society

The Executive Secretary was asked to distribute STACFAD Working Paper 96/1 Report summarizing the annual meeting of the International Fisheries Commission Society (IFCPS) held

in Washington, DC during 14-15 May 1996. The NAFO Secretariat was represented by F. Keating and S. Goodick.

The Executive Secretary informed the participants that no new financial implications to the NAFO budget came out of the Society's meeting. With regards to the Administrative Agent's contract which runs until May 1998, approximately \$6,500 has once again been included in the 1997 budget.

The Chairperson also informed STACFAD that the Government of Canada, which has supported financially and administratively the IFCPS since 1957, is looking to further privatize the operations by 1998. The cost of this further privatization will be shared amongst all of the International Fisheries Commissions and is not expected to be a major cost, but nevertheless, will be an ongoing cost to NAFO. STACFAD will be kept informed about all developments with regard to this very important issue.

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

STACFAD Working Paper 96/2 was distributed and reviewed by the committee.

The representative from Norway asked for further explanation on the Hail System.

The Executive Secretary explained that the Hail System is still a very preliminary system/pilot project. Costs as shown in the working paper, indicate costs to transmit hails via fax from NAFO Headquarters to the EU Inspection Vessel, Brussels and St. John's, and additional costs to transmit the hails once again via computer modem to Brussels and Ottawa.

The Representative from the EU inquired if the duplication of fax and datapac transmissions will continue for 1997. The Executive Secretary explained a separate Working Paper (STACTIC Working Paper 96/7) is being presented to STACTIC recommending that this practice should be discontinued and a unified automated system be developed by Contracting Parties. Eliminating the compilation of fax reports and dispatches would represent a cost-labour savings to the NAFO Secretariat of approximately 250 hours per year.

The Representative for Norway asked, if all Contracting Parties agreed with this automated system for hail reports, would the NAFO Secretariat's current computer system be able to handle it. The Executive Secretary indicated that the initial system as donated by Canada, and upgrades performed by the Secretariat, would be able to accommodate this task based on the current program.

7. Administrative Report and Financial Statements for 1996 (estimated from 31 July 1996)

The Administrative Report (NAFO GC Doc.96/4) was referred to STACFAD from the General Council and reviewed by the Committee.

The Executive Secretary noted that expenditures for 1996 are anticipated to exceed the budget by approximately \$25,000 due to unbudgeted travel costs required to attend a Special Meeting of

STACFAC held in Brussels and holding the Annual Meeting in Russia. Otherwise, all other items have been kept within or below budget, and is anticipated to remain this way for the rest of the year.

The Chairperson informed the participants that payments have been received from Cuba (1995 contribution) and from Lithuania (1995 and 1996 contributions) since the financial statements were prepared as of 31 July 1996.

The Representative from Korea informed STACFAD that payment from the Republic of Korea was sent shortly before the NAFO Annual Meeting.

The Executive Secretary also noted that attempts to contact Bulgaria and Romania from both the President of NAFO and the NAFO Secretariat, with respect to outstanding contributions, have not been successful. Romania has not participated in NAFO business or paid contributions from 1982, and Bulgaria from 1992.

Concern over possible negative impacts and other effects of this situation on the organization were raised from the Representative of Iceland. He suggested the issue be evaluated, if it has not been done in previous years, so that General Council could take further actions to resolve the situation. The Executive Secretary noted that no major implications have arisen as a result of non-participation of Contracting Parties, other than those which have already been resolved.

A schedule of outstanding contributions detailing the periods and amounts due from Bulgaria and Romania was distributed (Annex 3).

The committee felt that this delicate situation be handled as in prior years, by deeming their contributions as uncollectible and applying the amounts to the Accumulated Surplus account as shown in Statement IV of the Financial Statements. It was recommended that the NAFO Secretariat and the President of NAFO, continue its efforts in contacting both Bulgaria and Romania.

The Representative from the United States inquired on the policy of recording the Provision for Employee Termination Benefits Liability and what was the reasoning/requirement for recording approximately 2/3 of the liability. Based on the size of the Organization, would it be more practical to set up a liability for two or three employees only, and have a larger Working Capital Fund. If NAFO ever ceases to exist, it appears as if the Organization is carrying more than enough assets to cover its debt requirements, given that Contracting Parties would be held accountable in case of insufficient funds.

The Committee requested that the Executive Secretary review these accounting policies and procedures and report to STACFAD at the 1997 Annual Meeting.

The Representative from Norway questioned the Nominal Catch figures for 1994 used in Statement V of the Financial Statements (Preliminary Billing Calculation for 1997) as they did not agree with her records. The Executive Secretary noted that catch figures are used from the STATLANT reports, and when these are not available, provisional catches are used from monthly reports. If there are any discrepancies in the Nominal Catches for 1994, Contracting Parties should contact the Secretariat before the billing is sent out in early 1997.

8. Review of Accumulated Surplus Account

The Chairperson reviewed the Statement of Accumulated Surplus and it was noted that the year end balance is estimated to be \$195,437 provided that all outstanding membership contributions are received. As in past years, STACFAD recommends that \$75,000 be appropriated to maintain a *minimum* balance in this account, although, this policy will be reviewed in conjunction with other accounting policies as mentioned in Item 7 of the Agenda.

The estimated unappropriated Accumulated Surplus balance (\$123,130) at the end of 1996 will be used to reduce contributions due from Contracting Parties.

9. Preliminary Budget Estimate for the Fiscal Year Ending 31 December 1997

The Executive Secretary presented the preliminary budget estimate for 1997 (GC Working Paper 96/1). He noted that budgeted items remained consistent with the prior year, with slight increases in Communications and Publications due to increased membership.

The Representative from the United States suggested that for ease of reference, a column be added to this report showing a forecast for the remainder of the current year for comparison purposes for the following year's budget. It was noted that this addition could be done for future statements.

The Representative from the European Union suggested that the 1997 Budget may want to be increased by approximately \$5,000 to cover possible changes to the Satellite Tracking pilot project which may be recommended by STACTIC to the Fisheries Commission. The Executive Secretary stated that the project is still very preliminary and since costs are unknown, this item is better delayed at this time.

STACFAD recommends to the General Council that the budget of \$1,006,500 be adopted (Annex 4).

Preliminary calculations of the 1997 billing for Contracting Parties was reviewed by the Committee (Annex 5).

10. Preliminary Budget Forecast for the Fiscal Year Ending 31 December 1998

STACFAD noted the preliminary budget forecast of \$1,032,500 for 1998 would be reviewed in detail during the 19th Annual Meeting (Annex 6).

11. Time and Place of the 1997, 1998 and 1999 Meetings

The location of the Annual Meeting for 1997 is scheduled to be held in St. John's, Newfoundland. The location of the Annual Meetings for 1998 and 1999 will be held in the Halifax Regional Municipality area *if no invitations to host the Annual Meetings are extended by a Contracting Party and accepted by the Organization.*

The dates of the next Annual Meetings are as follows:

1997	-	Scientific Council	-	10-19 September
	-	Fisheries Commission	-	15-19 September
	-	General Council	-	15-19 September
1998	-	Scientific Council	-	09-18 September
	-	Fisheries Commission	-	14-18 September
	-	General Council	-	14-18 September

and STACFAD recommends that the dates of the 1999 Annual Meeting be as follows:

1999	-	Scientific Council	-	08-17 September
	-	Fisheries Commission	-	13-17 September
	-	General Council	-	13-17 September

12. Other Business

A discussion ensued that to further rationalize NAFO's communication expenses, it was recommended that the Secretariat would, in future, transmit its documents by either FAX or mail but not both unless there is a need to ensure that all Contracting Parties are informed of major NAFO decisions, matters, etc., at about the same time as a matter of principle. This will be done at the discretion of the Executive Secretary as well, the communication method to be used depending on the urgency of the matter. This practice will be reviewed at the 1997 Annual Meeting to ensure that the communication method is timely and effective.

13. Adjournment

The meeting adjourned on 11 September 1996 at 1240 hrs.

Annex 1. List of Participants

Name	Contracting Party
J. Quintal-McGrath	Canada
J. Lopez Piedra	Cuba
F. Kingston	European Union
A. Halldorsson	Iceland
N. Hamaguchi	Japan
S. Ahn	Korea
A. Ukis	Latvia
A. Rusakevicius	Lithuania
A. K. Veim	Norway
J. Fota	Poland
G. V. Goussev	Russia
A. Okahnov	Russia
J. McGruder	United States of America
L. Chepel	NAFO Secretariat
S. Goodick	NAFO Secretariat
F. Keating	NAFO Secretariat

Annex 2. Agenda

1. Opening by the Chairperson, J. Quintal-McGrath (Canada)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Auditors' 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 1996 (July)
8. Review of Accumulated Surplus Account
9. Preliminary Budget Estimate for 1997
10. Preliminary Budget Forecast for 1998
11. Time and Place of 1999 Annual Meeting
12. Other Business including questions from the General Council
13. Adjournment

**Annex 3. Schedule of Outstanding Contributions
from Bulgaria and Romania**

	<u>Bulgaria</u>	<u>Romania</u>
1 January - 31 December 1982		\$ 2,700.75
1 January - 31 December 1983		11,000.00
1 January - 31 December 1984		11,483.06
1 January - 31 December 1985		12,688.81
1 January - 31 December 1986		11,784.09
1 January - 31 December 1987		15,273.97
1 January - 31 December 1988		14,189.50
1 January - 31 December 1989		16,618.05
1 January - 31 December 1990		17,875.65
1 January - 31 December 1991		20,060.56
1 January - 31 December 1992		18,702.14
1 January - 31 December 1993	\$18,109.12	17,473.10
1 January - 31 December 1994	14,893.10	14,893.10
1 January - 31 December 1995	16,614.28	16,614.28
1 January - 31 December 1996	<u>15,944.93</u>	<u>15,944.93</u>
	<u>\$65,561.43</u>	<u>\$217,302.10</u>

Annex 4. Preliminary Budget Estimate for 1997

	Approved Budget for 1996	Preliminary Budget Forecast for 1997	Preliminary Budget Estimate for 1997
1. Personal Services			
a) Salaries	\$ 596,500	\$ 609,000	\$ 614,500 ^a
b) Superannuation and Annuities	85,000	87,000	86,200
c) Additional Help	500	1,000	500
d) Group Medical and Insurance Plans	41,000	41,000	42,000
e) Termination Benefits	26,000	20,000	22,000 ^b
f) Accrued Vacation Pay	1,000	1,000	1,000
g) Termination Benefits Liability	10,000	10,000	10,000
2. Travel	18,000	15,000	11,300 ^c
3. Transportation	1,000	1,000	1,000
4. Communications	62,000	63,000	67,000 ^d
5. Publications	22,000	22,000	26,000
6. Other Contractual Services	48,000	48,000	38,000
7. Materials and Supplies	30,000	30,000	32,000
8. Equipment	5,000	5,000	5,000
9. Annual General Meeting and Scientific Council	35,000	40,000	35,000 ^e
10. Computer Services	15,000	15,000	15,000
	\$ 996,000	\$1,008,000	\$1,006,500

^a This amount includes cost of living adjustments (COLA's) for 1997. Collective bargaining with the Canadian Government is to begin in early 1997 with respect to COLA's. Therefore, no COLA's will be expended until an agreement is finalized.

^b This figure is in conformity with NAFO Staff Rule 10.4(a).

^c This figure includes the Assistant Executive Secretary's attendance at the 17th Session of the CWP, Hobart, Australia, March 1997; 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 1997, Victoria, B.C., Canada; and the Executive Secretary and Administrative Assistant to St. John's, Newfoundland for inspection and planning of the 19th Annual Meeting facilities, Spring 1997.

^d Increase in costs due to increased membership and communication of hail reports.

^e This figure includes the cost for NAFO regular meetings - Annual Meeting, September 1997, St. John's, Nfld., Canada and the Scientific Council Meeting, June 1997, Halifax, N.S., Canada.

Annex 5. Preliminary Calculation of Billing for 1997

Preliminary calculation of billing for Contracting Parties
against the proposed estimate of \$1,006,500.00 for the 1997
financial year (based on 17 Contracting Parties to NAFO).
(Canadian Dollars)

Budget Estimate	\$1,006,500.00
Deduct: Amount from Accumulated Surplus Account.....	<u>123,130.00</u>
Funds required to meet 1997 Administrative Budget.....	<u>\$ 883,370.00</u>

60% of funds required = \$530,022.00
30% of funds required = 265,011.00
10% of funds required = 88,337.00

Contracting Parties	Nominal Catches for 1994	% of Total Catch in the Convention Area	10%	30%	60%	Amount billed
Bulgaria	-	-	-	\$15,588.88	-	\$ 15,588.88
Canada ¹	415,836	53.32	\$54,544.75	15,588.88	\$282,626.02	352,759.65
Cuba ³	2,765	0.35	-	15,588.88	1,879.25	17,468.14
Denmark (Faroes and Greenland) ^{1,2}	103,185	13.23	13,534.66	15,588.88	70,130.45	99,253.99
Estonia	1,186	0.15	-	15,588.88	806.07	16,394.96
European Union ¹	69,608	8.93	-	15,588.88	47,309.59	62,898.48
France (St. Pierre et Miquelon)	101	0.01	13.25	15,588.88	68.65	15,670.78
Iceland	2,460	0.32	-	15,588.88	1,671.96	17,260.84
Japan ¹	4,105	0.53	-	15,588.88	2,789.99	18,378.88
Republic of Korea	-	-	-	15,588.88	-	15,588.88
Latvia	473	0.06	-	15,588.88	321.48	15,910.36
Lithuania ³	3,904	0.50	-	15,588.88	2,653.38	18,242.26
Norway ¹	12,689	1.63	-	15,588.88	8,624.17	24,213.06
Poland	-	-	-	15,588.88	-	15,588.88
Romania	-	-	-	15,588.88	-	15,588.88
Russian Federation	9,187	1.18	-	15,588.88	6,244.01	21,832.90
United States of America ¹	154,338	19.79	20,244.34	15,588.88	104,896.97	140,730.19
	779,837	100.00	\$88,337.00	\$265,011.00	\$530,022.00	<u>\$883,370.00</u>
Funds required to meet 1 January - 31 December 1997 Administrative Budget						<u>\$883,370.00</u>

¹ Provisional Statistics used when calculating 1994 nominal catches

² Faroe Islands = 10,011 metric tons
Greenland = 93,174 metric tons

³ No statistics have been received and therefore provisional statistics are based upon their 1993 nominal catches.
Contracting Parties are urgently requested to provide these figures.

