

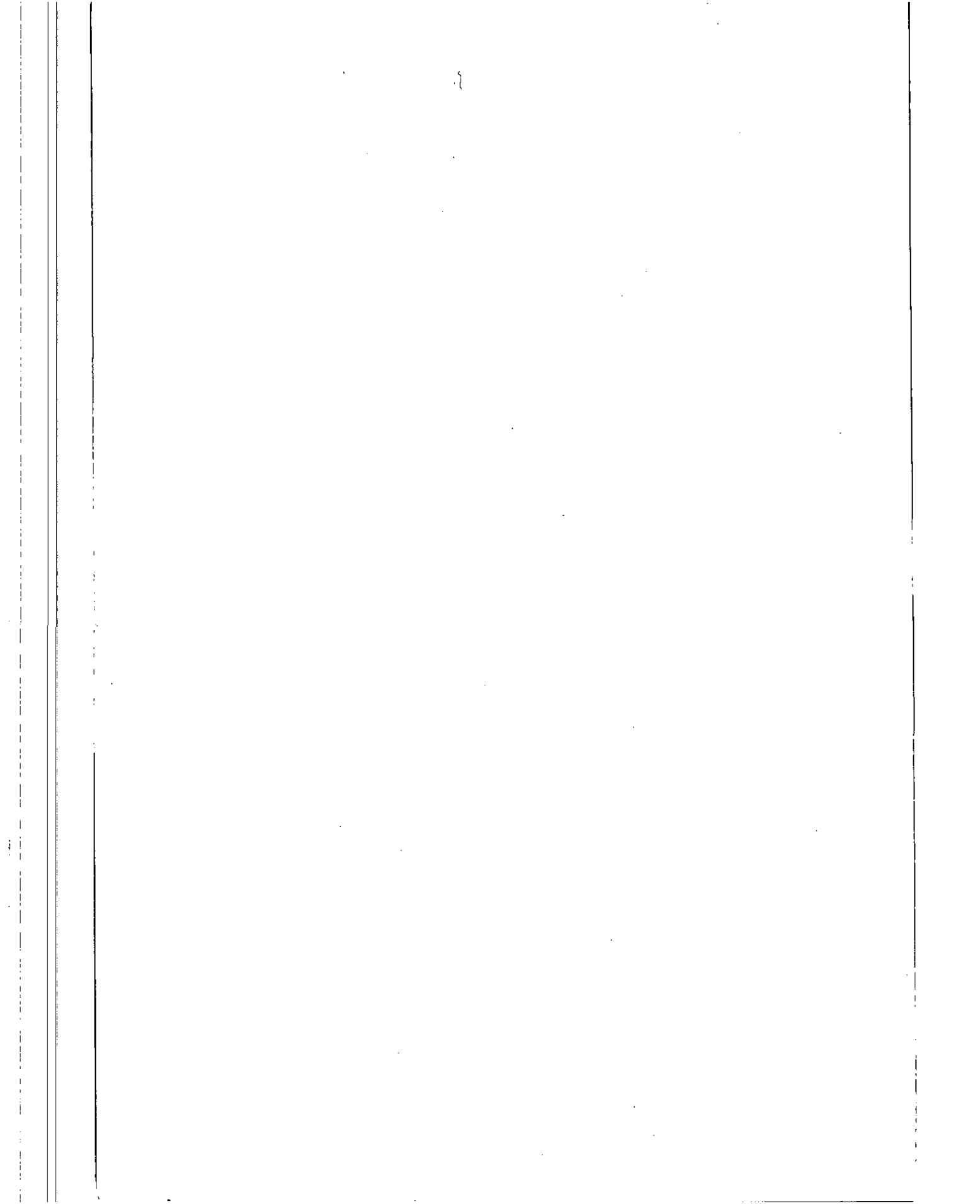
ISSN-1027-1260

Northwest Atlantic
Fisheries Organization
(NAFO)



Meeting Proceedings
of the
General Council and Fisheries Commission
for 1999

Printed and Distributed by:
Northwest Atlantic Fisheries Organization
P. O. Box 638, Dartmouth, Nova Scotia
Canada B2Y 3Y9



Foreword

This is an annual publication of the Proceedings which contains the reports of all meetings of the General Council and Fisheries Commission including their subsidiary bodies through 1999. The objective of this publication 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 separately in an annual issue of *NAFO Scientific Council Reports*.

SECTION I contains the Report of the Working Group on Dispute Settlement Procedures (DSP), 3-5 February 1999, Bergen, Norway.

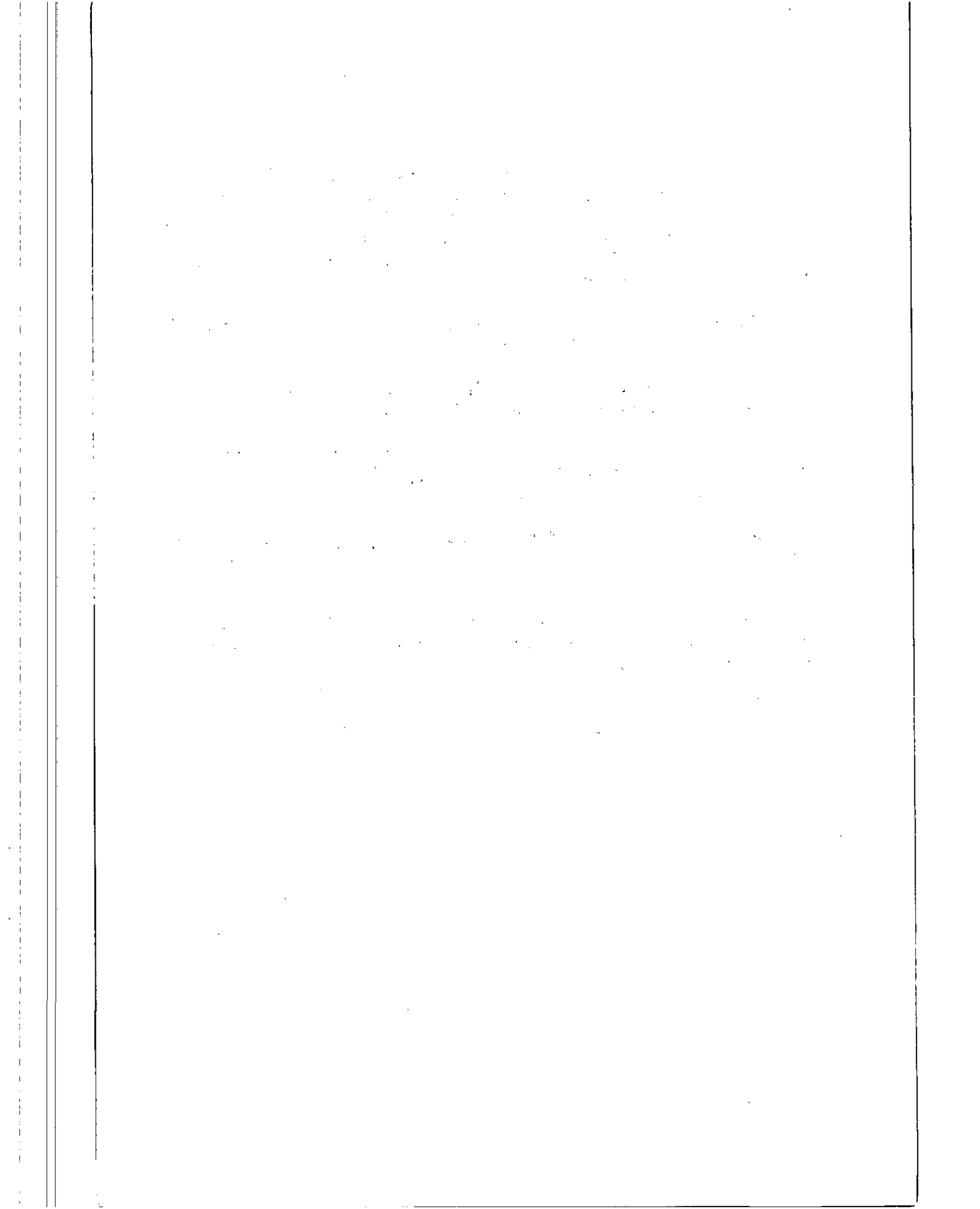
SECTION II contains the Report of the Working Group on Transparency, 2-4 March 1999, NAFO Headquarters, Dartmouth, N.S., Canada.