Annex 6. Preliminary Budget Estimate Forecast 1998

1.	Personal Services	
	a) Salaries	\$ 626,500
	b) Superannuation and Annuities	87,000
	c) Additional Help	1,000
	d) Group Medical and Insurance Plans	43,000
	e) Termination Benefits	22,000 ^a
	f) Accrued Vacation Pay	1,000
	g) Termination Benefits Liability	10,000
2.	Travel	20,000 ^b
3.	Transportation	1,000
4.	Communications	68,000
5.	Publications	26,000
6.	Other Contractual Services	40,000
7.	Materials and Supplies	32,000
8.	Equipment	5,000
9.	Annual General Meeting and Scientific Council Meeting	35,000 ^c
10.	Computer Services	<u>15,000</u>
		\$1,032,500

^a This figure is for 1998 credits and conforms with NAFO Staff Rule 10.4(a).

^b This figure includes 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 1998; Assistant Executive Secretary attendance at the 18th Session of CWP; and home leave to Russia for Executive Secretary and family.

^c This figure includes the cost for Annual Meeting, September 1998 and the Scientific Council Meeting, June 1998, if held in the Halifax, N.S., Canada area.

PART III

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

1. Opening by the Chairman

The meeting was called to order by Frederick Wieland (EU) in the capacity of temporary Chair pending the nomination and appointment of a permanent Chair. Later in the day, the EU proposed the USA as Chair. This was seconded by Japan, and Dr. Jean-Pierre Plé took over the duties of Chair. Canada nominated Mr. Bent Buch of Greenland as Vice-Chair which was seconded by the EU.

The following Contracting Parties were present: Canada, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union, France (in respect of St. Pierre and Miquelon), Iceland, Japan, Norway, Poland and the USA (Annex 1).

2. Appointment of Rapporteur

Ms. Debbie Gill of Canada undertook to act as temporary rapporteur. Canada nominated Ms. Gill to continue in the capacity of rapporteur.

3. Adoption of Agenda

The Agenda was adopted as presented (Annex 2).

4. Review of 1996 information on activities of non-Contracting Party vessels in the Regulatory Area

The Representative of Canada presented a paper (STACFAC WP 96/4) on the activities of non-Contracting Party vessels in the Regulatory Area from January 1-June 30, 1996. This paper indicated that six NCP vessels had fished in the NAFO Regulatory Area during this time, and that one vessel registered in Honduras, the DANICA, had done most of the fishing. Total catches were estimated at 3,325t, of which 2,650t were 3M redfish. It was noted that there had been a decrease in the number of vessels from the same time in 1995, but that catches from these vessels still posed a significant threat to NAFO stocks.

Iceland reported that NCP vessels still fishing in the NAFO Regulatory Area were also fishing in the NEAFC Convention Area. Norway noted that NCP activity is not merely a regional problem but a global one and the decreased number of NCP vessels in the NAFO Regulatory Area likely reflected the lack of fishing opportunities.

5. Review of 1996 information on landings and transshipments of fish caught in the Regulatory Area by non-Contracting Party vessels

Canada indicated that it had no information on landings. The Chair encouraged other representatives to provide information on landings in their respective Contracting Parties.

In May, the EU reported on landings by non-Contracting Parties in EU ports in 1995 was 3,850t, mostly cod delivered to Portugal by Sierra Leone 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

Contracting Parties reported that there was no additional information on imports of groundfish species provided since the intersessional STACFAC meeting of May 1996. In May, Japan reported that 5 species, totalling 700t, had been imported from NCPs in 1995.

7. Reports by Contracting Parties on diplomatic contacts with non-Contracting Party Governments concerning fishing by their vessels in the Regulatory Area

The Chair noted that diplomatic demarches were sent to NCP governments whose vessels fished in the NAFO Regulatory Area in 1995. It was noted that New Zealand had responded and that no further activity had occurred by vessels registered in New Zealand since the response to the diplomatic demarche. Responses were not received from the other NCP governments.

The USA noted that on August 21, 1996 it had deposited its instrument of ratification to the United Nations Agreement for the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and had sent demarches worldwide encouraging other States to ratify this Agreement.

8/9. Examination of options open to Contracting Parties and the General Council to deter activities by non-Contracting Parties in the Regulatory Area including recommendations/deliberations from the Special STACFAC Meeting in Brussels (May 1996)

This item was discussed together with Agenda item 9 "Consideration of steps to deter reflagging of Contracting Party vessels for the purpose of fishing contrary to NAFO conservation and management decisions." Two discussion papers were presented within STACFAC outlining possible methods for dealing with NCP activity. Because of the complexity of these discussions and the lack of adequate time to review the issues in detail it was determined by the parties present that at least one intersessional meeting would be required to further discussion in this area. Contracting Parties agreed that the best time for an initial intersessional meeting would be in February 1997 at a place to be determined later. The framework of the initial intersessional meeting would be to consider the grounds, procedures and measures for a NAFO scheme to address NCP fishing in the NAFO Regulatory Area, with a view to developing such a scheme. If needed, the second intersessional meeting would continue the work to produce such a proposal, which could be adopted at the 19th Annual Meeting. A proposal was received to invite an expert from the World Trade Organization (WTO) to attend the next meeting of STACFAC to give a presentation; subsequent discussions failed to achieve consensus on this specific point.

10. Report and Recommendations to the General Council

Reference was made to GF/96-436, the outstanding STACFAC Report of the May 1996, intersessional meeting which was prepared by the NAFO Secretariat. The EU rapporteur for the May meeting provided a revised draft report during the week. Pending final comments from the

Contracting Parties present, the Chair undertook to provide this report in final form to the NAFO Secretariat.

The STACFAC recommends to the General Council that:

1. Demarches, in the form of letters signed by the President of NAFO, be made to the flag states from which non-Contracting Party vessels fished in the NAFO Regulatory Area in 1996, namely; Belize, Honduras, Panama and Sierra Leone, in an effort to discourage vessels from these states *from fishing* in the NAFO Regulatory Area (Annexes 3,4,5 and 6).
2. At least one intersessional meeting be held in 1997 prior to the next NAFO Annual Meeting in an effort to discuss further possible actions to deal with fishing vessels from non-Contracting Parties fishing in the NAFO Regulatory Area. STACFAC determined that the best time for the initial meeting would be in February 1997. The framework of the initial intersessional meeting would be to consider the grounds, procedures and measures for a NAFO scheme to address NCP fishing in the NAFO Regulatory Area, with a view to developing such a scheme. If needed, the second intersessional meeting would continue the work to produce such a proposal, which could be adopted at the 19th Annual Meeting.

In the absence of an offer of a Contracting Party to serve as host for such meeting(s), the site would be at the NAFO Secretariat, in Dartmouth, N.S., Canada.

11. Election of Chairman and Vice-Chairman

This issue was dealt with at the commencement of the meeting due to the immediate need for such Chairs as reported under item 1.

12. Other Matters

No *other matters* were raised.

13. Adjournment

The formal session of STACFAC adjourned at 1800 hours, Wednesday, September 11.

Annex 1. List of Participants

Contracting Party	Name
Canada	E. Mundell A. Donohue D. Gill
Denmark (in respect of Faroe Islands and Greenland)	B. Buch J. H. Pedersen O. A. Petersen
Estonia	V. Ruul
European Union	F. Wieland P. Heller J. Carbery M. Rouine V. Cody T. Kruse G. Conrad C. Dominguez J. F. Gilon E. Monteiro H. Figueiredo C. Gomes
France (in respect of St. Pierre and Miquelon)	G. Grignon D. Silvestre
Iceland	T. H. Heidar K. Skarphedinsson
Japan	A. Mae
Norway	P. Gullestad B. Angell-Hansen
Poland	A. Kiedrzn
USA	G. Martin M. Testa J-P. Plé

Annex 2. Agenda

1. Opening by the Chairman
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of 1996 information on activities of non-Contracting Party vessels in the Regulatory Area
5. Review of 1996 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 deter activities by non-Contracting Parties in the Regulatory Area including recommendations/deliberations from the Special STACFAC Meeting in Brussels (May 1996)
9. Consideration of steps to deter reflagging of Contracting Party vessels for the purpose of fishing contrary to NAFO conservation and management decisions
10. Report and Recommendations to the General Council
11. Election of Chairman and Vice-Chairman
12. Other Matters
13. Adjournment

Annex 3. Proposed letter to the Government of Belize

The Honourable _____
Minister of Foreign Affairs
Belize

Dear Mr. Minister:

Further to my letter of September 1995, I have been instructed by all members of the Northwest Atlantic Fisheries Organization (NAFO) present at its 18th Annual Meeting to raise again 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 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 that Non-Contracting Parties permitting vessels flying their flags to fish in the NAFO Regulatory Area do not comply with their obligations to cooperate in conservation and management and that such vessels have continued to be present in the NAFO Regulatory Area fishing on resources which are at historically depleted and critical levels. The "Ocean", registered in Belize, has been observed fishing in the area in 1996 to the severe detriment of critical resources.

The Government of Belize 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 Belize to withdraw its vessel and to take effective measures to prevent its return to the Regulatory Area. There is real urgency for the immediate withdrawal of this vessel given the critical state of many of the NAFO-managed fish stocks.

The Contracting Parties to NAFO draw the attention of the Government of Belize to the FAO's Compliance Agreement, adopted unanimously at the November 1993 meeting of the FAO Council, and the Agreement for the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, adopted unanimously at the August 1995 session of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. The FAO Compliance Agreement lays down legal conditions for the regulation of High Seas fishing by flag States. The UN Agreement sets forth the principles and measures for the regulation of high seas

fishing by flag States and the conservation and management of straddling fish stocks and highly migratory fish stocks. These Agreements provide a suitable basis on which the Government of Belize 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 18th Annual Meeting: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union, France (in respect of St. Pierre and Miquelon), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, the Russian Federation and the United States of America.

(DATE)

A. Rodin
President and
Chairman of General Council

Annex 4. Proposed letter to the Government of Honduras

The Honourable _____
Minister of External Relations
Honduras

Dear Mr. Minister:

Further to my letter of September 1995, I have been instructed by all members of the Northwest Atlantic Fisheries Organization (NAFO) present at its 18th Annual Meeting to raise again 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 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 that Non-Contracting Parties permitting vessels flying their flags to fish in the NAFO Regulatory Area do not comply with their obligations to cooperate in conservation and management and that such vessels have continued to be present in the NAFO Regulatory Area fishing on resources which are at historically depleted and critical levels. The "Danica", registered in Honduras, has again been observed fishing in the area to the severe detriment of critical resources.

The Government of Honduras 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 Honduras to withdraw its vessel forthwith and to take effective measures to prevent their return to the Regulatory Area. There is real urgency for the immediate withdrawal of this vessel given the critical state of many of the NAFO-managed fish stocks.

The Contracting Parties to NAFO draw the attention of the Government of Honduras to the FAO's Compliance Agreement, adopted unanimously at the November 1993 meeting of the FAO Council, and the Agreement for the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, adopted unanimously at the August 1995 session of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. These Agreements establish the general principles for the regulation of high seas fishing by flag States and the conservation and management of straddling fish stocks and highly migratory fish stocks,

and provide a suitable basis on which the Government of Honduras could prevent its vessel 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 18th Annual Meeting: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union, France (in respect of St. Pierre and Miquelon), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, the Russian Federation and the United States of America.

(DATE)

A. Rodin
President and
Chairman of General Council

Annex 5. Proposed letter to the Government of Sierra Leone

The Honourable _____
Secretary of State
Sierra Leone

Dear Mr. Minister:

Further to my letter of September 1995, I have been instructed by all members of the Northwest Atlantic Fisheries Organization (NAFO) present at its 18th Annual Meeting to raise again 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 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 that Non-Contracting Parties permitting vessels flying their flags to fish in the NAFO Regulatory Area do not comply with their obligations to cooperate in conservation and management and that such vessels have continued to be present in the NAFO Regulatory Area fishing on resources which are at historically depleted and critical levels.

The "Leone", registered in Sierra Leone, has again been observed fishing in the area to the severe detriment of critical resources. In addition, the "High Sierra" and "Porto Santo", also registered in Sierra Leone, were observed fishing in the area.

The Government of Sierra Leone 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 Sierra Leone to withdraw its vessels and to take effective measures to prevent their return to the Regulatory Area. 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 Sierra Leone to the FAO's Compliance Agreement, adopted unanimously at the November 1993 meeting of the FAO Council, and the Agreement for the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, adopted unanimously at the August 1995 session of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. These Agreements establish the general principles for the regulation of high seas fishing by flag States and the conservation and management of straddling fish stocks and highly migratory fish stocks, and provide a suitable basis on which the Government of Sierra Leone 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 18th Annual Meeting: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union, France (in respect of St. Pierre and Miquelon), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, the Russian Federation and the United States of America.

(DATE)

A. Rodin
President and
Chairman of General Council

Annex 6. Proposed letter to the Government of Panama

The Honourable _____
title
Panama

Dear Mr. Minister:

I have been instructed by all members of the Northwest Atlantic Fisheries Organization (NAFO) present at its 18th Annual Meeting to raise again 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 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 that Non-Contracting Parties permitting vessels flying their flags to fish in the NAFO Regulatory Area do not comply with their obligations to cooperate in conservation and management and that such vessels have continued to be present in the NAFO Regulatory Area fishing on resources which are at historically depleted and critical levels. The "Leone III", registered in Panama, has again been observed fishing in the area to the severe detriment of critical resources.

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 Panama to withdraw its vessels and to take effective measures to prevent its return to the Regulatory Area. There is real urgency for the immediate withdrawal of this vessel given the critical state of many of the NAFO-managed fish stocks.