SECTION III contains the Report of the Working Group on Allocation of Fishing Rights to Contracting Parties of NAFO and Chartering of Vessels Between Contracting Parties, 13-15 April 1999, Halifax, N.S., Canada.

SECTION IV contains the Report of the Joint Scientific Council and Fisheries Commission Working Group on Precautionary Approach, 3-5 May 1999, San Sebastian, Spain.

SECTION V contains the Report of the General Council including subsidiary bodies reports (STACFAD and STACFAC), 21st Annual Meeting, 13-17 September 1999, Dartmouth, N.S., Canada.

SECTION VI contains the Report of the Fisheries Commission including subsidiary body (STACTIC), 21st Annual Meeting, 13-17 September 1999, Dartmouth, N.S., Canada.



Contents

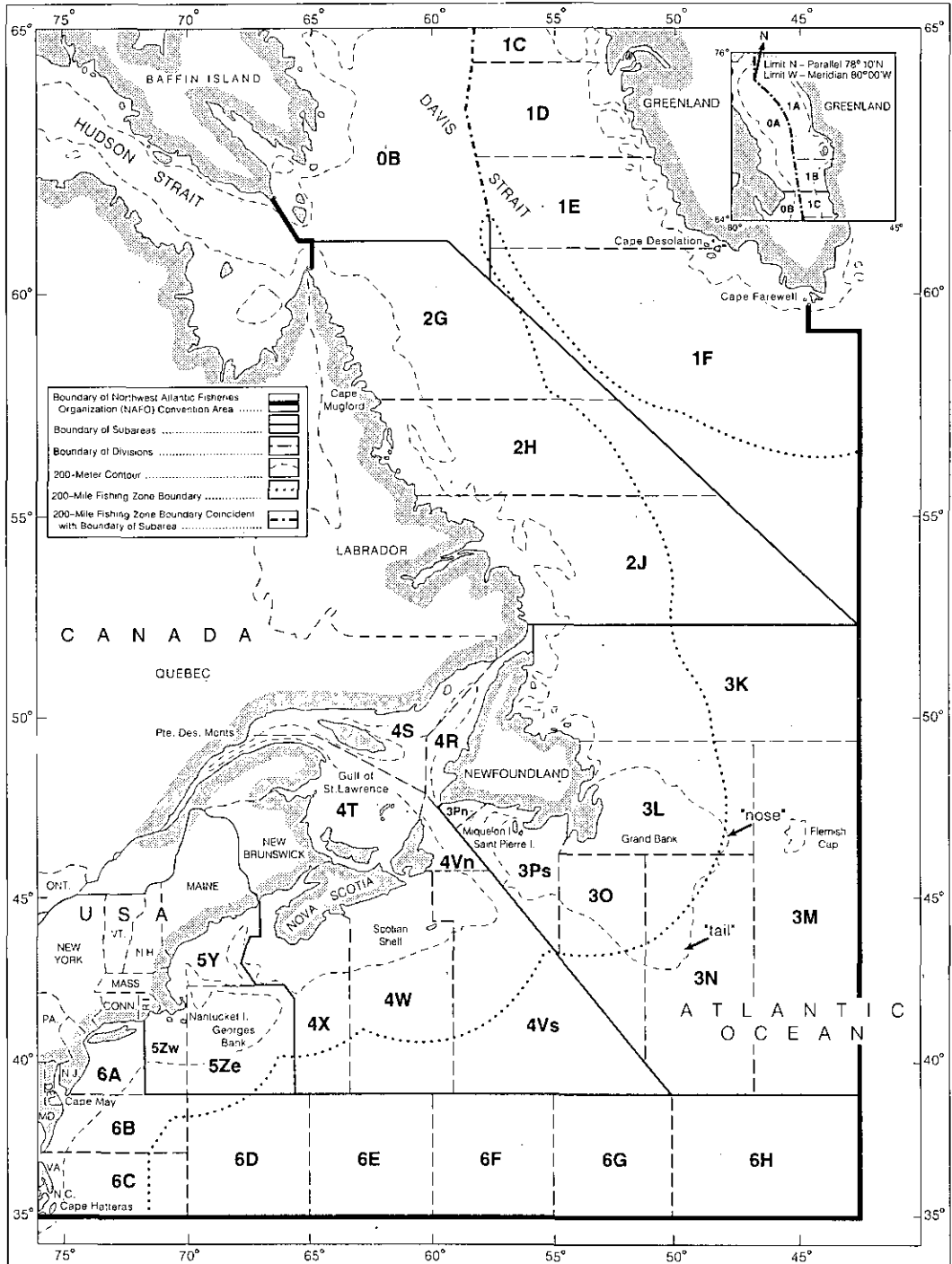
Foreword.....		3
Map.....		9
Structure of the Northwest Atlantic Fisheries Organization in 1999		10
SECTION I.	Report of the Working Group on Dispute Settlement	
	Procedures (DSP)	13
	Annex 1. List of Participants.....	20
	Annex 2. Revised Chairman's Paper	23
	Annex 3. Initial Chairman's Paper.....	28
	Annex 4. Agenda.....	31
	Annex 5. Calendar of Events According to Proposal in DSP W.G. WP99/1	32
	Annex 6. First European Union Working Paper	33
	Annex 7. Latvian Working Paper.....	34
	Annex 8. Second European Union Working Paper	35
SECTION II.	Report of the Working Group on Transparency.....	37
	Annex 1. List of Participants.....	42
	Annex 2. Agenda.....	44
	Annex 3. Terms of Reference for the Working Group on Transparency	45
	Annex 4. Guidelines and Criteria for Granting Observer Status at ICCAT Meetings	46
	Annex 5. Chairman's Draft – Procedures for Observers	48
	Annex 6. Guidelines and Criteria for Granting Observer Status at NAFO Meetings (Paper presented by US Delegation)	51
	Annex 7. Rules for Granting Observer Status at NAFO Meetings (Paper presented by EU Delegation).....	53
	Annex 8. Paper presented by Denmark (in respect of Faroe Islands and Greenland)	55
	Annex 9. Recommendation for Rules for Granting Observer Status at NAFO Meetings.....	56
SECTION III.	Report of the Working Group on Allocation of Fishing Rights	
	to Contracting Parties of NAFO and Chartering of Vessels	
	Between Contracting Parties	61
	Annex 1. List of Participants.....	68
	Annex 2. Terms of Reference	72
	Annex 3. Opening Statement by the Representative of Canada.....	73
	Annex 4. Opening Statement by the Representative of the United States of America.....	74
	Annex 5. Agenda.....	75

Annex 6.	Participatory Rights of Prospective New Members of NAFO (USA)	76
Annex 7.	Allocation of Fishing Rights and Chartering (Japan)	79
Annex 8.	Working Paper presented by Denmark (in respect of Faroe Islands and Greenland)	81
Annex 9.	<i>Explanation of Various Points in Working Paper 99/1</i> (Denmark in respect of Faroe Island and Greenland)	85
Annex 10.	Draft General Council Resolution to Guide the Expecta- tions of Future New Members with Regard to Fishing Opportunities in the NAFO Regulatory Area (USA).....	86
Annex 11.	Interpretative notes by the Chair attempting to clarify discussions on Agenda points 6 and 7	87
Annex 12.	Draft Resolution concerning the chartering by an operator of a Contracting Party of vessels flying the flag of another Contracting Party to conduct fishing operations in the NAFO regulated area (France-SPM)	89
Annex 13.	Draft Resolution Concerning the Chartering of Vessels Flying the Flag of a Contracting Party in the Regulatory Area (France-SPM).....	90
SECTION IV.	Report of the Joint Scientific Council and Fisheries Commission Working Group on Precautionary Approach.....	91
Annex 1.	List of Participants.....	99
Annex 2.	Agenda.....	102
Annex 3.	Measures Proposed by Canada	103
SECTION V.	Report of the General Council and its Subsidiary Bodies (STACFAD and STACFAC), 21st Annual Meeting	105
Part I.	Report of the Meeting of the General Council	109
Annex 1.	List of Participants.....	119
Annex 2.	Opening Statement by the Representative of Canada (P. Chamut).....	128
Annex 3.	Opening Statement by the Representative of the European Union (E. Mastracchio)	131
Annex 4.	Opening Statement by the Representative of Ukraine (V. G. Chernik)	133
Annex 5.	Opening Statement by the Representative of the United States of America (A. Rosenberg)	135
Annex 6.	Opening Statement by the Representative of the Russian Federation (V. A. Izmailov)	136
Annex 7.	Opening Statement by the Representative of France on behalf of Saint-Pierre et Miquelon (G. Grignon).....	137
Annex 8.	Agenda.....	138
Annex 9.	Recommendation for Rules for Granting Observer Status at NAFO Meetings.....	140