The Contracting Parties to NAFO draw the attention of the Government of Panama to the FAO's Compliance Agreement, adopted unanimously at the November 1993 meeting of the FAO Council, and the Agreement for the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, adopted unanimously at the August 1995 session of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. These Agreements establish the general principles for the regulation of high seas fishing by flag States and the conservation and management of straddling fish stocks and highly migratory fish stocks, and provide a suitable basis on which the Government of Panama 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 18th Annual Meeting: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union, France (in respect of St. Pierre and Miquelon), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, the Russian Federation and the United States of America.

(DATE)

A. Rodin
President and
Chairman of General Council

SECTION III

(pages 103 to 157)

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PART I

Report of the Meeting of the Fisheries Commission

(FC Doc. 96/13)

18th Annual Meeting, 09-13 September 1996 St. Petersburg, Russia

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 10 September 1996 at 15:45 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), France (in respect of St. Pierre et Miquelon), Iceland, Japan, the Republic of Korea, Latvia, Lithuania, Norway, Poland, Russia, and the United States of America. (Annex 1)
- 1.2 Mr. P. Moran (United States) was appointed Rapporteur.
- 1.3 Opening statements were made by Denmark, Canada, United States, the EU, and France. (Annexes 2-6). The Chairman welcomed new Contracting Parties and members of the Fisheries Commission - France (in respect of St. Pierre et Miquelon) and the United States of America - and noted that their support for NAFO Conservation and Enforcement Measures would help to restore the resources and provide more fish in the future.
- 1.4 The provisional Agenda was **adopted**. (Annex 7)
- 1.5 For admission of observers, the Fisheries Commission had not invited any non-member Government or international organization to the meeting (Rule 1.2 of the Rules of Procedure). There have further been no applications received by the NAFO Secretariat for observer status.
- 1.6 It was **agreed**, for item 5 of the FC Agenda, that the normal NAFO practice regarding publicity should be followed and that no statements would be made to the media until after the meeting, when a press release would be adopted by the General Council and issued by the NAFO Secretariat to the public.

2. Administrative (items 6-7)

- 2.1 The review of the Commission membership was discussed at the opening session of the General Council (under the provisions of Article XIII.1 of the NAFO Convention), and the two (2) new Contracting Parties - France and the United States of America, were admitted to the Fisheries Commission.
- 2.2 It was **agreed** that item 7 of the FC Agenda, Participation of Intergovernmental and Non-governmental Organizations, was covered in the morning session of the General Council and needed no further discussion by the Fisheries Commission.

3. Conservation and Enforcement Measures (items 8-9)

- 3.1 Regarding item 8 of the FC Agenda, Consideration of Improved Planning and Control of Research Vessels in the Regulatory Area, a revised version of the proposed Canadian amendments to Part III, Section C of the NAFO Conservation and Enforcement Measures was distributed (NAFO/FC Working Paper 96/1, Revised). The Representative of the EU questioned the length of the proposed *notification period* (60 days), requesting a 30 day notification period. He further asked that the proposed measures apply to research on NAFO regulated species throughout the entire Convention Area. The Representative of Denmark expressed the view that 30 days was too short of a time for response from the scientists of other Contracting Parties. Regarding the area of application, the Canadian delegation suggested that paragraph 7 read, "...stocks fully within the Regulatory Area or straddling stocks managed by NAFO in the Convention Area". Denmark then asked that the addition be made "...and applying only to permanent research vessels", as defined in page 14, Section C of the Conservation and Enforcement Measures. **No consensus was reached** regarding this proposal and the issue was referred to the 1997 Meeting.
- 3.2 For item 9 of the FC Agenda, Report of STACTIC at the Annual Meeting, the Chairman of STACTIC, Mr. D. Bevan (Canada), reported the conclusions and recommendations of STACTIC to the following items of its agenda:
- (a) Review of Annual Return of Infringements; it was noted that although deadlines are currently prescribed in the Conservation and Enforcement Measures (NAFO/FC Doc. 96/1), there are difficulties in timely reporting. It was agreed that STACTIC should recommend that the Fisheries Commission reinforce with Contracting Parties that deadlines for reporting on the disposition of apparent infringements do exist and that these deadlines be vigorously adhered to. This recommendation was **adopted** by the Fisheries Commission.
 - (b) Review of Surveillance and Inspection Reports; A report by Canada reviewing Canada's surveillance activities and inspections in the Regulatory Area (STACTIC Working Paper 96/1) was accepted by STACTIC and forwarded to the Fisheries Commission.
 - (c) Review of the NAFO Observer Scheme and Satellite Tracking Pilot Project; a number of Contracting Parties made oral reports on the Observer Scheme Pilot Project. Written reports (found in STACTIC Working Papers 96/3 and 96/8) were also made and it was noted by STACTIC that the NAFO Pilot Observer Scheme has been implemented. Reports were also made regarding Satellite Tracking, with written reports found in STACTIC Working Papers 96/3, 96/9, 96/12 and 96/13. After further discussion, STACTIC concluded that the Pilot Project for Satellite Tracking was only partially implemented and that, while many Contracting Parties have installed appropriate equipment on their vessels, the Secretariat is currently unable to process and transmit those data to Contracting Parties with patrol vessels in the Regulatory Area.
- The Representative of the Secretariat at the STACTIC Meeting noted that extra funds and special equipment would be required in the NAFO Secretariat to communicate with vessels equipped with satellite tracking devices and process their information. Considering the recommendation by STACTIC Working

Group (FC Doc. 95/24, item 10) on testing several systems of satellite tracking, there could be some technical difficulties and substantial cost implications at the Headquarters to communicate and accommodate such many diverse systems.

Two options regarding this issue were forwarded to the Fisheries Commission for consideration; Option #1 called for convening a meeting of technical experts to deal specifically with the development of appropriate infrastructure within the Secretariat to deal with satellite tracking data effectively. Option #2 asked for expanding the mandate outlined above to include evaluation of possibilities to expand the satellite tracking program. Option #1 was **adopted** by the Fisheries Commission.

- (d) Review of Operation of the Hail System; five Contracting Parties and the NAFO Secretariat reported on the operation of the hail system. The Representative of the Secretariat drew the attention of STACTIC to its Report explaining that there is a full account of the NAFO Secretariat work on the Pilot automated system with a very clear recommendation to the Contracting Parties to utilize the system (Annex 2, Part II). Discussions covered the current system in place, the information they provide and the role of the Secretariat in the system. It was also disclosed that the Secretariat had not received final catch statistics for 1993-1995. A listing of the missing catch statistics and which Contracting Parties had not complied was requested by STACTIC and provided in by the Secretariat (Annex 3, Part II). Regarding the operation of the hail system, STACTIC recommended that: each Contracting Party identify a contact by name; the Secretariat provide a calendar of deadlines to each person to summarize current requirements for the submission of data; and that the Executive Secretary contact each identified contact person in the event data are not submitted as per requirements. This recommendation was **adopted** by the Fisheries Commission. In addition it was agreed (in FC Working Paper 96/12 and FC Doc. 96/5) that "target species" be reported in hail reports.
- (e) Discussion of Other Conservation and Enforcement Measures:
- i) Regarding compatibility and applicability of discard/retention rules for conservation and utilization of fishery resources (the Workshop), Contracting Parties agreed that they will emphasize the importance of current measures on the collection of information relating to composition and amount of discards to inspectors of Contracting Parties and to fishing vessel masters. STACTIC recommended amendments to Part VI, paragraphs 3(b) and 7 of the Conservation and Enforcement Measures (see STACTIC Working Paper 96/18, Revised). These amendments were **adopted** by the Fisheries Commission (FC Doc. 96/6).
- ii) Regarding consideration of amendment of Part V. Schedule II, Attachment I (Type of Fishing Gear) and Part II of the Conservation and Enforcement Measures, Iceland introduced Working Papers 96/10 and 96/11 regarding specifications to identify and measure double trawls for more accurate determinations of effort were recommended by STACTIC for forwarding to the Scientific Council. The Fisheries Commission **adopted** this recommendation.

iii) Regarding consideration of the 90mm mesh size for mid-water trawls in the redfish fishery in Divs. 3LN proposed by the Russian Delegation in STACTIC Working Paper 96/19, STACTIC agreed that the use of 90mm mesh in mid-water trawls for redfish could be permitted provided that additional measures are defined and included in the Conservation and Enforcement Measures. Seven measures relating to this issue were discussed and STACTIC agreed to seek a decision from the Fisheries Commission as to whether STACTIC and the Scientific Council should proceed to provide further detail on these proposed changes to the Conservation and Enforcement Measures.

iv) Regarding sampling protocols, STACTIC agreed that Contracting Parties should send sampling protocols now in use to T. Curran (EU) with a view to assisting in the development of a working paper for discussion at the next STACTIC meeting.

v) Regarding the item on the review of the list of apparent infringements subject to paragraph 10 in the Scheme of Joint International Inspection and Surveillance, upon the request of Canada, the item was removed from the STACTIC agenda.

- (f) Other Matters; Iceland expressed concern over the amendment of the 1995 STACTIC Report, which indicated that Canada would pay for observer coverage in the NRA. In response to a request by Iceland for clarification of this matter, STACTIC suggested that appropriate procedures be developed for adoption of reports and that unilateral changes should not take place. The Executive Secretary informed STACTIC that the report had been amended as a result of a letter from Canada explaining its position.

3.3 The Fisheries Commission **adopted** the STACTIC report and its recommendations as noted in the Fisheries Commission Report were also **adopted**. This was followed by further discussion and comments on the following issue:

- (a) The Chairman of the Fisheries Commission pointed out that although the measure proposed by Russia for a 90mm mid-water trawl for redfish has been agreed to in principle, not all Contracting Parties want the derogation to the 130mm mesh size. He stated that two Working Papers have been tabled with the most recent NAFO/FC Working Paper 96/15. He asked if details as discussed are acceptable.

The Representative of Russia stated that following further discussions with the Chairman of STACTIC and the Canadian delegation, NAFO/FC Working Paper 96/15 was prepared by Canada in consultation with Russia and so is acceptable to Russia. In response to a question for clarification by Denmark, the Representative of Russia responded that the derogation is to apply only in **divisions 3LN**.

The Chairman, with the agreement of the Contracting Parties, noted that the 90mm net fishery of redfish would apply to Russian vessels and the Meeting **adopted** the proposal (FC Doc. 96/9) and **requested** that Russia provide all

information on this issue for review by STACTIC and the Scientific Council so that STACTIC might advise the Fisheries Commission on the proper course of action for the future of this fishery.

4. Conservation of Fish Stocks in the Regulatory Area (items 10-15)

- 4.1 Before the presentation of the scientific advice, a slide presentation was given by the Chairman of the Standing Committee on Fisheries Environment (STACFEN), Dr. M. Stein (EU), on the current state of the environment in the Northwest Atlantic.
- 4.2 With respect to climatic conditions, the Representative of Norway asked if there is any relationship between the cold climate and the seal population in the Northwest Atlantic. In response, the Chairman of the Scientific Council stated that this relationship is not presently known, and pointed out that this issue was covered in last year's presentation to the Fisheries Commission.
- 4.3 For item 10 of the FC Agenda, the Chairman of the Scientific Council, Mr. W. R. Bowering (Canada) gave a summary of SCS Doc. 96/16, "Report of the Scientific Council, 5-19 June 1996" which provided scientific advice for the management of fish stocks in the NAFO Regulatory Area for 1997. He summarized this advice stock by stock as set out below.
- | | |
|--------------------------|---|
| Shrimp 3M | -catches at the lowest possible level |
| Cod 3M | -no directed fishery + lowest possible bycatch |
| Cod 3NO | -no directed fishery + lowest possible bycatch |
| Redfish 3LN | -not to exceed 14 000 tons |
| Redfish 3M | -not to exceed 20 000 tons |
| American plaice 3LNO | -no directed fishery + lowest possible bycatch |
| American plaice 3M | -no directed fishery + lowest possible bycatch |
| Witch flounder 3NO | -no directed fishery + lowest possible bycatch |
| Yellowtail flounder 3LNO | -no directed fishery + lowest possible bycatch |
| Greenland halibut 3LMNO | -catch should not exceed current TAC of 20 000 tons |
| Capelin 3NO | -no advice possible |
| Squid SA 3 & 4 | -no advice possible |
- 4.4 The presentation was followed by clarification from the Chairman of the Scientific Council on several on-going questions.
- 4.5 Regarding questions relating to the stock separation of cod in Div 2J3KL and the proportion of biomass of the cod stock in the RA, the Scientific Council concluded that it was appropriate to assess 3L cod as a unit of the 2J3KL stock complex. Currently there is no new information available that would change this conclusion.
- 4.6 With respect to the proportion of the cod biomass in 3L in the RA, the data have been updated to include the 1995 research vessel survey data. Estimates from these surveys indicate that the recent biomass of the 2J3KL cod stock is only about 1% of what it was in the 1980s. Mr. Bowering pointed out that estimates of proportions of biomass within and outside the RA can often be based on very small levels of catch and should be treated with caution.

- 4.7 Regarding the interrelation between seals and commercial fish stocks, much information was presented to this Commission last year as a result of a special symposium and a workshop on seals. No new information has been made available to the Scientific Council regarding this issue.
- 4.8 Regarding the question on coordinated research on Greenland halibut, a proposal was made last year concerning a synoptic survey throughout the range of its distribution from Davis Strait to the Flemish Cap. This survey was not carried out due to time, vessel support and funding considerations, but steps have been taken by the Scientific Council to deal with the currently limited survey coverage for Greenland halibut.
- 4.9 As to the question of a split TAC for Greenland halibut in SA2 + 3K versus 3LMNO, no new data were available in advance of the June 1996 meeting (or to date), and until survey coverage is extended throughout the range of the management area, a precise estimate of proportional distribution will not be available.
- 4.10 Regarding the question on further measures to protect juvenile fish of regulated species, particularly area and seasonal closures, the Scientific Council has concluded that species with a single well-defined nursery area could benefit from a closed area through enhanced juvenile survival. A year-round closure to all gears likely to catch juveniles of that species would be necessary for success, as seasonal and fleet-specific closures have generally not been successful in other areas. A sufficiently large closed area would also offer protection to other species. More traditional measures such as effort and catch restrictions, mesh size regulations, and improved selectivity of fishing gear can also contribute if enforcement is maintained. He stated that the Council is presently unable to quantify the effects of area closures, but effective area closures will require: precise definition of the species to be protected; careful definition of the boundaries with regard to species distribution; thorough understanding of the benefits to the fisheries to be effected; and the impacts of such closures on fishing fleets.
- 4.11 With respect to the optimum minimum fish sizes, especially in terms of yield per recruit; the Scientific Council examined information on yield and spawning stock biomass per recruit for 3LNO American plaice with a view to specifying an optimal size at first capture. The analysis indicated that while significant gains in terms of maximizing yield per recruit could not be realized by restricting the size of first entry to the fishery, gains in spawning stock biomass per recruit could be achieved through an increase in size at first capture. Alternative management objectives relating to a safe level of spawning stock biomass per recruit for this stock were considered, but the time series of data on spawning stock size and recruitment is insufficient to define a stock recruit relationship. Hence, it is not possible to identify the safe level of spawning stock size for this resource and an optimal minimum size for 3LNO American plaice cannot presently be determined.
- 4.12 In response to a request for information regarding 2J3KL witch flounder, the Chairman of the Scientific Council stated that the issue was not on the Agenda when the SC Report was compiled, however he stated that the Council would examine the request and respond.
- 4.13 The presentation was followed by further questions and requests for clarification by Contracting Parties.

- 4.14 With respect to 3M shrimp, the Representative of Denmark asked for an explanation regarding the indication of a 70% decline in the female component of 1993-1996 commercial catches. Also, he asked why the special comments to the SC Report state that the effort regulation did not reduce the exploitation of the 3M shrimp stock. Mr. Bowering responded that effort regulations imposed in 1996 did not reduce the exploitation of 3M shrimp due in particular to gains in efficiency such as the use of twin trawls and alterations in vessel speed. Hence, measures of effort based on numbers of vessels or fishing days are not a reflection of actual effective effort. Decline in female spawning stock biomass is related to the 1988 year class, which essentially made up the spawning stock biomass since the fishery began in 1993. As this year class declined through mortality, so did the spawning stock biomass. Nothing further came in until the 1993 year class, which has proven to be very strong as well, but has not yet changed sex and begun to contribute to the spawning stock. In response to further questioning regarding the scientific basis for the 1994 year class assessment, he cited the lack of two year old shrimp in the 1995 and 1996 surveys.

The Representative of Norway asked if the ratio between males and females in 3M shrimp is currently very different from that of other exploited stocks. He also asked if the Scientific Council had known last year that the 3M shrimp stock was at 50 000 tons, would they have recommended a closure of the fishery. The Chairman of the Scientific Council responded that by the time fishing began, the large 1988 year class was already female and a spawning component and it essentially comprised the fishery through 1995. However, the 1988 year class spawned a very large 1993 year class which has been fished for the last two years. It is difficult to say if there is any stock recruit relationship to that since the 1988 year class came from a very low spawning stock and the 1993 came from a very large spawning stock. Currently no real similarity exists between this and other stocks. Regarding closure of the fishery and 1993 year class strength, the 1995 and 1996 fisheries were almost entirely on the males, which is of great concern. NAFO will now never know the potential of the 1993 year class as a spawning stock and was unable to anticipate its large size due to a lack of data. This lack of data also makes it difficult to answer Iceland's question whether a total catch of 33,000 tons in 1997 would lead to a continuation of the present over-exploitation. This question was referred to the Scientific Council.

Note: (by the Secretariat) The Scientific Council considered the relative size of the 1988-1993 year-classes as well, their realized and potential yield to the fishery and advised that there would be an extremely high risk that the catch of 33,000 tons in 1997 will lead to a continuation of the present over-exploitation situation (SCS Doc. 96/17).

- 4.15 In discussions on 3M Cod, the Representative of Denmark asked why the Scientific Council changed its advice from a TAC last year to a moratorium this year. Canada further asked what the preliminary result of this year's EU surveys indicated for this stock. Mr. Bowering stated that 1995 EU survey data indicated a dramatic decline in the fishery to the lowest historical level with 1992-1994 year class recruitment very weak. The preliminary results of the 1996 EU survey shows that the situation is continued.
- 4.16 Regarding Greenland halibut, the Representative of the EU noted that the SC Report says that the Greenland Halibut fishery takes place on immature fish. He pointed out that the size at age of maturity for males and females in this species is different, with

females maturing at around 60cm and males maturing at shorter sizes. Therefore, while the statement of the SC Report may be true for females, it may not be true for males. He also asked Mr. Bowering for clarification on the shape of the exploitation pattern for this species and the relationship between mesh size and catch efficiency on larger fish. The EU then stated that if the fishing level on immature fish is reduced, we may expect a higher biomass of mature fish. But if the capacity of the 130mm mesh to retain larger fish is lower, we may end up with more biomass at sea, but not necessarily to higher long-term yields in the fishery. Mr. Bowering agreed with the EU observation that the SC Report references to juveniles mostly refer to the females in the stock. This is due to the common measurement of stock productivity based on egg-bearing females and the fact that males and females are not separated in these stocks. The exploitation pattern in these stocks is difficult to determine, although trawl patterns are probably more dome shaped. How much can be expected from larger spawning stock sizes is not known, but the probability of better productivity comes with a larger spawning stock size.

The Chairman of the Scientific Council, in response to a question by Canada concerning the adoption of a 145mm mesh size in the NRA (such as implemented by Canada), said that an increase in mesh size to 145mm would be a move in the right direction and stated that current mesh size would allow a 25% retention rate of about 30-35cm. Whereas the benchmark for 50% maturity for females was about 60cm, a 145mm mesh size would more adequately address this issue. Last year's SC Report stated that around 190-200mm mesh size was probably necessary to "delay recruitment to the fishery until about 60cm...".

- 4.17 In response to a question by Canada regarding 3M redfish, the Chairman of the Scientific Council stated that the 20 000 ton TAC recommended by the Council includes all catches, including unreported redfish bycatches in the shrimp fishery. In response to a request by the Representative of Denmark for clarification regarding the relationship between the reduction of bar spacings and the level of 3M redfish bycatch, Mr. Bowering noted out that Flemish Cap redfish have a good year class every 6-10 years, and that 1989 was very good with small sizes that contributed to the 1993-1994 bycatch. However, the reduction in bar sizes occurred at the same time as the 1989 year class grew to sizes that would not have been affected even had the bar size not been changed. Therefore the relationship between this conservation measure and the bycatch level is difficult to establish. Furthermore, in response to a request for clarification by the EU, Mr. Bowering stated that it is difficult to quantify the effect of redfish bycatch in the shrimp fishery and he pointed out that detailed projections showing this effect could be found in the SC Reports from 1995.

Canada asked for further clarification of the Scientific Council recommendation not to exceed 14 000 tons of 3LN redfish in 1997. Mr. Bowering stated that although it had been determined that the upper limit should be around 14 000 tons, an exact recommendation was difficult due to insufficient data. Many years of catches at or below this level will be necessary for proper evaluation of the stock. Continued poor recruitment will result in reduced spawning and recruit biomass. Even if a good year class occurs, it will take 7-10 years for corresponding catches to improve due to the slow growth rate of redfish.

- 4.18 Regarding 3LNO American plaice and 3LNO yellowtail flounder, the EU noted that there are some inconsistencies between the data of two different time series obtained by different sets of surveys, with the longer time series indicating a clear downward trend while the juvenile abundance surveys show a different picture (see SC Report: pages 77-79, fig. 25 & 27 and pages 87-89, fig. 35 & 37). He asked that given the inconsistency between these two sets of surveys and abundance indexes, what weight the Scientific Council has given to these data in the preparation of the management recommendations.

The Chairman of the Scientific Council stated that there was considerable debate over the time series of these surveys and that the Council recognized that the value for 1994 was unusually high. Given that the remaining survey values indicated a much more normal level of fluctuation, these data were used in setting the management recommendations with some consideration given to the high 1994 value as well. Regarding discards, it has been suggested that one way to deal with bycatch is through the use of closed areas. The EU asked in the case a closed area was established, what would be the minimum extension of this area (as a percentage of the total area of distribution of the juveniles of the species in question) to be effective for conservation. Mr. Bowering responded that this was discussed at length at the Scientific Council meeting in June. Generally the area would be on the Southeast Shoal, which is equidistant inside and outside of the Canadian EEZ. The juvenile area, however, covers a more significant section of the RA. American plaice is a separate issue and probably has several different areas that might be considered for closures.

- 4.19 For FC Agenda items 11 and 12, the Chairman noted that discussions on management and technical measures for fish stocks in the Regulatory Area and fish straddling national limits would develop stock by stock as usual.
- 4.20 Regarding 3M cod, the Representative of Denmark stated that it could not support a moratorium, citing good longline catches in accordance with the 1995 recommended TAC and improvements introduced into the fishery. The Representative of Canada, stressed the clear, longstanding Scientific Council advice on this stock and questioned how NAFO would justify a directed 3M cod fishery to non-Contracting Parties and others, especially given recent discussions concerning the use of the precautionary approach.
- 4.21 In consideration of 3M redfish, the Representative of Canada stated that he supported the Scientific Council advice that the catch should not exceed 20 000 tons particularly taking into account the significant bycatch of redfish in the 3M shrimp fishery. Japan, supported by the EU, Lithuania and Estonia, expressed concern over the new advice and called for a continuation of the status quo. He pointed out that the SC Report indicates that the catch is much less than 20 000 t and that a reduction in TAC would only penalize small fishing nations, as the larger countries do not use their entire quotas.
- 4.22 Regarding 3M shrimp, a number of Contracting Parties expressed concern over the objection and subsequent fishing activities of Iceland during the 1995 effort regulated fishery. Canada called for a moratorium, citing the poor status of the spawning stock and incomplete scientific data. The Representative of Denmark, supported by Estonia, Norway and Lithuania, supported the continuation of the effort-based system initiated in 1995 as long as all Contracting Parties participate. Others, including Latvia, the

United States, Japan, Cuba and France also agreed, but expressed concern over the possibility of large increases in effort in the future and called for a careful examination of the effort system with a view to establishing an appropriate management framework. The Representative of Russia proposed a status quo on last year's effort system, with the understanding that extensive scientific research should begin immediately in order to set a TAC in the future. He further stressed that any fishing activities should take place within the framework of NAFO.

The Representative of Iceland stated that they objected to the effort-based system last year because it is not economically efficient and would not lead to setting a reliable TAC system which Iceland feels is necessary to effective management. In explaining this position, he cited: the inability of the effort system to keep total catches within set limits; the difficulty in quantifying fishing days; and ability of vessels to increase catch without a reflection on effort through the use of new technology. He also expressed concern over transparency in the reporting system and non-Contracting Party activities in the fishery.

- 4.23 With respect to redfish in Div. 3LN, the Representative of Latvia, supported by Lithuania, France and Japan supported the Scientific Council advice of 14 000 tons. The United States also supported the suggested TAC, but emphasized the language "not to exceed..." in the advice and pointed out that 11 000 tons would achieve this goal. He further stated that the allocation formula might be the source of the problem in 3LN and that perhaps it should be reevaluated. Canada called for a continuation of last year's TAC (set at 11 000 tons).
- 4.24 Regarding 3LNO shrimp, while the Representative of Denmark stated that he saw no reason not to have a fishery, Canada expressed the view that, given the flatfish and redfish bycatch, lack of shrimp in the area and the situation in the 3M shrimp fishery, continuation of the trawl moratorium is appropriate.
- 4.25 In consideration of 3LMNO Greenland halibut, the Representative of Canada proposed that the TAC remain at the 1996 level of 20 000 tons, and stated that Canada would continue to manage 2+3K Greenland halibut at a level of up to 7 000 tons. Regarding catch of juvenile fish in this area, Canada further proposed an increase in mesh size to 145 mm and that the minimum fish size be increased to 35 cm. The EU expressed support for a 20 000 ton catch limit.
- 4.26 With respect to the cod stock in Div. 2J3KL, the Representative of Canada supported continuation of the moratorium and noted the proposal for a long term solution in a draft Resolution on the management and allocation of this stock (NAFO/FC Working Paper 96/6). At the closing session, the Fisheries Commission **adopted** the proposal on the sharing of the 2J3KL cod stock as a part of the NAFO Conservation Measures (FC Working Paper 96/14 and FC Doc. 96/10). The Chairman restated that the Fisheries Commission will act in accordance with Article XI of the Convention just as it does by adopting the proposal not to allow, for 1997, a directed fishery for 2J3KL cod in 3L (FC Doc. 96/7) (see point 4.29).
- 4.27 The Chairman then noted that further discussion would be unnecessary for the remaining stocks and, in the absence of comments, the decisions of the previous year concerning these stocks would be rolled over. No comments were offered.

4.28 The Representative of the United States made a statement regarding the treatment of newcomers in respect of fishing opportunities in the NAFO RA. The United States and France had consulted and agreed that as coastal States with long traditions of fishing in the area, they were entitled to fully participate in the fishery. It is important that NAFO (and other international fisheries regulatory bodies) recognize and accommodate the interests of new coastal State members in the RA. Otherwise, joining becomes a penalty. He stressed that this issue should be fully addressed by the members and worked out in the course of these meetings. The United States and France issued a joint statement on this topic along with quota requests for this year. (Annex 8)

4.29 The Chairman noted that after considerable discussion, **consensus had been reached** in Heads of Delegation meetings around the following proposals:

Cod 3M	-6 000 tons
Redfish 3M	-26 000 tons (1997 quota of Bulgaria is divided among; Denmark, Korea, the United States and France each receiving 90 tons and remainder attributed to "others")
American plaice 3M	-no directed fishery
Shrimp 3M	-effort limitation (with reservation by one Contracting Party; measure and amendments in NAFO FC Working Paper 96/12 and FC Doc 96/5)
Cod 3NO	-no directed fishery
Redfish 3LN	-11 000 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 (Illex) (SA 3 & 4)	-150 000 tons (with 2 000 tons each to France and the United States from part not assigned to Contracting Parties)
Shrimp 3LNO	-no directed fishery
Greenland halibut 3LMNO	-20 000 tons
Cod 2J3KL in NRA	-no directed fishery (with measures as outlined in NAFO FC Doc. 96/10 being applied when a decision is taken to allow the resumption of fishing for 2J3KL cod in the NRA)

4.30 The Scientific Council management advice and responses to special requests (including those regarding 2J3KL witch flounder and 3M shrimp) are found in NAFO/SC Working Paper 96/46.