Annex 10.	The FAO International Plans of Action on the Management of Fishing Capacity, Shark Fisheries and Incidental Catch of Seabirds in Longline Fisheries and NAFO	144
Annex 11.	Terms of Reference for the Working Group on Dispute Settlement Procedures (DSP)	148
Annex 12.	Statement by the Representative of the Republic of Korea on Quota Allocation Practices	149
Annex 13.	Resolution to Guide the Expectations of Future New Members with regard to Fishing Opportunities in the NAFO Regulatory Area	150
Annex 14.	Working Group Calendar 2000	151
Annex 15.	Press Release	152
Annex 16.	List of Decisions and Actions by the General Council	158
Part II.	Report of the Standing Committee on Finance and Administration (STACFAD).....	159
Annex 1.	List of Participants.....	165
Annex 2.	Agenda.....	166
Annex 3.	Cost Implications of the Hail and Satellite Tracking Systems at the NAFO Secretariat	167
Annex 4.	Schedule of Outstanding Contributions from Bulgaria and Romania	172
Annex 5.	Budget Estimate for 2000	173
Annex 6.	Preliminary Calculation of Billing for 2000	174
Annex 7.	Preliminary Budget Forecast for 2001	175
Annex 8.	Publication of NAFO century book – "Northwest Atlantic Fisheries in the 20th Century".....	176
Annex 9.	NAFO's Financial Contribution to the Joint ICES/ NAFO Symposium, 2001	178
Annex 10.	Report on the Year 2000 Audit of the NAFO Secretariat Computer Requirements and Upgrades (Y2K).....	179
Part III.	Report of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)	181
Annex 1.	List of Participants.....	186
Annex 2.	Agenda.....	187
Annex 3.	Summary of Information of Nationality of the High Sierra and Austral	188
Annex 4.	Report-1998 on the Scheme to Promote Compliance by non-Contracting Party Vessels with the Conservation and Enforcement Measures.....	189
Annex 5.	Unregulated Fisheries in the NAFO Regulatory Area on Stocks regulated by NAFO. Additional measures to counteract activities by Non-Contracting Parties	191
Annex 6.	Draft Recommendation by STACFAC to the General Council concerning vessels for which there are reasonable grounds for suspecting them to be without nationality.....	194
Annex 7.	Proposed Letter to the Government of Belize.....	195

Annex 8.	Proposed Letter to the Government of Honduras	196
Annex 9.	Proposed Letter to the Government of São Tomé e Príncipe.....	197
Annex 10.	Proposed Letter to the Government of Sierra Leone	199
SECTION VI.	Report of the Fisheries Commission and its Subsidiary Body (STACTIC), 21st Annual Meeting	201
Part I.	Report of the Meeting of the Fisheries Commission	203
Annex 1.	List of Participants.....	225
Annex 2.	Agenda.....	234
Annex 3.	Proposal to Amend the NAFO Conservation and Enforcement Measures Regarding Incidental Catch Limits	236
Annex 4.	Paper on Chartering	237
Annex 5.	Paper on Notification of Vessels Temporarily Flying the Flag of a Contracting Party (bare-boat charters).....	238
Annex 6.	Management Measures for Shrimp in Div. 3M for 2000.....	239
Annex 7.	3M Shrimp.....	241
Annex 8.	Shrimp Fishery in Div. 3L.....	242
Annex 9.	Quota Table for 2000.....	244
Annex 10.	Management Measures for Cod in Div. 2J3KL for 2000	245
Annex 11.	Fisheries Commission's Request for Scientific Advice on Management in 2001 of Certain Stocks in Subareas 3 and 4, including supplementary questions on Division 3M shrimp for 2000.....	246
Annex 12.	List of Decisions and Actions by the Fisheries Commission.....	250
Part II.	Report of the Standing Committee on International Control (STACTIC)	252
Annex 1.	Agenda.....	260

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 1999 (as at 21st Annual Meeting, September 1999)

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, Ukraine 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, Ukraine and USA.	<i>Chairman</i> – A. Rodin (Russia) <i>Vice-Chairman</i> – R. Dominguez (Cuba) (Sept 1997-08 June 99, vacant 08 Jun-13 Sept)
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, Ukraine and USA.	<i>Chairman</i> – H.-P. Cornus (EU) <i>Vice-Chairman</i> – W.B. Brodie (Canada)
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, Poland, Russia, Ukraine and USA.	<i>Chairman</i> – P. Gullestad (Norway) <i>Vice-Chairman</i> – D. Swanson (USA)

Standing Committees

General Council	Standing Committee on Finance and Administration (STACFAD)	<i>Chairman</i> – G. F. Kingston (EU) <i>Vice-Chairman</i> – J.-P. Plé (USA)
-----------------	--	---

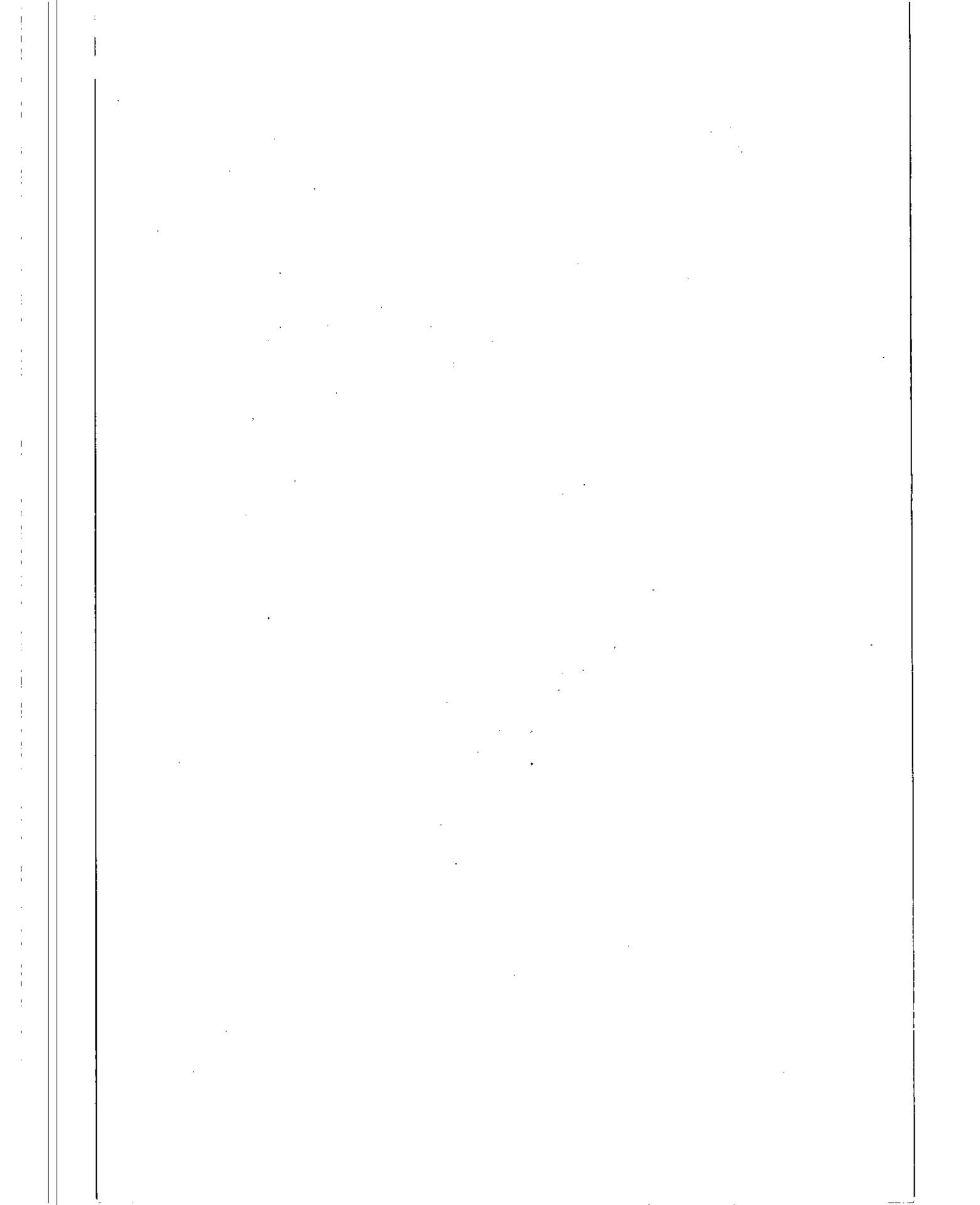
General Council (cont'd)	Standing Committee on Fishing Activity of Non-Contracting Parties in the Regulatory Area (STACFAC)	<i>Chairman</i> – J.-P. Plé (USA) <i>Vice-Chairman</i> – D. Silvestre (France in in respect of St. Pierre et Miquelon)
Scientific Council	Standing Committee on Fishery Science (STACFIS) Standing Committee on Research and Coordination (STACREC) Standing Committee on Publications (STACPUB) Standing Committee on Fisheries Environment (STACFEN) Executive Committee	<i>Chairman</i> – R. Mayo (USA) <i>Chairman</i> – V. Shibanov (Russia) <i>Chairman</i> – W. B. Brodie (Canada) <i>Chairman</i> – M. Stein (EU) <i>Chairman</i> – H.-P. Cornus (EU)
Fisheries Commission	Standing Committee on International Control (STACTIC)	<i>Chairman</i> – D. Bevan (Canada)