4.31 The Fisheries Commission then **adopted the Quota Table** (Annex 9). The Chairman then asked for statements from Contracting Parties regarding the decisions outlined.

- 4.32 The Representative of Iceland, citing the Scientific Council advice, pointed out that the condition of the 3M shrimp stock calls for a significant reduction in total catch and that this reduction cannot be achieved effectively in the absence of a set TAC that is divided among Contracting Parties. He stated that given the serious inadequacies and the economic inefficiencies that an effort-based system leads to, Iceland objected to this system last year and does not support it for this year. He further stated that Iceland intends to limit, though unilateral quota, the fishing activities of its vessels in 3M in order to ensure that the total Icelandic catch in 1997 will be significantly reduced from the current levels.
- 4.33 The Representative of Latvia expressed concern that some decisions are being made without proper scientific and informational basis. He also emphasized that decisions must take into account the interests of all parties, and asked to incorporate his Statement in the FC Report (Annex 10).
- 4.34 The Representative of Denmark stated that the management measures must be seen as a package. However, he expressed the view that a moratorium on 3M cod is unnecessary and called for a TAC of 6 000 tons. In respect to 3M shrimp, he supported the decisions taken regarding effort-based management and the use of grids and other technical improvements to address the bycatch problem, but pointed out that all Contracting Parties must participate in these solutions in order for success. He stressed that an objection by one Party could lead to further objections and would be a serious detriment to the stock. With respect to 3LNO shrimp, he stressed the connection between this and the 3M stock.
- 4.35 Regarding FC Agenda item 13(a), Fisheries Commission's Request for Scientific Advice on Management in 1998 of Certain Stocks in Subareas 3 and 4, the Chairman requested that Contracting Parties draft requests to the Scientific Council ahead of time to allow for speedy presentation and adoption. The resulting NAFO/FC Working Paper 96/13 also incorporates language relating to the precautionary approach and hence addresses FC Agenda item 13(b).
- The Representative of the European Union stated that paragraph 4 of the Working Paper should include 2J3KL stocks. The Canadian Representative responded that the request for information on these stocks would be included in the Canadian request. The Fisheries Commission adopted the document (Annex 11).
- 4.36 Regarding FC Agenda item 14, the Representative of Denmark reiterated his remarks of previous years dealing with the transfer of quotas between Contracting Parties (page 196, item 4.20 of the 1995 Meeting Proceedings) asking to keep this issue on the FC agenda for the next meeting.
- 4.37 Regarding FC Agenda item 15(a), the Representative of Iceland pointed out that there are several components of the existing conservation and management measures that together could secure information necessary to sound management. He called for improvement of the provisions relating to: submittal of reports on provisional monthly catches and annual catches from Contracting Parties; at-sea inspections; and the hail system, noting that proper implementation and further development are possible. He expressed concern that on board observers are inefficient and not always necessary and

stated that Iceland does not support this obligation beyond 1997. Citing technological developments of recent years, he further stated that it should be possible to have a more effective control system at a lower cost than presently in place. The European Union asked that STACTIC attempt to harmonize the language of this issue in order to allow for Contracting Parties to better express their perceptions of this issue.

It was **agreed** that a STACTIC intersessional meeting would take place in June 1997 and that reports regarding the status of Contracting Party efforts in this area would be due in May 1997. The draft agenda for the meeting was proposed by the Chair (Mr. Koster) as attached in Annex 12.

- 4.38 With regard to FC Agenda item 15(b), the Chairman noted that a summary of the Workshop on Compatibility and Applicability of Discard/Retention Rules for Conservation and Utilization of Fishery Resources in the Northwest Atlantic had been distributed to delegations (Annex 13). He asked that any observations regarding issues addressed in this workshop be presented to the Scientific Council and STACTIC at this time. The report was received by the Meeting for further consideration.
- 4.39 Regarding the Workshop report, the Representative of Norway asked what guidelines the Scientific Council would suggest for achieving the goal outlined in section 4, paragraph 4, that NAFO observers play a more efficient role in collecting full information on discards. The Chairman pointed out that this issue might also be considered by STACTIC. The Representative of Denmark pointed out the connections between this issue and those raised on page 4 of the STACTIC Report.

5. Closing Procedures (items 16-18)

- 5.1 Regarding FC Agenda item 16, it was agreed that the Fisheries Commission Annual Meeting, 1997, would take place in St. John's, Newfoundland, Canada, 15-19 September.
- 5.2 Item 17, Other Business; there was no other business discussed at the meeting.
- 5.3 Item 18, Adjournment; the Annual Meeting of the Fisheries Commission was adjourned at 1430 on 13 September 1996.

Adoption of the Report

The Report of the Fisheries Commission including proceedings of its Committee - STACTIC - has been finalized through two (2) circulations of the drafts to the Heads of Delegations and, therefore, adopted in accordance with the established procedure.

Annex 1. List of Participants

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Annex 2. Opening Remarks by Denmark (in respect of Faroe Islands and Greenland)

Mr. Chairman, this is a very important meeting in NAFO. This year there has not been a row of meetings as we had last year which resulted in the incorporation of many improvements of the enforcement measures which laid down the groundwork for the management of shrimp and 3M cod, recovery and rebuilding of the Greenland halibut, cod and flatfish currently under NAFO moratorium.

At the last year meeting NAFO managed to find a very important improvement of the NAFO Conservation and Enforcement Scheme regarding the shrimp fishery where the shrimp countries worked out an effort limitation which applied with the precautionary approach in principle and measures were established as an effort limitation by limitation of fishing days and number of vessels involved from each Contracting Party.

In addition improvements were introduced to solve the by-catch problem by mandatory using of sorting grids together with other technical improvements.

Mr. Chairman, everyone here is aware of the importance the shrimp countries attached with the adoption of the shrimp management measures agreed on the last annual meeting and we were more or less proud of it.

When looking at the result of how this effort limitation has worked out in practice this year many Contracting Parties are very disappointed in the observation of how some Contracting Parties increased their effort significantly.

Therefore Mr. Chairman, we fully understand the need of the implementation of precautionary approach to the NAFO managed stocks which should be introduced after consultations over a certain period.

In our waters we have a lot of experience when choosing between an effort limitation system including technical measures or a high graded fishery under a quota management regime.

This meeting is an historic opportunity for NAFO to demonstrate to the world that even objections benefit to Parties with the purpose only to maximize their fishing possibilities NAFO should be able to adopt effective conservation and management measures related to all species which we are responsible to regulate.

Annex 3. Opening Statement by the Head of Canadian Delegation

- Our challenge continues to be the conservation and rebuilding of the stocks of the northwest Atlantic.
- The assessments and recommendations of the Scientific Council underline the need for continuing restraint and vigilance in surveillance and enforcement of the fishing rules decided by NAFO to ensure juvenile fish are protected. The observer and satellite tracking pilot projects are important elements for stock rebuilding.
- The Scientific Council recommends continuing in 1997 current moratoria on fishing for groundfish stocks.
- The advice of the Scientific Council is especially serious with respect to 3M cod; the total stock biomass in 1995 is described as "the lowest on record".
- The Scientific Council also reported that 2J3KL cod remains at a very low level. Canada will seek to continue the moratorium on fishing for this stock in the NAFO area and will later table formally a proposal to facilitate conservation of 2J3KL cod in the long term.
- I also wish to inform NAFO that Canada currently has a moratorium on fishing inside the Canadian zone for 2J3KL witch flounder. Canadian scientists indicated that this stock remains at an extremely low level and that any exploitation in its present state continues to be unjustifiable from a conservation perspective. Accordingly, Canada is proposing that NAFO adopt a moratorium on 2J3KL witch flounder in the Regulatory Area to ensure effectiveness of the measures taken by Canada in its own waters.
- We must also be alert to other danger signals reported by the Scientific Council: high by-catches of juvenile redfish in the 3M shrimp fishery; a high proportion of catches of young, immature Greenland halibut; and signs of poor recruitment in 3LN redfish.
- It is clearly not yet time for us to begin to benefit from the restraint and vigilance we have practised over the past few years. It may be worthwhile to consider modifying or extending conservation measures or introducing new ones.
- In the NRA we must continue to persevere. For certain stocks, we may have to tighten our belts even more before we reach our goal. This will not be easy for any Contracting Party. Canada's objective is sustainable fisheries for all traditional users in the northwest Atlantic. I and other members of the Canadian delegation are here this week to work and cooperate with all of you toward achievement of that goal.
- Further to my reference above to 2J3KL witch flounder, Canada seeks the consent of the Fisheries Commission to request that the Scientific Council review available information, including any Canadian assessment documentation, and provide advice on the status of the 2J3KL witch flounder resource. Any information pertaining to the relative distribution of the resource within the stock area, as well as changes in this distribution over time should also be provided.

Annex 4. Opening Statement by the Representative of the United States of America

Mr. Chairman, Ladies, and Gentlemen,

On behalf of the U.S. delegation, it is my honor and pleasure to participate in the 18th Annual Meeting of NAFO. We are pleased to be able to join as a full and active partner in the conservation, management, and recovery of the fish stocks throughout the Northwest Atlantic region. We are also in the debt of the Government of the Russian Federation and the Russian delegation to this meeting for the excellent meeting facilities and the welcome we have received here.

Our interest in the fisheries covered by NAFO dates back over two centuries, when Thomas Jefferson, then Secretary of State, was asked to report to Congress on the declining harvests in the U.S. and Canadian Atlantic fisheries. So, you see, we have been at this business for a very long time.

We were a founding member of International Commission for the Northwest Atlantic Fisheries (ICNAF), NAFO's predecessor, in the period 1950-1979 and an active participant in the negotiation of the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries. Our scientific contributions from the creation of ICNAF to the present are unbroken, and we have attended every meeting of NAFO as an observer. We are happy to take our place today as one of the four coastal States.

The U.S. delegation has three primary interests for the 18th Annual Meeting. First, we are here to promote the conservation, management, and recovery of fish stocks addressed by NAFO. Second, through good stewardship and advancing toward the goal of sustainable fisheries, the United States looks forward to participation in the allocation of benefits and restored fishing opportunities that are the common goals of this organization and that are consistent both with our historical participation in these fisheries and our contributions to their management. Third, we also intend to work toward further strengthening NAFO consistent with the United Nations (UN) Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks, which the United States became a Party to on August 21, 1996, and the Food and Agriculture Organization Code of Conduct for Responsible Fisheries, which the United States is taking steps to implement both domestically and internationally. Believing that NAFO should not wait until the UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks comes into force to implement some of its key provisions, we have offered proposals for NAFO to begin to address and implement the precautionary approach to fisheries management and conservation and transparency to open NAFO's decision-making processes to greater participation by appropriate intergovernmental and non-governmental organizations.

The U.S. delegation welcomes the opportunity to work with other delegations and the NAFO Secretariat in achieving equitable and sustainable development of the fisheries resources of the Northwest Atlantic Ocean. We intend to support your leadership, Mr. Chairman, and the efforts of all other delegations toward these objectives. Thank you very much.

Annex 5. Opening Statement by the Representative of the European Union

Mr. Chairman, distinguished Delegates, Ladies and Gentlemen,

I am pleased to see representatives of two new Contracting Parties now sitting at this table. My delegation and I bid the representatives of the United States of America and France (in respect of Saint Pierre and Miquelon) welcome in this forum. It is clear to me that with the accession of these two new Contracting Parties and potential new ones, NAFO as the appropriate regional fisheries organization will be strengthened.

I also have much pleasure in informing you that on 25 June 1996, the Community accepted the "FAO Compliance Agreement" and on 26 June 1996, it signed the UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks. Furthermore, I wish to refer to the Code of Conduct for Responsible Fisheries which was adopted in the FAO context in autumn 1995. Principles enshrined in all of these instruments will be relevant for the work within NAFO. However, in the implementation of these principles, NAFO will have to start an exercise of careful scrutiny and then elaborate comprehensive solutions which have due regard to the peculiarities of the fish stocks in the Northwest Atlantic region.

Last year's Annual Meeting was particularly successful. Enhanced cooperation in the effective conservation of the fish stocks concerned was put to a successful test. The set of measures adopted on that occasion made the waters covered by NAFO the most strictly regulated international fishing area in the world and, hence, they set the scene for other regional fisheries organizations. Our experience with these measures so far shows that they are workable and yield a high degree of conservation of the fish stocks concerned.

Against this background, this year's meeting will be more of a consolidation exercise. We have to bear in mind the risk of over-regulation which might lead to a loss of support from the fishermen concerned who, after all, have to live with and abide by the adopted measures. Our main challenge continues to be effective conservation through cooperation of all NAFO members involved and, on that basis, sensible management decisions which lead to the recovery of the fish stocks. Here again the long-term interest of fishermen comes into play, the task being to spare fishermen from being caught in a vicious circle with dwindling resources triggering higher, if not ruinous, competition. Furthermore, new elements will come under review, among which the elaboration of a genuine NAFO model for the application of the precautionary approach to NAFO managed fish stocks will be particularly important.

The task ahead is immense. Yet I am convinced that our ambitions cannot be high enough. With this in mind, my delegation and I are looking forward to working closely with all other Contracting Parties in a constructive way to secure an outcome of this important meeting, which is beneficial to all NAFO members.

Annex 6. Statement by the Delegate of France (in respect of St. Pierre et Miquelon)

Mr. Chairman,

First of all, being a new member of the Fisheries Commission, the Delegation of France (in respect of St. Pierre et Miquelon) would like to express its thanks for the NAFO support. The Archipelago of St. Pierre et Miquelon probably not well known to the participants. Nevertheless, the population of the Archipelago has been at all times living from the sea fish resources for more than five centuries. These resources are at stake at the moment and we are all aware that the present great fishery crisis hurts everybody. However, the whole population of St. Pierre et Miquelon is mainly dependent on sea resources and expecting to continue fisheries activity.

Mr. Chairman, I would say that the Archipelago is not completely unknown to the Participants for many reasons. First of all, many fishermen used to call to the St. Pierre harbour, and on the other hand, we were always active participants to the work of the Scientific Council providing data and scientists from IFREMER.

I would also like to stress that we are also devoted to cooperation with NAFO in order to improve monitoring and surveillance activity. We are also well aware and support the UN Agreement recently adopted. The idea of a precautionary approach mentioned by some delegates at this meeting would be very important as far as fisheries are concerned.

In conclusions, I would like to mention that St. Pierre et Miquelon located at the heart of 200-mile zone would be ready to provide any harbour facilities for monitoring and surveillance required.

Thank you Mr. Chairman and all delegates on behalf of the delegation of St. Pierre et Miquelon.

Annex 7. Agenda

I. Opening Procedure

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
7. Participation of Intergovernmental and Non-governmental Organizations

III. Conservation and Enforcement Measures

8. Consideration of Improved Planning and Control of Research Vessels in the Regulatory Area
9. Report of STACTIC at the Annual Meeting

IV. Conservation of Fish Stocks in the Regulatory Area

10. Summary of Scientific Advice by the Scientific Council
11. Management and Technical Measures for Fish Stocks in the Regulatory Area
 - 11.1 Cod in Div. 3M
 - 11.2 Redfish in Div. 3M
 - 11.3 American plaice in Div. 3M
 - 11.4 Shrimp in Div. 3M
12. Management and Technical Measures for Fish Stocks Straddling National Fishing Limits
 - 12.1 Cod in Div. 3NO
 - 12.2 Redfish in Div. 3LN
 - 12.3 American plaice in Div. 3LNO
 - 12.4 Yellowtail flounder in Div. 3LNO
 - 12.5 Witch flounder in Div. 3NO

- 12.6 Capelin in Div. 3NO
- 12.7 Squid (*Illex*) in Subareas 3 and 4
- 12.8 Shrimp in Div. 3LNO
- 12.9 Greenland halibut in Div. 3LMNO
- 12.10 If available in the Regulatory Area in 1997:
 - i) Cod in Div. 2J3KL
 - ii) Witch flounder in Div. 2J3KL

- 13. Formulation of Request to the Scientific Council for:
 - a) Scientific advice on management of fish stocks in 1998
 - b) Implementation of precautionary approach to NAFO-managed stocks

- 14. Transfer of Quotas Between Contracting Parties

- 15. Consideration of other measures:
 - a) Review implementation of pilot project for observers and satellite tracking scheduled to expire on 31 December 1997
 - b) Consideration of recommendations of the Workshop on discard/retention rules

V. Closing Procedure

- 16. Time and Place of the Next Meeting
- 17. Other Business
- 18. Adjournment

**Annex 8. Common Statement on Behalf of the United States of America
and France (in respect of St. Pierre and Miquelon)**

First, we wish to thank the Contracting Parties to NAFO for allowing us to become full members of the Fisheries Commission.

As new members, we look forward to working with all the Parties in the conservation and management of the stocks.

And, as Coastal States with special recognition as defined in Article 1, paragraph 3 of the NAFO Convention, with long histories and traditions of fishing in the area, we wish to exercise our rights to participate in the fisheries in 1997 and the future. In that regard, we expect to receive appropriate quota shares.

Annex 9. Quota Table for 1997

QUOTA TABLE. Total allowable catches (TACs) and quotas (metric tons) for 1997 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		Greenland halibut		Squid (Illex) ^{2,3}
	Div. 3M	Div. 3NO*	Div. 3M	Div. 3LN	Div. 3M*	Div. 3LNO*	Div. 3LNO*	Div. 3NO*	Div. 3NO*	Div. 3NO*	Div. 3LMO	Div. 3LMO	Div. 3LMO	Subareas 3+4	
1. Bulgaria	-	-	-	-	-	-	-	-	-	-	-	-	-	-	500
2. Canada	47	0	650	4 686	0	0	0	0	0	0	0	0	3 000	-	N.S. ⁴
3. Cuba	222	-	2 275	1 078	-	-	-	-	-	-	-	-	-	-	2 250
4. Denmark (Faroe Islands and Greenland)	1342	-	90	-	-	-	-	-	-	-	-	-	-	-	-
5. European Union	2992	0	4 030	374	0	0	0	0	-	-	-	-	11 070	-	N.S. ⁴
6. France (St. Pierre and Miquelon)	-	-	-	90	-	-	-	-	-	-	-	-	-	-	2000
7. Iceland	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
8. Japan	-	-	520	-	-	-	-	-	-	-	0	-	2 050	-	2 250
9. Korea	-	-	90	-	-	-	-	-	-	-	-	-	-	-	2 000
10. Norway	555	-	-	-	-	-	-	-	-	-	-	-	-	-	-
11. Poland	231	-	-	-	-	-	-	-	-	-	-	-	-	-	1 000
12. Estonia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
13. Latvia	588 ¹	0	18 005 ¹	4 796 ¹	0	-	-	-	0	0	0	-	-	-	5 000 ¹
14. Lithuania	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
15. Russia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2 550
16. United States of America	-	-	90	-	-	-	-	-	-	-	-	-	-	-	-
17. Others	23	0	160	66	0	0	0	0	0	0	0	-	1 330 ⁶	-	2000
Total Allowable Catch	6 000	*	26 000	11 000	*	*	*	*	*	*	*	*	20 000	-	150,000 ⁷

¹ 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.
² The opening date for the Squid (*Illex*) fishery is 1 July.
³ Any quota listed for squid may be increased by a transfer from any "coastal state" as defined in Article 1, paragraph 3 of the NAFO Convention, provided that the TAC for squid is not exceeded. Transfers made to Contracting Parties conducting fisheries for squid in the Regulatory Area shall be reported to the Executive Secretary, and the report shall be made as promptly as possible.
⁴ Not specified because the allocation to these Contracting Parties are as yet undetermined, although their sum shall not exceed the difference between the total of allocations to other Contracting Parties and the TAC.
⁵ The TAC would remain at 150 000 tonnes subject to adjustment where warranted by scientific advice.
⁶ Of which no more than 40% (532 t) may be fished before 1 May 1997 and no more than 80% (1064 t) may be fished before 1 October 1997.
⁷ Quota of Bulgaria to be distributed among Denmark (Faroe Islands & Greenland), France (St. Pierre & Miquelon), Korea, the USA and others for 1997.
^{*} No directed fishing. The provisions of Part I, Section A.4b) of NAFO Conservation and Enforcement Measures shall apply.

Annex 10. Statement of Latvia at the Closing Session of the Fisheries Commission

Latvia is ready to participate in any discussion when NAFO decision making. We would like to focus attention only on the way of preparation phase for these decisions. We consider some of these decisions underdeveloped, without the basis of reliable information and scientific substantiation. We are not ready for adoption of the "last minute decisions" and accept them "eyes closed". It is necessary to have beforehand a detailed description of any proposal of the Contracting Party, as well as the historical background and statistical information in order to evaluate reasonably the proposals of other Parties. It does not matter how big the interest of the country in the topic is - 99% or 0.1%. We think that the Party is a Party. Each of them has to be conformable to the same rights, responsibilities and the same obligations. Of course, there are small and big countries, bigger and smaller fishing nations, we are not against supporting of decisions covering the interests of one or other Party, but in the future we only wish to participate in the decision making, taking into account the interests of all the NAFO Community. Especially, we mean the decision making for 2J3KL cod allocation. We are unable to participate in the discussions without beforehand provision of statistical and historical information on the proposals, because it is impossible to evaluate it reasonably. In addition, there were intense discussions on the stocks which were out of the question. Nevertheless, the final decision is made by Contracting Parties. We do believe and hope that they have information enough and have carefully evaluated the topic before the acceptance.

Latvia prefers to follow the scientific recommendations for 3LN redfish to be managed on the highest possible level. We consider that there is few fish stocks in the NAFO region available for fisheries, there is no scientific, economic nor biological reasons to decrease 3LN redfish fishery. There is no intention to overcatch this stock.

Latvia cannot accept the way of national quota distribution based on the conditions as before. This year we kindly have supported the new NAFO members to obtain their quotas. The quantity of quota is small, but it is a substantial support for the participation in the Organization of these countries.

Latvia has long historical traditions for its regulatory area, but it has not any national quota. It seems like a discrimination towards our country if we compare the situation in which the previous NAFO members were as well as the newcomers are now. We are ready to make our formal position on the matter as it was during the previous years. Latvia is against block-quota and Other quotas instead of national quotas. We would like to maintain equal rights and liabilities in the Organization. But we do like to make other Contracting Parties insure that in case of objection Latvia does not intend to break the common decision of the NAFO and is not prepared for separate or autonomous decisions which caused additional problems in management of stocks, quota distribution and common decision making. We invite all the other Contracting Parties for common effort to solve these problems especially for the next session as agreed by US proposal.

Annex 11. Fisheries Commission's Request for Scientific Advice on Management in 1998 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 1997 Annual Meeting, provide advice on the scientific basis for the management of the following fish and invertebrate stocks or groups of stocks in 1998:

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 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_{1996} and F_{max} in 1998 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 1998 and the long term. Values of F corresponding to the reference points should be given. Uncertainty in the assessment should be evaluated.

- 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 on the stock should be evaluated in the context of management requirements for the long-term sustainability.

- 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 results should include the following:
- i) for stocks for which analytical 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 1998 over a range of fishing mortality rates (F) at least from $F_{0.1}$ to F_{max} .
 - a graph showing spawning stock biomass at 1/1/1999 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. Information is also requested on the age composition of that portion of the stock occurring in the Regulatory Area.
4. The Fisheries Commission requests that the Scientific Council comment on Article 6 and Annex II of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks; and provide the following information for the 1997 Annual Meeting of the Fisheries Commission, a report that includes for all stocks under the responsibility of the Fisheries Commission (i.e. cod in 3M and 3NO, American plaice in 3M and 3LNO, yellowtail flounder in 3LNO, witch flounder in 3NO, redfish in 3M and 3LN, Greenland halibut in SA 2+ 3, capelin in 3NO, shrimp in 3M and squid in SA 3+4):
 - a) recommendation for the limit and target precautionary reference points described in Annex II indicating areas of uncertainty;

- b) information including medium term consideration and associated risk or probabilities which will assist the Commission to develop the management strategies described in paragraphs 4 and 5 of Annex II in the Agreement;
 - c) information on the research and monitoring required to evaluate and refine the reference points described in paragraphs 1 and 3 in the Agreement Annex II; these research requirements should be set out in order of priority considered appropriate by the Scientific Council; and,
 - d) any other aspect of Article 6 and Annex II of the Agreement which the Scientific Council considers useful for the implementation of the Agreement's provisions regarding the precautionary approach to capture fisheries.
5. The Fisheries Commission requests that the Scientific Council develop criteria to be *evaluated during any consideration of possible fisheries reopenings.*
6. The Fisheries Commission requests that, in 1997, the Scientific Council carry out a thorough analysis of the time series of juvenile abundance and other relevant biological data of American plaice in 3LNO and 3M, with a view to assessing the possibility to reopen the fishery.
7. The Fisheries Commission requests that, in 1997, the Scientific Council will carry out a thorough analysis of all the relevant biological data of cod in Div. 3M with a view to the possible closure of this fishery.
8. The Fisheries Commission requests that Scientific Council *review available information*, including any Canadian assessment documentation, and provide advice on the status of the 2J3KL witch flounder resource. Any information pertaining to the relative distribution of the resource within the stock area, as well as changes in this distribution over time should also be provided.
9. The Scientific Council is requested to assess possible changes in yield and spawning stock biomass of Greenland halibut in Subarea 2 and Div. 3KLMNO based on the assumption of a dome-shaped exploitation pattern and a different age of maturity and mortality rates for males and females, for the following scenarios:
- a) the current situation, and
 - b) a minimum landing size of 60 cm.

**Annex 12. Proposal re Intersessional STACTIC Meeting
(by the FC Chairman)**

The meeting would be held in Dartmouth, Nova Scotia, in June. The NAFO Secretariat would establish the specific date and inform the Contracting Parties. The purpose of the meeting is to review the general implementation of the NAFO Conservation and Enforcement Measures to determine if the measures are being properly implemented. STACTIC would also be asked to review reports on the implementation of the observer and satellite pilot project with a view to evaluating the pilot projects and providing advice to the Fisheries Commission in the 1997 annual meeting.

The agenda would be as follows:

1. Opening Remarks by Chairman of STACTIC
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of implementation of Conservation and Enforcement Measures with particular attention:
 - a) hail system
 - b) submission of catch statistics
 - c) operation of surveillance and inspection
 - d) review reports from the Contracting Parties with respect to the pilot project on observers and satellite tracking
 - e) establish criteria for review of the pilot project
5. Adjournment

Annex 13. Summary of the Workshop on Compatibility and Applicability of Discard/Retention Rules for Conservation and Utilization of Fishery Resources in the Northwest Atlantic

7-8 September 1996, St. Petersburg, Russia

I. Current by-catch/juvenile rules in the Northwest Atlantic have been reviewed.

All Contracting Parties apply a variety of measures for the purpose of reducing juvenile catches as well as by-catches of species in excess to applicable catch restrictions.

These measures consist of:

- changing of fishing grounds
- temporary and definitive closures of sensitive areas
- improved selectivity of gear
- minimum mesh sizes
- the use of grids
- minimum fish size
- maximum by-catch limits

These measures imply restrictions applicable to immature fish and by-catches. In some cases they are accompanied by an obligation to *discard juveniles and unauthorized by-catches* (only legal catches may be retained on board) whilst in other cases it is compulsory to keep on board and to land all catches (discard ban).

The main reason for compulsory landing of all catches is the necessity to record the total *fishing mortality* caused by fishing activities and to count all catches for quota management.

The main reason for the obligation to discard is to avoid the commercialization of such catches. During inspections at sea and in dockside inspections, inspectors can ascertain that only legal catches are retained on board. In this way, fishermen have no incentive to target illegal catches.

The main problem in applying a no-discard rule is the difficulty to achieve full compliance whilst, on the other hand, the problem related to requirements to discard lies in the fact that the unrecorded and uncontrolled discards make it difficult to assess the real fishing mortality.

Little information is available within Contracting Parties on selectivity and discards in gillnet and longline fisheries in the NAFO area.