Secretariat

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

Headquarters Location

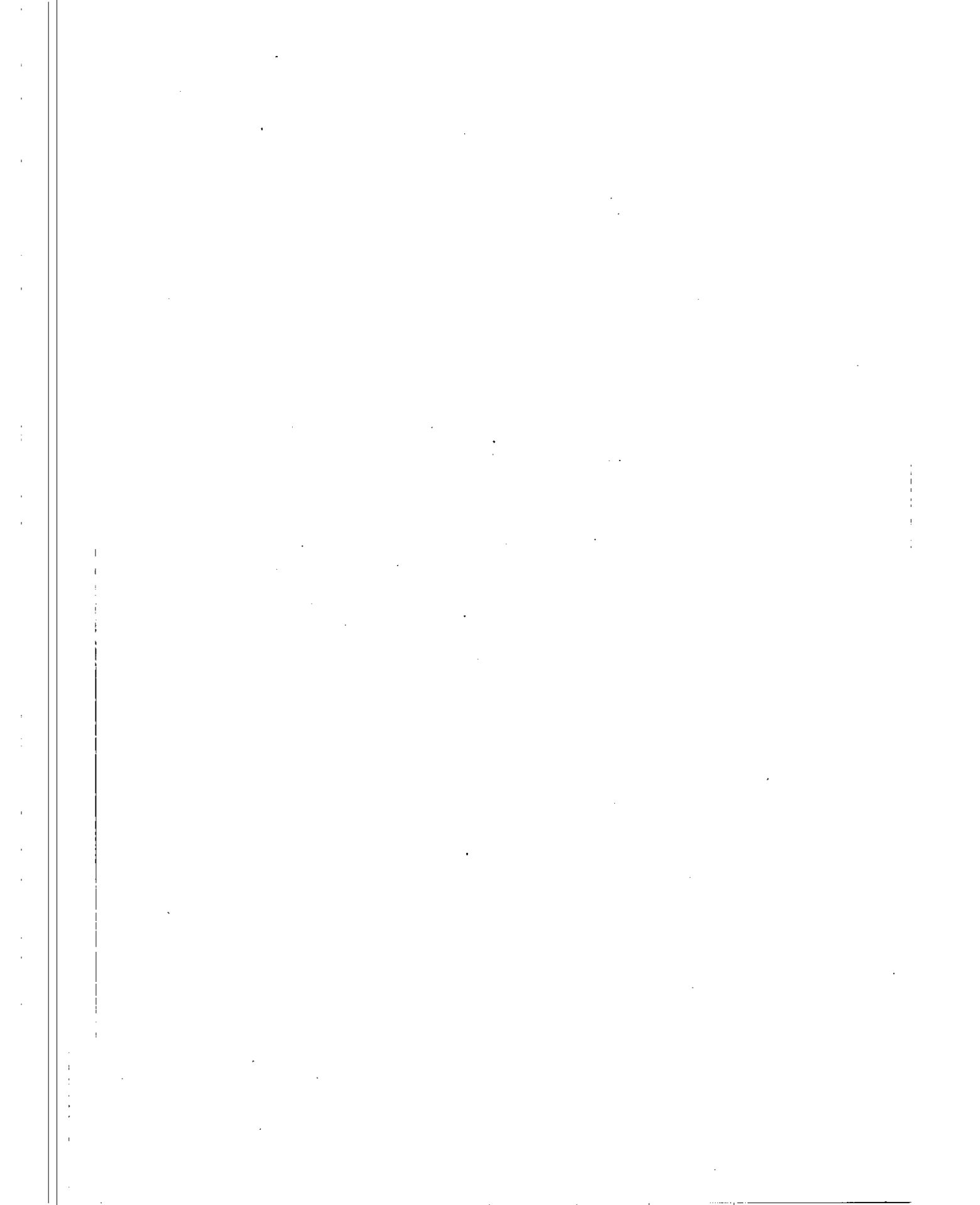
2 Morris Drive, Dartmouth, Nova Scotia, Canada



SECTION I
(pages 13 to 36)

**Report of the Working Group on Dispute Settlement
Procedures (DSP)
3-5 February 1999
Bergen, Norway**

Report of the Working Group	15
1. Opening by the Chairman	15
2. Appointment of the Rapporteur	15
3. Adoption of the Agenda	15
4. Review of the Chairman's revised paper on a NAFO dispute settlement mechanism and examination of any other possible elements in a NAFO dispute settlement mechanism	15
5. Report to the General Council	19
6. Other Matters	19
7. Adjournment	19
Annex 1. List of Participants	20
Annex 2. Revised Chairman's Paper	23
Annex 3. Initial Chairman's Paper	28
Annex 4. Agenda	31
Annex 5. Calendar of Events According to Proposal in DSP W.G. WP 99/1	32
Annex 6. First European Union Working Paper	33
Annex 7. Latvian Working Paper	34
Annex 8. Second European Union Working Paper	35



**Report of the Working Group on Dispute Settlement
Procedures (DSP)**
(GC Doc. 99/2)

**3-5 February 1999
Bergen, Norway**

The Working Group was organized in accordance with the joint decision by the General Council and Fisheries Commission at the 20th Annual Meeting, 14-18 September 1998 (item 4.5 of the General Council Report, GC Doc. 98/7).

1. Opening of the Meeting

The Chairman, Mr. Stein Owe (Norway), opened the meeting at 09.00 on 3 February 1999. The following Contracting Parties were represented at the meeting: Canada, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union, Iceland, Japan, Latvia, Lithuania, Norway and the United States (Annex 1).

In his introduction, the Chairman referred to his revised Chairman's Paper (DSP WG Working Paper 99/1 – attached as Annex 2), which was based upon the initial Chairman's Paper (DSP WG Working Paper 98/3 – Annex 3). The General Council in September 1998 authorised the continuation of the work of the Group under the existing terms of reference. The Chairman anticipated that substantial progress would be made at this meeting. Contracting Parties were asked to clearly express their views and positions.

2. Appointment of the Rapporteur

Mr. Andrew Thomson (EU) was appointed Rapporteur.

3. Adoption of the Agenda

The provisional agenda was adopted (Annex 4).

4. Review of the Chairman's revised paper on a NAFO dispute settlement mechanism and examination of any other possible elements in a NAFO dispute settlement mechanism

i. The revised Chairman's Paper

The Chairman referred to the changes made to his original paper and reminded delegates of the background to this exercise in establishing a specific NAFO dispute settlement procedure. Just to follow the procedures set out in the UN Convention on the Law of the Sea (UNCLOS) and the 1995 UN Agreement would potentially involve a much slower resolution of disputes between NAFO Parties. This could give rise to damage to NAFO stocks. Furthermore, the provisions set out in the 1995 UN Agreement would not apply to discrete stocks.

As far as the format of a Dispute Settlement Procedure is concerned, the Chairman stressed that it was too early at this stage to know whether a separate protocol or an amendment to the NAFO Convention would be more appropriate. It was even suggested by one Party that a General Council resolution would be the most effective means of introducing DSP and allow for a rapid entry into force of such a scheme.

On the question of the desirability of a specific NAFO DSP, the Chairman recommended to continue discussions on the *possible elements* of such a DSP while leaving this question pending, not prejudging the final views of the Parties.