Norway applies a discard ban for principal commercial species. *The experience with the application of this scheme shows that the very existence of a discard ban has changed fishermen's attitudes in a positive direction. In the case where in certain areas by-catch levels exceed the authorized levels trawling will be prohibited. These areas are defined on the basis of test fishing (commercial fishing vessels chartered by the authorities -*

budget 3.5 million dollars per year). The closure will last in general some weeks and the reopening is determined on the basis of test fishing. Illegal catches are landed and sold by the sales organizations but fishermen are not paid for. In order to reduce further the catch of small fish, Norway will oblige, as from 1 January 1997, the use of grids in trawl fishery for demersal species.

Canada applies a discard ban for the groundfish fishery. At the beginning of each year, quantitative catch restrictions, by-catch levels mesh sizes and fish sizes as well as monitoring rules are negotiated with the fleets authorized to carry out groundfish fishery in a certain area (small fish protocols and monitoring programmes). The expenditure for implementation of the agreed rules must be borne by the industry. If by-catches or the amount of small fish exceed prescribed limits the fishery is closed down for the whole fleet in the whole area for in principle 10 days but this period may be extended. The decision to close is based on information from observers on board of commercial fishing vessels as well as information from inspections at sea and ashore. Fishermen may market small fish or by-catches but these quantities are counted for quota registration.

In Greenland and the Faroe Islands partial discard laws have recently been introduced. In the Faroe Islands the fishery control authorities may close areas for a short period with a view to protect juvenile fish. Fishermen in these countries may freely market the landings of illegal catches.

In Iceland discarding of catch is generally prohibited. However, a release of live fish of certain length, caught by handline is mandatory. Catch may also be thrown overboard if it is diseased or if it is damaged in a manner that could not be avoided in the process of the fishing concerned. The same applies to fish species which are not subject to provisions of TAC if they are of no marketing value. Iceland has been using a system of area closures for decades to protect juvenile fish and spawning fish. This includes a mandate for the Marine Research Institute (MRI) to close areas immediately for one week if certain by-catch limit is reached upon inspection. There are several regulations concerning fishing gear. For example inspection. The use of sorting grid in the shrimp fishery is mandatory, and the minimum mesh size for cod fisheries is 155 mm. Fish kept on board under the no-discard rules may be marketed.

The European Community, the United States and Japan do not apply a discard ban.

Highgrading means that fishermen attempt to maximize the commercial value of their catch. In fact this problem is not new. Fishermen discard traditionally catches which have no commercial value. Furthermore, when the storage capacity on board is a limiting factor, low value catches are also discarded. More recently examples are observed where subject to market opportunities, the crew is charged by shipowners to discard the low value part of their legal catch. Norway mentioned the example of mackerel where individuals above 600 grammes are exported for a price which is far above the price for individuals under 600 grammes. Since no-discard rules are difficult to enforce at sea, it introduced the requirement that landings must consist of a minimum proportion of small individuals. This minimum proportion corresponds to the natural proportion of small fish in a mackerel shoal based on scientific recommendations.

- II. The NAFO Fisheries Commission has established over the last five years a management scheme which is based principally on sea inspections in the Regulatory Area (i.e. hail system, one net rule, minimum mesh size, minimum fish sizes, change of fishing area, the use of grids in shrimp fishing, full observer coverage, and 35% coverage for satellite tracking). An observer on each vessel checks the reality of catch recording whilst inspectors at sea will check the gear used as well as the presence on board of any illegal catch. Furthermore, they will compare the catch composition of the last haul with the recorded catch in the logbook and the catch stocked on board. Minimum mesh size and minimum fish size have been set with a view to reduce discard of undersized fish whilst the change of fishing area and the use of grids also contribute to a reduction in discards.
- III. The Scientific Council addressed in its 1992 report the question concerning reduction in catches of juvenile fish (closed areas, closed seasons, gear selectivity). However, there is insufficient information on discards and other unrecorded catch in order to determine the scope of the problem of by-catches of juveniles, high grading and non-targeted species. More accurate analyses can be made when more information is available. At this stage, most groundfish fisheries in the NAFO are under moratoria. The fisheries carried out currently consist of:
- shrimp fishery
 - greenland halibut fishery
 - groundfish fishery in Div. 3M
 - redfish fishery (midwater trawling)
 - occasionally some vessels target skate

The shrimp fishery caused by-catches and discards of small redfish which may have been reduced considerable by the introduction of the use of grids.

The Greenland halibut fishery is carried out with mainly by-catches of American plaice and grenadier. The discards of undersized fish are believed to be small.

Some discards will occur in the groundfish fishery and redfish fishery whilst potentially the skate trawl fishery could cause important discards when it would be carried out by many vessels using 130 mm gear. Vessels have carried out skate fishery with large mesh size trawls which avoided successfully by-catches.

Furthermore, the operation of some non-Contracting vessels (using small mesh sizes) adds to the uncertainty concerning the real fishing mortality and notably the fishing of *immature fish*.

- IV. Any fishing activity causes fishing mortality on the target stock as well as other stocks, individuals of which are caught in the same fishing operation. In addition to overall catch limitations, fishing management attempts on the basis of scientific advice to limit catches of immature fish as well as, when necessary, by-catches of non-targeted fish.

The instruments available to fishing management are limitation of the input in the fishery (fishing effort: number of vessels, size of the vessels and the gear and the fishing time) as well as output limitation (quantitative catch/landing restrictions such as TACs and quotas). Gear selectivity and measures to avoid fishing in sensitive areas may be used as instruments to limit juvenile catches and by-catches.

**Annex 14. List of Decisions and Actions by
the Fisheries Commission
(18th Annual Meeting; 09-13 September 1996)**

Substantive issue (propositions/motions)	Decision/Action (FC Doc. 96/13, Part I; item)
1. New members of the Fisheries Commission - France (in respect of St. Pierre et Miquelon) and United States of America.	Noted the decision by the General Council; item 2.1
2. Transparency in the FC decision-making process (Participation of Intergovernmental and Non-Governmental Organizations)	Noted: this issue was covered by the General Council discussion (items 2.2-2.10 of the GC Report); item 2.2
3. Amendments to the Conservation and Enforcement Measures (on presentation by STACTIC):	Discussed/Adopted; items 3 and 4
- Improved planning and control of research vessels in the Regulatory Area	No consensus was reached; the issue was referred to the 1997 Meeting; item 3.1
- Discard/retention rules; FC Doc. 96/6	Adopted; item 3.2(e)i)
- Type of fishing gear; W.P. 96/10 and 96/11	Agreed to refer this issue to the Scientific Council; item 3.2(e)ii)
- Sampling protocols	Agreed to forward information available to the EU delegate (T. Curran) for summary and the following review at the next STACTIC meeting; item 3.2(e)iv)
- Experimental redfish fishery for Russian vessels with 90 mm mesh size in 1997; FC Doc. 96/9 (Revised)	Adopted; item 3.3(a)
4. STACTIC Report at the Meeting (Part II)	Adopted; item 3.3
5. TACs and Regulatory Measures for major stocks in the Regulatory Area for 1997	Discussed/Adopted; item 4
- Cod 2J3KL in Reg. Area; FC Doc 96/7	Adopted: no directed fishery; item 4.29
- Cod in Div. 3M	6 000 tons
- Redfish in Div. 3M	26 000 tons
- A. plaice in Div. 3M	no directed fishery
- Cod in Div. 3NO	no directed fishery
- Redfish in Div. 3LN	11 000 tons
- A. plaice in Div. 3LNO	no directed fishery
- Yellowtail flounder in Div. 3LNO	no directed fishery

In order to assess the state of fish stocks accurately fishing mortality is an indispensable and most important parameter. When the scientists provide advice, this must be based on the total fishing mortality and not only on the quantity landed (expressed in live weight). The difference between the landed quantity and the total catch caught should be explained by *discards and/or unrecorded catches*.

For the above reason, it is extremely important that the total fishing mortality is accurately recorded. Apart from changes in sea conditions or other external reasons, the success of any management strategy will depend on the fact that actual fishing mortality is kept within the limits recommended by the scientists and set by fishing management. An efficient enforcement scheme at sea and ashore should ensure *proper recording* of basic parameters for estimation of actual fishing mortality. The NAFO observer could play a more efficient role in collecting full information on discards.

A full assessment of the efficiency and costs/benefits of different management strategies requires much more information than was made available at the workshop and should take account of the specific situation of a particular region. It was considered that measures with a view to minimize discards such as gear selectivity and avoiding fishing in sensitive areas are much more effective than the no-discard rule as such. Furthermore, it was considered that the risk of marketing illegal catches would vary according to local market characteristics.

- V. Canada has established a management system on the Grand Banks based on a coherent set of management measures. Therefore a derogation to the NAFO scheme appears justified.

The granting of a derogation to other Contracting Parties which do not apply in the NAFO Regulatory Area any alternative management measures would seriously impede on the enforcement strategy in the NAFO Regulatory Area.

Some discussion took place on possible ways in which the Fisheries Commission could manage fisheries according to alternative models. Measures concerning gear technology and changing fishing area (observers on board) fit in the current management strategy. Annual closures of fishing areas seem also feasible. However, temporary closures of areas on the basis of prefixed trigger levels should be examined carefully. In the first place the determination of the areas as well as the commencement and duration of temporary closures should be based on scientific advice (test fishing?) and decided by the Fisheries Commission. These measures should be non-discriminatory and not affect the capacity of Contracting Parties to exploit available fishing opportunities. Finally, the cost/benefit of such measures should be examined.

Substantive issue (propositions/motions)	Decision/Action (FC Doc. 96/13, Part I; item)
<ul style="list-style-type: none"> - Witch flounder in Div. 3LNO - Capelin in Div. 3NO - Squid (<i>Illex</i>) in SA 3 and 4 - Greenland halibut in Div. 3LMNO 	<ul style="list-style-type: none"> no directed fishery no directed fishery 150 000 tons 20 000 tons
<p>6. Long-term management of the Cod stock in Div. 2J3KL; FC Doc. 96/10</p>	Adopted; item 4.29
<p>7. Schedule 1-Quota Table for 1997; NAFO Conservation and Enforcement Measures</p>	Adopted; item 4.31 and Annex 9
<p>8. Management of shrimp fishery</p> <ul style="list-style-type: none"> - Shrimp in Div. 3LNO - Shrimp in Div. 3M; FC Doc. 96/5 	<p>No directed fishery in 1997; item 4.29</p> <p>Adopted: effort limitation; item 4.29</p>
<p>9. Other Conservation and Enforcement Measures</p> <ul style="list-style-type: none"> - Reporting deadlines on disposition of apparent infringements - Satellite Tracking Pilot Project - Hail Reports Amendment; FC Doc. 96/5 	<p>Discussed/Agreed; item 3</p> <p>Agreed: to reinforce by the Contracting Parties the deadlines (as required by Part IV.16 of the Conservation and Enforcement Measures) for reporting of their disposition of apparent infringements; item 3.2(a)</p> <p>Agreed: to convene a technical experts Working Group at the NAFO Headquarters in 1997; item 3.2(c)</p> <p>Adopted: to include "target species" in Part III, Annex 1 of the Conservation and Enforcement Measures and establish authorized contacts between the Contracting Parties and NAFO Secretariat; item 3.2(d)</p>
<p>10. Request to the Scientific Council for scientific advice on management of fish stocks in 1998; FC Doc. 96/11</p>	Adopted: item 4.35
<p>11. Transfer of Quota between Contracting Parties; item 14</p>	Referred to the Annual Meeting, 1997; item 4.36

Substantive issue (propositions/motions)	Decision/Action (FC Doc. 96/13, Part I; item)
12. Intersessional STACTIC Meeting, 1997	Agreed: to call the Meeting in June 1997 to discuss the general implementation of the NAFO Conservation and Enforcement Measures and, in particular, the observer satellite pilot project; the report from Contracting Parties re this issue(s) shall be done by <u>May 1997</u> ; item 4.37
13. Workshop on Compatibility and Applicability of Discard/Retention Rules; FC Doc. 96/4	Received: further observations by Contracting Parties be presented to the Scientific Council and STACTIC; item 4.38

PART II

Report of the Standing Committee on International Control (STACTIC)

18th Annual Meeting, 09-13 September 1996
St. Petersburg, Russia

1. Opening of the Meeting

The Chairman, D. Bevan (Canada) opened the meeting at 1030 on 09 September 1996. Representatives from the following Contracting Parties were present: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, the European Union (EU), France (in respect of St. Pierre et Miquelon), Iceland, Japan, Latvia, Norway, Poland, Russia and the United States of America.

2. Appointment of Rapporteur

Wayne Evans (Canada) was appointed Rapporteur.

3. Adoption of Agenda

The agenda was adopted as circulated (Annex 1).

4. Review of Annual Return of Infringements

The representative from Denmark proposed that a deadline be set for reports to be submitted on the disposition of infringements.

The representative from Canada noted that deadlines are currently prescribed in the Conservation and Enforcement Measures (NAFO/FC Doc. 96/1).

The representative from Iceland indicated there was no action taken on most of the apparent infringements for vessels from Iceland for 1993 (2 apparent infringements) and 1994 (8 apparent infringements) because national legislation regarding hauls and the provisions of documentation had not been in place at that time.

STACTIC **recommended** that the Fisheries Commission reinforce with Contracting Parties that deadlines for the reporting on the disposition of apparent infringements do exist and that these deadlines be vigorously adhered to.

5. Review of Surveillance and Inspection Reports

A report was tabled by Canada reviewing Canada's surveillance activities and inspections in the Regulatory Area (STACTIC Working Paper 96/1).

The report was **accepted** and forwarded to the Fisheries Commission.

6. Review of the NAFO Observer Scheme Pilot Project and Satellite Tracking

The Chairman requested Contracting Parties to first report on the Observer Scheme Pilot Project.

Representatives from Norway, Canada, Japan, Iceland, Denmark and Russia submitted oral reports. Written reports relevant to the Observer Scheme Pilot Project are contained in STACTIC Working Papers 96/3 and 96/8.

STACTIC noted that the NAFO Observer Scheme Pilot Project has been implemented.

The Chairman requested Contracting Parties to report on Satellite Tracking. Written reports relevant to Satellite Tracking are contained in STACTIC Working Papers 96/3, 96/9, 96/12 and 96/13.

The Representative from Norway reported that it had implemented a 100% requirement for satellite tracking on its vessels fishing in 3M. The Norwegian system had an average time delay of 70 minutes in positioning from the vessels to Norway and back to NAFO.

The Representative from Norway stated that the NAFO Secretariat was not prepared to deal with the satellite tracking information received.

Representatives from Latvia, Estonia, Iceland, Canada and the EU reported that they had implemented satellite tracking on their vessels.

The Representative from Denmark reported that the Faroe Islands was not able to implement satellite tracking and will be taking the matter up with vessel owners.

The Representative from the United States reported that it will submit a report to NAFO prior to the 1997 Annual Meeting on satellite tracking being implemented in its waters.

The Secretariat noted they were unable to process and transmit data from the satellite tracking systems onboard fishing vessels.

STACTIC concluded the Pilot Project for satellite tracking was only partially implemented. While Contracting Parties have installed appropriate equipment on their fishing vessels, the Secretariat does not currently have the capability to process and transmit those data to Contracting Parties with patrol vessels in the NAFO Regulatory Area.

Respecting this issue STACTIC is forwarding 2 options to the Fisheries Commission for consideration:

- Option 1. Convene a meeting of technical experts in Dartmouth, Canada with a mandate of developing the appropriate infrastructure within the Secretariat to receive, collate and transmit data on a timely basis to the Contracting Party with patrol vessels operating in the NAFO Regulatory Area.
- Option 2. Expand the mandate of the above meeting to include evaluation of possibilities to expand the satellite tracking program.

7. Review of Operation of the Hail System

Representatives from Canada, Norway, Iceland, Denmark, the EU and the Secretariat reported on the operation of the hail system.

There was considerable discussion about hail systems in place, information they provide and what the Secretariat's role is in the hail system.

A number of delegations indicated there were problems in receiving data from the hail system.

It was noted by the Secretariat that some information required in hails was not always submitted. The Secretariat's Report on Operation of the Hail System was circulated to STACTIC (W.P. 96/7, Annex 2).

There were no further discussions on the obligations of Contracting Parties to submit data to the NAFO Secretariat.

In the discussions it was disclosed that the Secretariat had not received final catch statistics for the years 1993, 1994 and 1995. STACTIC asked the Secretariat to provide a list of missing catch statistics and which Contracting Parties have not complied. This information was provided (Annex 3). The idea of using the hail system to transmit daily catch reports was raised by Iceland.

STACTIC recommended that:

- (1) Each Contracting Party identify a contact (by name).
- (2) The Secretariat provide a calendar of deadlines to each contact person to summarize current requirements for the submission of data.
- (3) The Executive Secretary contact each identified contact person in the event data is not submitted as per requirements.

8. Discussion of Other Conservation and Enforcement Measures

- a) Compatibility and applicability of discard/retention rules for conservation and utilization of fishery resources (Workshop)

The Fisheries Commission asked that STACTIC consider what measures might be needed to improve collection of information regarding the composition and amount of discards and retained catch with a view to providing better information on fishing mortality.

STACTIC agreed that there are current measures dealing with the collection of information regarding the amount and composition of discards. Contracting Parties agreed that they will emphasize the importance of these current measures to both inspectors of Contracting Parties and fishing vessel masters. STACTIC further recommended that the following amendments to the Conservation and Enforcement Measures be implemented (STACTIC Working Paper 96/18, Revised):

Part VI - Pilot Project for Observers and Satellite Tracking

Amend para 3(b)

collect catch and effort data on a set-by-set basis. This data shall include location (latitude/longitude), depth, time of net on the bottom, catch composition and discards; in particular the observer shall collect the data on discards and retained undersized fish as outlined in the protocol developed by the Scientific Council.

Amend para 7

The vessel on which an observer is placed shall provide suitable food and lodging during the observer's deployment. Vessel masters shall ensure that all necessary cooperation is extended to observers in order for them to carry out their duties including providing access, as required, to the retained catch, and catch which is intended to be discarded.

b) Consideration of amendment of Part V, Schedule II, Attachment I (Type of Fishing Gear) and Part II of the Conservation and Enforcement Measures

Iceland introduced Working Papers 96/10 and 96/11 related to specifications to identify and measure double trawls so that effort could be more accurately determined.

Canada noted that the code has already been developed to identify use of double trawls.

In discussion Iceland noted that the reason for these proposals was to better quantify effort and better provide information for analysis by the Scientific Council.

STACTIC **recommended** that Iceland's proposal be forwarded to the Scientific Council for their consideration to determine if Icelandic proposals would provide the required information.

c) Consideration of 90 mm mesh size for mid-water trawls in redfish fishery

The Russian delegation proposed that use of 90 mm mesh size for mid-water trawls in the redfish fishery be permitted. This proposal is contained in STACTIC Working Paper 96/19.

A number of other Contracting Parties suggested there would be a need for other conservation and enforcement measures to apply in any fishery using a 90 mm mesh size in order to avoid by-catches, small fish and minimize discard. STACTIC agreed that the use of 90 mm minimum mesh size in mid-water trawls in the redfish fishery could be permitted provided that specific additional control and enforcement measures are defined and included in the NAFO Conservation and Enforcement Measures. The measures necessary to avoid increasing by-catch discards, in addition to the current 100% observer coverage provided under the pilot project, include the following:

1. 90 mm minimum mesh size applies only to midwater trawl in 3LN
2. provisions for stowage of nets when not in use

3. that small fish protocols apply
4. that by-catch protocols apply
5. provision be made for timely orders to change from 90 mm to 130 mm mesh if standards for by-catch and small fish are exceeded
6. based on advice from the Scientific Council, time and area closures could apply to avoid by-catch of fish in the NAFO Regulatory Area
7. that the permitted maximum size and dimensions of the strengthening ropes (round straps) be prescribed

STACTIC **agreed** to seek a decision from the Fisheries Commission as to whether or not they agree that STACTIC and the Scientific Council should proceed to provide further details on the changes described above that would be needed in the NAFO Conservation and Enforcement Measures.

d) Sampling protocols

Item was introduced by EU and Canada.

There were no working papers.

STACTIC **agreed** Contracting Parties would send sampling protocols now in use to Tony Curran (EU) with a view to assisting in the development of working paper to be discussed at the next STACTIC meeting.

e) Review list of apparent infringements subject to paragraph 10 in the Scheme of Joint International Inspection and Surveillance

This item was put on agenda by Canada who requested it be withdrawn. This was **agreed** to by STACTIC.

9. Time and Place of the Next Meeting

The next meeting will be in conjunction with the next Fisheries Commission meeting or subject to any decision by the Fisheries Commission to call an intersessional STACTIC meeting.

10. Other Matters

Iceland raised the issue that the STACTIC report from the 1995 meeting had indicated that Canada would pay for observer coverage in the NRA. In bilateral discussions Iceland noted that Canada would not pay and moreover the report, after being adopted by STACTIC, had been changed. The delegation from Iceland asked that the events leading to this change be explained.

STACTIC suggested that appropriate procedures should be in place for the adoption of reports and that unilateral changes should not take place.

The Executive Secretary informed STACTIC that the report had been amended as a result of a letter from Canada specifically explaining its position on the subject.

11. Adoption of Report

The draft STACTIC report was reviewed and adopted by the Committee. The Chairman, D. Bevan, was instructed to report to the Fisheries Commission.

12. Adjournment

The meeting adjourned on 12 September 1996.

Annex 1. Agenda

1. Opening by the Chairman, D. Bevan (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 the NAFO Observer Scheme Pilot Project and Satellite Tracking
7. Review of Operation of the Hail System
8. Discussion of Other Conservation and Enforcement Measures:
 - a) compatibility and applicability of discard/retention rules for conservation and utilization of fishery resources (Workshop)
 - b) consideration of amendment of Part V. Schedule II, Attachment I (Type of Fishing Gear) and Part II of the Conservation and Enforcement Measures
 - c) consideration of 90 mm mesh size for pelagic trawls in redfish fishery
 - d) sampling protocols
 - e) review list of apparent infringements subject to paragraph 10 in the Scheme of Joint International Inspection and Surveillance
9. Time and Place of the Next Meeting
10. Other Matters
11. Adoption of Report
12. Adjournment

Annex 2. Review of Operation of the NAFO Hail System (by NAFO Secretariat)

1. Introduction

The Hail System reports management has been in place at the NAFO Secretariat since the official adoption of the system by the Fisheries Commission (27 July 1991). The following functions were performed by the Secretariat:

- receive hails via telex or fax from Contracting Parties and verify all hail reports and their sequential numbering.
- to compile reports from different Contracting Parties/vessels and transmit via telex or fax the hails received to Contracting Parties with an inspection presence in the Regulatory Area.
- to develop the NAFO database of automated hail systems.

2. Costs and volume of hail reports, 1994-1996

	<u>1994</u>	<u>1995</u>	<u>1996</u>
Transmissions* (from NAFO)	525	786	808
Costs of transmissions (\$Cdn)	5,774.00	7,113.80	7,639.09

*Note: Each transmission from NAFO Secretariat consists of several reports of Contracting Parties forwarded to the NAFO Secretariat during one day; time of transmission approximately 1600.

3. NAFO Working Group on the NAFO automated system

The NAFO Working Group met for the first time in April 1992 and its recommendations were officially adopted by the Fisheries Commission in September 1993. The Working Group consists of Canada, the EU and NAFO Secretariat.

a) Hardware/Software

- After the initial testing between Brussels and Canada was completed, Canada donated a Personal Computer (February 1993) - a 386 with 8 megabytes of RAM, 125 megs of hard drive and SVGA monitor with DOS 5.0, Windows 3.1 and PROCOM + for Windows.
- The Secretariat then installed a 2400 baud X-25 connection.

The NAFO System was set in place by December 1993.

b) Results of Automated Testing

- Through extensive communication between participating Parties, the Secretariat was able to receive its first hail message from Brussels via the X-25 line in March of 1995.
- However, it took some time for mutual adjustment of the systems in Brussels-Ottawa-NAFO Secretariat before hail messages were received from Brussels and transferred to Canada along with all reported hails on a daily basis in February 1996.
- Finally, around the same time, the Secretariat changed from DBase to MSACCESS 7.0 and to-date have been receiving and transmitting hails on a daily basis between Brussels and Canada along with sending copies by fax.

4. Considerations and Recommendations

- a) The computerized automated hail report system developed by the Working Group as described above is suitable for the purpose and herewith recommended for incorporation by all Contracting Parties. The format of hail reports is appended (Attachment 1).
- b) Considering that this system would resemble to some extent a NAFO E-mail system of hail reports, the most important advantages of this internal NAFO communication would be - low costs, low labour and effective operativeness of all communication.
- c) The introduction of the system to its full and effective operation would require all Contracting Parties to centralize all hail reports in their headquarters and transmit the reports to the NAFO Secretariat database.

Besides of the best rationale of the automated system (costs, labour and operativeness), such procedure would streamline and monitor fishing activity by Contracting Parties in the NAFO Regulatory Area.

(Annex 2 - Attachment 1)

Vessel	Country	Report Type	Date	Time	Position	Division	Number									
Garoya II	EHIM	VI-S 10090	European Union	Departure Report	27/06/96	08:15:48-21N 46-14W	3M	452								
								<i>Current Stock</i>								
								RED	30.2							
								HKR	22.4							
								PLA	6.1							
								WIT	19.8							
								GHL	396.2							
								RNG	37.8							
								CAT	27.5							
								DGX	8.4							
								SKA	24.1							
PAN	162.3															
	EHIM	VI-S 10090	European Union	Entry Report	07/08/96	07:00:47-40N 42-00W	3M	528								
Genny and Doug	V04 961	100646	Canada	Entry Report	10/02/96	10:30:43-25N 51-50W	3O	1								
								5								
								9								
								24								
								<i>Current Stock</i>								
								COD	1.2							
								HAD	0.1							
								HAL	0.3							
								HKW	7.3							
									V04 961	100646	Canada	Departure Report	09/05/96	07:00:47-45N 49-23W	3N	25
								<i>Current Stock</i>								
HAL	0.4															
	V04 961	100646	Canada	Entry Report	10/05/96	05:00:43-46N 50-48W	3N	26								
<i>Current Stock</i>																
COD	1.2															
HAD	0.1															
HAL	0.4															
HKW	7.3															
	V04 961	100646	Canada	Departure Report	11/05/96	04:00:43-26N 51-47W	3N	27								
	V04 961	100646	Canada	Entry Report	27/07/96	22:00:45-50N 48-20W	3L	32								
	V04 961	100646	Canada	Departure Report	30/07/96	01:00:46-26N 48-20W	3L	33								
Gilston	OW 2183	KG-33	Faroe Islands	Departure Report	04/05/96	12:00:47-56N 45-53W	3M	34								
								<i>Current Stock</i>								
								PAN	398.4							
	OW 2183	KG-33	Faroe Islands	Entry Report	09/06/96	23:30:46-50N 50-02W	3M	40								
Gissur	TFTV	AR-6	Iceland	Entry Report	04/05/96		3M	130								
								139								
								178								
								186								
								229								
	TFTV	AR-6	Iceland	Entry Report	07/06/96		3M	139								
	TFTV	AR-6	Iceland	Departure Report	24/06/96	47-40N 45-54W	3M	178								
	TFTV	AR-6	Iceland	Entry Report	01/07/96		3M	186								
	TFTV	AR-6	Iceland	Departure Report	23/07/96	47-30N 44-06W	3M	229								

**Annex 3. Statistical Data Still Outstanding for the Years
1993, 1994 and 1995**

1993

STATLANT 21B - Final catch and effort data by month, gear, tonnage and division

Faroe Islands
France (SP)
United States of America

1994

Statlant 21A - Provisional nominal catches by species and division

Cuba
Korea
Lithuania
United States of America (partial submission due to computer change over)

STATLANT 21B - Final catch and effort data by month, gear, tonnage and division

Cuba
Denmark
Great Britain
Faroe Islands
France (SP)
Greenland
Korea
Lithuania
Norway
United States of America

1995

Statlant 21A - Provisional nominal catches by species and division

Cuba
Estonia
Faroe Islands
Lithuania
United States of America

Statlant 21B

Information not available at the present time.