The actual changes set out in the revised Chairman's Paper were indicated by the Chairman. He felt that these changes took account of the discussion, which had taken place in conjunction with the NAFO Annual Meeting in September 1998. (The changes are either highlighted in bold in case of an addition, or indicated by "(-)" in the text in case of a deletion.)

There was a wide-ranging discussion on this paper. Initial comments from Contracting Parties commended the Chairman on the work he had carried out. Nobody felt that there was a need to replace the existing procedures in the framework of UNCLOS or the UN Agreement; nevertheless some felt there was a need for NAFO to draw upon those procedures and have its own DSP. Some delegations stressed the importance of this exercise as it would be used as an example for other regional fisheries organisations in the future. NAFO also needed to obtain rapid results in cases of dispute. As to the desirability of DSP, many delegations reserved their positions while one delegation proposed that this was a question which should be discussed at the level of the General Council.

- On the **new paragraph 4 to Article XII** of the Convention, the delegate of Canada felt this paragraph attempted to pick up on the Canadian initiative. He proposed that the provision should state explicitly that the declaration, any further measures adopted by the objecting state and any other post-objection behavior could be challenged and trigger the dispute settlement procedures. Canadian delegate also proposed that the provision specify that the declaration include reasons for the objection, a rationale for the autonomous measures (including scientific basis) and details on flag state enforcement of the autonomous measures.

Many delegations felt that it was important that the Party making an objection be required to explain the reasoning behind that objection. Having such information would be useful in allowing the Parties to better assess a particular situation and might even prevent dispute in the first place. One delegation questioned whether post-objection behaviour should form part of the substance of the DSP as this would risk moving the focus away from the substantive to the formal.

- Regarding the changes to **new paragraph 2 of Article...**, the Chairman's paper was aimed at narrowing the gaps between Parties. The Canadian delegate took the view that the UN Agreement already provided for a broad dispute settlement mechanism and no further mechanism was needed. If, however, Contracting Parties wanted a broad dispute settlement mechanism that applied to NAFO, Canada would agree to a provisional implementation of the UN Agreement that bound all Contracting Parties to that Agreement and applied the UN Agreement to discrete stocks as well as to straddling stocks. Some Parties, however, felt that it was necessary to have specific NAFO procedures because not all Contracting Parties have ratified UNCLOS or the UN Agreement.

- Concerning **new paragraph 3 of Article...**, this was felt by the European Union Delegation to be the cornerstone of the original EU paper upon which the Chairman's papers were based. It addressed the fundamental issue of the need for speedy reaction in the case of dispute and allowed to draw upon NAFO expertise. The ad hoc panel would be obliged to report and if possible, to make recommendations. Any dispute not resolved by the ad hoc panel would pass to the general procedures.

This issue was discussed at length by the Parties and there were a wide variety of views expressed. It was clear that if there was no longer a dispute between Parties, then the procedures would cease. Similarly, if the panel was not desired by either Party to a dispute, it would not take place. One delegation expressed concern that the panel could be abused. Other delegations suggested that the panel could be noncompulsory and nonbinding. Notions of mediation and conciliation came up in the discussion, and the delegate of Canada questioned the value of the panel. He suggested that it did not add to the options available to states under Part XV of UNCLOS, that it might promote disputes where none existed now by offering options to immediate resolution of differences, and that the panel would slow a definitive resolution of differences by forcing a nonbinding process on Contracting Parties before they could resort to a binding one.

- On the **new paragraph 4 of Article...**, the Chairman pointed out that the idea was to have provisional measures in place at all stages of the process.

It was noted that in the event of an objection, the proposal of the Fisheries Commission was no longer binding for the Contracting Party concerned. It could then be difficult to accept the proposal as provisional measure. Article 290 of UNCLOS and Article 31 of the UN Agreement would allow for the application of provisional measures. It was, nevertheless pointed out that there could be a time-gap between the start of a dispute and the introduction of provisional measures. The EU delegate underlined that it was of the utmost importance that the Parties retain control of any procedures and therefore it was necessary for provisional measures to be available if desired. The EU delegate also indicated that with the establishment of a NAFO-specific DSP, a fast-track approach would be available. Some delegations said that the provisional measures were important and wanted the Chairman's text kept on the table. Deletion of this provision would exacerbate the effect of the delay in finding a definitive solution if a non-binding panel process was imposed on Contracting Parties.

- With regard to the **new paragraph 5 of Article...**, there was some discussion as to the necessity of these references in view of the existence of paragraph 2, but it was pointed out that the objectives of these two paragraphs are entirely different.

The delegate of Denmark (in respect of Faroe Islands & Greenland) felt that there might be a problem of time limits and produced a text on the calendar of events according to DSP WG Working Paper 99/1 (DSP WG Working Paper 99/2 – Annex 5). This paper highlighted the practical time implications involved in an ad hoc panel process as described in the Chairman's paper. They stressed the need in NAFO DSP for urgency in dealing with matters. The paper enabled the delegates to have a constructive discussion on improving procedures.

- Finally, the delegates examined the **new Annex to Article...**, where the Chairman had essentially added a new paragraph in point 3 to cover clashes of nationality. However, there were discussions on the Annex as a whole. Discussion focused on the number of panellists in an ad hoc panel and touched upon who should be allowed to be present during the proceedings. Views were expressed that the different interests represented in a dispute should be reflected and that it was essential for transparency that other NAFO Contracting Parties should have the opportunity to be present. It was also stated that the panel itself should retain a degree of independence from the Parties to the dispute and that the options open to it should not be limited in any way. Delegates also had a brief discussion on the rules to be established by the General Council in respect of fees and expenses.

The Working Group briefly examined the draft rules of procedure for the panel proceedings, but felt that it was more important at this stage to concentrate on the substance of the DSP.

ii. First EU paper

As a first and preliminary attempt to rationalise the outcome of the first round of discussions, the EU delegation produced a paper (Annex 6) which would replace new paragraph 3 of Article... of the Chairman's paper. This new paragraph would give the Parties the opportunity to opt out of the panel procedure. If a dispute arose in the context of a Fisheries Commission proposal, the Parties would be obliged to consult within a given time-frame (to be set out in an operative section of the DSP) in an attempt to resolve the issue or agree on the type of DSP to be followed. This would mean the choice of either an agreement between the Parties, the use of an ad hoc panel or the resort to general dispute settlement procedures including binding decisions.

Following a number of enquiries from other delegates, the EU delegate explained that it was for the Parties involved to choose the procedures. Once an ad hoc panel was established, no opt-out would be possible. With the use of optional procedures, there would be incentives for the Parties to use the NAFO DSP.

iii. Latvian paper

The Latvian delegate explained that its paper (DSP WG Working Paper 99/3 – Annex 7) was based on the original EC proposal of April 1998. Technical issues were moved out of the main body of the text and into the annexes. They felt that the right direction to take was one involving a voluntary dispute settlement procedure. Only if this were not possible should the binding procedures be considered. Finally, from a procedural point of view, they felt that the adoption by the General Council was preferable to an amendment to the Convention.

iv. Second EU paper

The EU delegate explained that its second paper (DSP WG Working Paper 99/4 – Annex 8) was meant as a working paper and was an attempt to put on paper a number of ideas, which still had to be refined. It incorporated the elements contained in their first paper, concentrating on a skeleton of operative parts with the annexes and procedural elements left aside. A declaration of intent had been introduced in paragraph 1, rather than as a separate article, since it was felt that this was the subject of co-operation between Parties. Paragraph 2 had been simplified. Paragraph 3 introduced a preliminary consultation phase with time limits for the work of the panel. Paragraph 4 covered provisional application of measures and finally, paragraph 5 remained unchanged from the Chairman's paper.

v. Discussion of the Latvian and second European Union papers

An extensive discussion of these two papers followed.

The Canadian delegate felt that the papers were expressing the views of the respective Parties rather than trying to bridge gaps, and thus were of a limited value. He continued to see no need for a separate NAFO DSP although they would consider such if that was the consensus of the Parties. Other Parties felt that the proposals on the table helped to clarify some of the issues discussed at the meeting. It was noted that the elements of concern raised in the Latvian paper had been incorporated into the EU paper.

The EU delegation explained that their idea was to have a broad mechanism, which would cover all kinds of disputes, but that the panel procedure set out in paragraph 3 would apply to conservation and management measures under Article XI of the Convention. Any disputes

concerning budgetary matters would be dealt with in the context of the general procedures set out in paragraph 2.

It was agreed that both papers should be examined in greater detail before any further consideration took place

vi. Conclusions to be drawn from the discussion

The delegate of Norway pointed out that the main objective of establishing a NAFO DSP was to resolve disputes between NAFO members. Measures were required which would allow for matters to be dealt with early and quickly during the fishing season. The Danish paper had enabled Parties to see some of the time constraints, which may arise during a dispute. They stressed that they would very much insist on a requirement to give reasons for objections even if no NAFO DSP were brought about. This was supported by the delegates of Denmark (in respect of Faroe Islands & Greenland) and Iceland.

The EU delegate stressed that it was now up to the NAFO Contracting Parties to design a DSP scheme which would take full account of the peculiarities of NAFO itself. He felt that their paper had been well received by other Parties as an attempt to bridge gaps, and the EU delegation was encouraged to continue its work along these lines. Particular emphasis was laid upon the desirability set out under Article 10 of the 1995 UN Agreement for NAFO to have its own DSP. The EU delegate felt that the discussions on this line should continue.

The delegate of Denmark (in respect of Faroe Islands and Greenland) underlined the need for urgency in the eventual procedures, in particular they noted the need to give certainty to the fishermen.

5. Report to the General Council

Following the extensive discussion which took place at this meeting, the Working Group agreed that it would be necessary to digest the information, which had been produced, so that further guidance can be given to the Chairman. No further paper will be produced by the Chairman at this stage. This report of the Working Group, which reflects the current state of the discussions, will be forwarded to the General Council. It was pointed out that the General Council should consider the questions at issue and give guidance to the Working Group.

It was recommended that the Working Group should be authorised to continue its work. The Working Group considered that it might be appropriate to meet again inter-sessionally during the spring of 2000, and possibly also in conjunction with the Annual Meeting in September 1999.

6. Other matters

There were no other issues discussed.

7. Adjournment

The meeting adjourned at 13.00 on 5 February 1999.

Disposition of Report

The Report was considered by the General Council at the 21st Annual Meeting, September 1999.

Annex I. List of Participants

CANADA

Head of Delegation

H. Strauss, Director, Oceans, Environmental and Economic Law Div., Dept. of Foreign Affairs and International Trade Canada, 125 Sussex Drive, Ottawa, Ontario K1A 0G2

Advisers

N. Bouffard, Senior Counsellor, International Fisheries, Bilateral Relations Div., International Directorate, Dept. of Fisheries and Oceans, 200 Kent St., 13th Floor, Ottawa, Ontario K1A 0E6

A. Donohue, Department of Justice, 284 Wellington Street, Ottawa, Ontario K1A 0J1

DENMARK (IN RESPECT OF FAROE ISLANDS & GREENLAND)

Head of Delegation

E. Lemche, Head of Representation, Gronlands Hjemmestyre, Pilestraede 52, Box 2151, DK-1016 Copenhagen, Denmark

Alternate

H. Fischer, Ministry of Foreign Affairs, 2 Asiatisk Plads, DK-1448, Copenhagen K, Denmark

Advisers

J. Persson, Greenland Home Rule, Dept. of Industry, Box 269, 3900 Nuuk, Greenland

H. Weihe, Foroya Landsstyri, P. O. Box 64, FR-110 Torshavn, Faroe Islands

ESTONIA

Head of Delegation

L. Vaarja, Director General, Fisheries Dept., Ministry of the Environment, Kopli 76, 10416 Tallinn

Adviser

A. Soome, Fisheries Department, Ministry of the Environment, Kopli 76, 10416 Tallinn

EUROPEAN UNION (EU)

Head of Delegation

F. Wieland, European Commission, Directorate General for Fisheries, Rue de la Loi 200, B-1049 Brussels, Belgium

Alternate

T. VanRijn, European Commission, Legal Service, Nerv. 85, 3/31, Wetstraat 200, 1049 Brussels, Belgium

Advisers

- A. Thomson, European Commission, Directorate General for Fisheries, J-II 99/3/29, Rue de la Loi 200, B-1049 Brussels, Belgium
- L. E. Svensson, Council of the European Union, DG B-III, Rue de la Loi 175, B-1048 Brussels, Belgium
- H. Pott, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Rochusstr. 1, 53125 Bonn, Germany
- S. Feldthaus, Ministry of Food, Agriculture and Fisheries, Holbergsgade 2, 1057 Copenhagen K, Denmark
- C. LeVillain, Ministère de l'Agriculture et de la Pêche, Direction des Pêches Maritimes, 3 Place de Fontenoy, 75007 Paris, France
- V. Fernandes, Embassy of Portugal, 645 Island Park Drive, Ottawa, Ontario K1Y 0B8
- M. L. Heredia, Direcção Geral das Pescas e Aquicultura, Edifício Vasco da Gama, Alcantara Mar, 1350 Lisbon, Portugal
- I. Ybancz, Secretaria General de Pesca Marítima, Jose Ortega y Gasset, 57, 28006 Madrid, Spain

ICELAND**Head of Delegation**

T. H. Heidar, Ministry for Foreign Affairs, Raudararstigur 25, 150 Reykjavik

Alternate

S. Asmundsson, Ministry of Fisheries, Skulagata 4, 150 Reykjavik

JAPAN**Head of Delegation**

F. Samukawa, Deputy Director, Fishery Div. of the Ministry of Foreign Affairs, 2-2-1 Kasumigaseki Chiyodaku, Tokyo

LATVIA**Head of Delegation**

N. Riekstins, Director, National Board of Fisheries, Ministry of Agriculture, 2, Republikas laukums, LV-1010 Riga

Adviser

R. Derkachs, Head of International Agreements and Legal Div., National Board of Fisheries, Ministry of Agriculture, 2, Republikas laukums, LV-1010 Riga

LITHUANIA**Head of Delegation**

R. Survila, Director, Fisheries Dept., Ministry of Agriculture, 19 Gedimino pr., 2600 Vilnius

Alternate

A. Rusakevicius, Chief Specialist-International Relations, Fisheries Dept., Ministry of Agriculture, 19 Gedimino pr., 2600 Vilnius

NORWAY

Head of Delegation

T. Lobach, Directorate of Fisheries, Strandgaten 229, P. O. Box 185, N-5002 Bergen

Alternate

I. L. Opdahl, Ministry of Foreign Affairs, P. O. Box 8114 Dep., N-0032 Oslo

Advisers

K. Dørum, Ministry of Foreign Affairs, P. O. Box 8114 Dep., N-0032 Oslo

A. Fjellstad, Senior Executive Officer, Div. of Legal Affairs, Directorate of Fisheries, Strandgaten 229, P. O. Box 185, N-5002 Bergen

S. Owe, Norwegian Embassy, 2720 34th Street, N.W., Washington, DC 20008, USA

T. L. Salomonsen, Ministry of Foreign Affairs, P. O. Box 8114 Dep., N-0032 Oslo

UNITED STATES OF AMERICA

Head of Delegation

V. Botet, U.S. Department of State, Legal Adviser's Office, Room 6420, 2201 C Street NW, Washington, DC 20016

Advisers

G. S. Martin, Office of the General Counsel, Northeast Region, National Oceanic and Atmospheric Administration, U.S. Dept. of Commerce, 1 Blackburn Dr., Gloucester, MA 01930

A R. Tousignant, First Secretary, Embassy of the United States, Drammensveien 18, Oslo 0244, Norway

NAFO SECRETARIAT

B. Cruikshank, Senior Secretary

Annex 2. Revised Chairman's Paper
(DSP W.G. Working Paper 99/1)

Settlement of disputes within NAFO – Proposal for amendments to the NAFO Convention

New Paragraph 4 of Article XII (existing Paragraph 4 to be renumbered Paragraph 5)

4. An objection according to paragraph 1 **and** a notice of intention not to be bound by a measure according to paragraph 3 shall be accompanied by a declaration of the Commission member's intentions **following the objection or notice of intention not to be bound**. The declaration of intentions shall specify any autonomous measures to be established.

Article...

1. Contracting Parties shall cooperate in order to prevent disputes.
2. The provisions relating to the settlement of disputes set out in Part XV of the United Nations Convention on the Law of the Sea of 10 December 1982 (hereafter referred to as the "1982 UN Convention") shall apply mutatis mutandis to any dispute between Contracting Parties concerning the interpretation or application of this Convention.

Nevertheless, where **such** a dispute between Contracting Parties concerns one or more straddling fish stocks, Part VIII of the United Nations 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 of 4 August 1995 (hereafter referred to as the "1995 UN Agreement") shall apply mutatis mutandis.

The relevant parts of the 1982 UN Convention **and** the 1995 UN Agreement shall apply whether or not the Contracting Parties are also Parties to these instruments.

3. *Without prejudice* to paragraph 2, any dispute concerning the interpretation or application of a proposal adopted by the Commission pursuant to Article XI of this Convention (-) shall first be submitted to an ad hoc panel constituted as provided in Annex... to this Convention at the request of a Contracting Party.

The panel shall confer with the Contracting Parties concerned and shall endeavor to resolve the dispute expeditiously without recourse to binding procedures for the settlement of disputes. To this end, the panel may make recommendations which it considers appropriate to preserve the respective rights of the Contracting Parties concerned and to prevent damage to the fish stocks in question.

Any dispute of this character not so resolved shall, if one of the Contracting Parties concerned so requests, be referred to binding procedures for the settlement of disputes as provided in paragraph 2.

4. When ad hoc panel procedures are requested the Contracting Parties concerned shall apply **provisionally** the relevant proposal adopted by the Commission until **the dispute is resolved through such procedures, referred to binding procedures for settlement of disputes or dispute settlement procedures are terminated**.

Pending the (-) settlement of a dispute referred to in paragraph 3 by **binding procedures**, the parties to the dispute shall apply provisionally any recommendation made by a panel, unless they otherwise agree on **provisional** arrangements (-) or one of the parties concerned requests the court or tribunal to which the dispute has been submitted in accordance with paragraph 2 to prescribe any appropriate provisional measure. **Any recommendation made by a panel shall be applied until such provisional measures are established by the court or tribunal. For the purpose of this sub-paragraph, should there be no recommendation by the ad hoc panel the relevant proposal adopted by the Commission shall replace such a recommendation as provisional measure.**

5. A court, tribunal or panel to which any dispute has been submitted under this Article shall apply the relevant provisions of this Convention, of the 1982 UN Convention and, of the 1995 UN Agreement, as well as generally accepted standards for the conservation and management of living marine resources and other rules of international law not incompatible with the 1982 UN Convention **and the 1995 UN Agreement**, with a view to ensuring the conservation of the fish stocks concerned.

Annex...to the Convention – Panel referred to in paragraph 3 of Article...

1. The Executive Secretary shall establish and maintain a list of experts who are willing and able to serve as panelists. Each Contracting Party shall be entitled to nominate up to five experts whose competence in the legal, scientific or technical aspects of fisheries covered by this Convention is established. The nominating Party shall provide information on relevant qualifications and experience of each of its nominees. The nominees may be nationals of any Contracting Party.
2. A Contracting Party may request, by written notification addressed to the Chairman of the General Council, the establishment of a panel referred to in paragraph 3 of Article... . The notification shall be accompanied by a statement of the claim and the grounds on which it is based. The Chairman of the General Council shall promptly transmit a copy of the request, through the Executive Secretary, to each Contracting Party.
3. The panel shall consist of three members, unless the Parties to the dispute otherwise agree. Within () days of the date of the transmission of the request to the Contracting Parties, the Party instituting proceedings and the other Party shall each select one panelist. Both Parties shall, within a period of () days following the selection of the second panelist, agree on the selection of the third panelist, who shall not be a national of either Party and shall not be of the same nationality as either of the first two panelists. The third panelist shall chair the panel.

If the Parties have not reached agreement within the prescribed period on the selection of the third panelist, that panelist shall be selected from the list, at the request of either Party and within () days of the notification of this request, by the Chairman of the General Council, unless the Parties agree on any other means of selection of the third panelist.

If the Chairman of the General Council is of the same nationality as any party to the dispute the third panelist shall be selected by the Vice-Chairman of the General Council. If the Vice-Chairman is also of the same nationality as one of the parties to the dispute the selection shall be performed by the Executive Secretary.

4. Where more than one Contracting Party request the establishment of a panel related to the same subject matter, a single panel shall be established. In disputes between more than two Contracting Parties, Parties of the same interest shall select one panelist jointly by agreement.
5. Any Contracting Party which is not a Party to the dispute may attend all hearings of the panel, make written and oral submissions to the panel and receive the submissions of each Party to the dispute.
6. On request of a Party to the dispute, or on its own initiative, the panel may seek information and technical advice from any person or body that it deems appropriate, provided that the parties to the dispute so agree.
7. Unless the Parties to the dispute otherwise agree, the panel shall, within () days of hearing the case, make its recommendation referred to in paragraph 3 of Article... . The recommendation shall be confined to the subject matter of the dispute and state the reasons on which it is based. Reasons in writing shall be communicated to the Chairman of the General Council, through the Executive Secretary, within () days of the recommendation.
8. The recommendation of the panel shall be made by a majority of its members, who may not abstain from voting.
9. The General Council shall establish the rules of procedure, ensuring that each Party to the dispute shall be given full opportunity to be heard and to present its case. The panel may adopt such additional rules of procedure as it deems necessary.
10. The rules regarding expenses and the level of fees for panelists shall be established by the General Council.

DRAFT GENERAL COUNCIL RULES OF PROCEDURE FOR AD HOC PANEL PROCEEDINGS

OPERATION OF PANELS

1. The Chair of the panel shall preside at all of its meetings. A panel may designate to the Chair authority to make administrative and procedural decisions.
2. Except as otherwise provided in these rules, the panel may conduct its business by any means, including by telephone, facsimile transmission or computer links.
3. If a panelist dies or withdraws, a replacement shall be selected as expeditiously as possible in accordance with the selection procedure followed to select the former panelist.

4. Any time period applicable to the panel proceeding shall be suspended for a period beginning on the date the panelist dies or withdraws and ending on the date the replacement is selected.

PLEADINGS

5. The Party instituting proceedings shall deliver its written submission to the Executive Secretary of NAFO no later than () days after the date on which the last panelist is selected. The submission shall describe the nature of the dispute and include the Party's claim and the grounds on which it is based.
6. The other Party to the dispute shall deliver its written submission to the Executive Secretary no later than () days after the date of delivery of the written submissions of the Party instituting proceedings.
7. In disputes between more than two Contracting Parties, Parties of the same interest may make a joint submission.
8. Any Contracting Party which is not a Party to the dispute may deliver a written submission to the Executive Secretary no later than within the time limit set out in paragraph 6.
9. The Executive Secretary shall forward the written submissions immediately upon receipt by the most expeditious means practicable to the other participating Parties and to the members of the panel.

HEARING

10. The Chair shall fix the date and time of the hearing in consultation with the Parties to the dispute and the other members of the panel. The hearing shall be convened no later than () days following the formation of the panel.
11. The hearing shall be held at the headquarters of NAFO, or at such other place as may be agreed by the Parties to the dispute.
12. The hearing shall be conducted by the panel in the following manner, ensuring that the Parties to the dispute are afforded equal time:
 - (i) Argument of the Party or Parties instituting proceedings;
 - (ii) Argument of the other Party or Parties;
 - (iii) Presentation by any Contracting Party which is not a Party to the dispute

In disputes between more than two Contracting Parties, Parties of the same interest may represent each other.

DISTRIBUTION OF RECOMMENDATIONS BY A PANEL

13. Upon receipt recommendations by a panel and subsequent reasons in writing shall forthwith be transmitted to all NAFO Contracting Parties by the Chairman of the General Council through the Executive Secretary.

CLERK

14. The Executive Secretary of NAFO shall serve as clerk to any panel and provide for all necessary facilities and arrangements.

EXPENSES, FEES AND COSTS

15. The expenses of the panel, including the remuneration of its members, shall be borne by the parties to the dispute in equal shares.

The level of fees for Panelists and experts shall be established by the General Council and adjusted when called for.

Annex 3. Initial Chairman's Paper
(DSP W.G. Working Paper 98/3)

Settlement of disputes within NAFO – Proposal for amendments to the NAFO Convention

New Paragraph 4 of Article XII (existing Paragraph 4 to be renumbered Paragraph 5)

4. An objection according to paragraph 1 or a notice of intention not to be bound by a measure according to paragraph 3 shall be accompanied by a declaration of the Commission member's intentions as to relevant fishing operations or control and enforcement measures. The declaration of intentions shall specify any autonomous measures to be established.

Article...

1. Contracting Parties shall cooperate in order to prevent disputes.
2. The provisions relating to the settlement of disputes set out in Part XV of the United Nations Convention on the Law of the Sea of 10 December 1982 (hereafter referred to as the "1982 UN Convention") shall apply mutatis mutandis to any dispute between Contracting Parties concerning the interpretation or application of this Convention.

Nevertheless, where a dispute between Contracting Parties concerns one or more straddling fish stocks, Part VIII of the United Nations 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 of 4 August 1995 (hereafter referred to as the "1995 UN Agreement") shall apply.

The relevant parts of the 1982 UN Convention or the 1995 UN Agreement shall apply whether or not the Contracting Parties are also Parties to these instruments.

3. Without prejudice to paragraph 2, any dispute concerning the interpretation or application of a proposal adopted by the Commission pursuant to Article XI of this Convention, or a matter related hereto, shall first be submitted to an ad hoc panel constituted as provided in Annex... to this Convention at the request of a Contracting Party.

The panel shall confer with the Contracting Parties concerned and shall endeavour to resolve the dispute expeditiously without recourse to binding procedures for the settlement of disputes. To this end, the panel may make recommendations which it considers appropriate to preserve the respective rights of the Contracting Parties concerned and to prevent damage to the fish stocks in question.

Any dispute of this character not so resolved shall, if one of the Contracting Parties concerned so requests, be referred to binding procedures for the settlement of disputes as provided in paragraph 2.

4. When ad hoc panel procedures are requested the Contracting Parties concerned shall apply the relevant proposal adopted by the Commission until such procedures have been terminated.

Pending the binding settlement of a dispute referred to in paragraph 3, the parties to the dispute shall apply provisionally any recommendation made by a panel, unless they otherwise agree on arrangements of equivalent effect or one of the parties concerned requests the court or tribunal to which the dispute has been submitted in accordance with paragraph 2 to prescribe any appropriate provisional measure. Recommendations made by a panel shall be applied until such provisional measures are in effect.

5. Any court, tribunal or panel to which a dispute has been submitted under this Article shall apply the relevant provisions of this Convention, of the 1982 UN Convention and, as appropriate, of the 1995 UN Agreement, as well as generally accepted standards for the conservation and management of living marine resources and other rules of international law not incompatible with the 1982 UN Convention, with a view to ensuring the conservation of the fish stocks concerned.

Annex...to the Convention – Panel referred to in paragraph 3 of Article...

1. The Executive Secretary shall establish and maintain a list of experts who are willing and able to serve as panelists. Each Contracting Party shall be entitled to nominate up to five experts whose competence in the legal, scientific or technical aspects of fisheries covered by this Convention is established. The nominating Party shall provide information on relevant qualifications and experience of each of its nominees. The nominees may be nationals of any Contracting Party.
2. A Contracting Party may request, by written notification addressed to the Chairman of the General Council, the establishment of a panel referred to in paragraph 3 of Article... . The notification shall be accompanied by a statement of the claim and the grounds on which it is based. The Chairman of the General Council shall promptly transmit a copy of the request, through the Executive Secretary, to each Contracting Party.
3. The panel shall consist of three members, unless the Parties to the dispute otherwise agree. Within () days of the date of the transmission of the request to the Contracting Parties, the Party instituting proceedings and the other Party shall each select one panelist. Both Parties shall, within a period of () days following the selection of the second panelist, agree on the selection of the third panelist, who shall not be a national of either Party and shall not be of the same nationality as either of the first two panelists. The third panelist shall chair the panel.

If the Parties have not reached agreement within the prescribed period on the selection of the third panelist, that panelist shall be selected from the list, at the request of either Party and within () days of the notification of this request, by the Chairman of the General Council, unless the Parties agree on any other means of selection of the third panelist.

4. Where more than one Contracting Party request the establishment of a panel related to the same subject-matter, a single panel shall be established. In disputes between more than two Contracting Parties, Parties of the same interest shall select one panelist jointly by agreement.
5. Any Contracting Party which is not a Party to the dispute may attend all hearings of the panel, make written and oral submissions to the panel and receive the submissions of each Party to the dispute.
6. On request of a Party to the dispute, or on its own initiative, the panel may seek information and technical advice from any person or body that it deems appropriate, provided that the parties to the dispute so agree.
7. Unless the Parties to the dispute otherwise agree, the panel shall, within () days of hearing the case, make its recommendation referred to in paragraph 3 of Article... . The recommendation shall be confined to the subject-matter of the dispute and state the reasons on which it is based. Reasons in writing shall be communicated to the Chairman of the General Council, through the Executive Secretary, within () days of the recommendation.
8. The recommendation of the panel shall be made by a majority of its members, who may not abstain from voting.
9. The General Council shall establish the rules of procedure, ensuring that each Party to the dispute shall be given full opportunity to be heard and to present its case. The panel may adopt such additional rules of procedure as it deems necessary.
10. The rules regarding expenses and the level of fees for panelists shall be established by the General Council.

Annex 4. Agenda

1. Opening by the Chairman, Stein Owe (Norway)
2. Appointment of Rapporteur
3. Adoption of the Agenda
4. Review of the Chairman's revised paper on a NAFO dispute settlement mechanism and examination of any other possible elements in a NAFO dispute settlement procedure
5. Report to the General Council
6. Other matters
7. Adjournment

Annex 5. Calendar of Events According to Proposal in DSP W.G. WP 99/1
- Presented by Delegation of Denmark (in respect of Faroe Islands & Greenland)
(DSP W.G. Working Paper 99/2)

<u>Event</u>	<u>Date/Deadlines</u>	<u>Source</u>
a) NAFO decision	September, year 1	
b) Notification by Secretary	late September, year 1	
c) Deadline for objection	late November, year 1	
d) Request for panel	no deadline	Annex para. 1
e) Transmittal of request	promptly	Annex para. 2
f) Selection of 2 panelists	() days after e	Annex para. 3
g) Selection of 3rd panelist	() days after f	Annex para. 3
h) Submission by Party instituting proceedings	() days after g	RoP 5
i) Submission by the other Party/third Parties	() days after h	RoP 6
j) Hearing	() days after g	RoP 10
k) Panel recommendation	() days after j	Annex para. 7
l) Panel recommendation applies provisionally	? ?	

Annex 6. First European Union Working Paper

3. Where the dispute concerns the interpretation or application of a proposal adopted by the Commission pursuant to Article XI or matters related thereto Parties to the dispute shall within x days proceed to an exchange of views regarding its settlement through an *ad hoc* panel procedure.

Where a dispute has been submitted to the *ad hoc* panel procedure, the panel constituted as provided in Annex ... to this Convention shall at the earliest possible opportunity confer with the Parties concerned and shall endeavour to resolve the dispute expeditiously. Within x weeks after being constituted the panel shall present a report to the Parties concerned. The report shall as far as possible include any recommendations which the panel considers appropriate to resolve the dispute.

Where a dispute has not been resolved through agreement between the Parties following an *ad hoc* panel procedure or any other means to which the Parties agree it shall be referred, if one of the Parties concerned so requests, to a binding DSP as provided in para. 2.

Annex 7. Latvian Working Paper
(DSP W.G. Working Paper 99/3)

Article...

1. Contracting Parties shall cooperate in order to prevent disputes.
2. Where the dispute concerns the interpretation or application of a proposal adopted by the Commission pursuant to Article XI or matters related thereto Parties to the dispute shall within x days proceed to an exchange of views regarding its settlement through an *ad hoc* panel procedure.

Where a dispute has been submitted to the *ad hoc* panel procedure, the panel constituted as provided in Annex ... to this Convention shall at the earliest possible opportunity confer with the Parties concerned and shall endeavour to resolve the dispute expeditiously. Within x weeks after being constituted the panel shall present a report to the Parties concerned **and the Chairman of the General Council, through the Executive Secretary**. The report shall as far as possible include any recommendations which the panel considers appropriate to resolve the dispute.

Where a dispute has not been resolved through agreement between the Parties following an *ad hoc* panel procedure or any other means to which the Parties agree it shall be referred, if one of the Contracting Parties so requests, to a binding DSP as provided in para. 2.

3. A court, tribunal or panel to which **any** dispute between Contracting Parties has been submitted under this Article shall apply the relevant provisions of this Convention, Part XV of the United Nations Convention on the Law of the Sea of 10 December 1982 (hereafter referred to as the "1982 UN Convention"), Part VIII of the United Nations 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 of 4 August 1995 (hereafter referred to as the "1995 UN Agreement"), as well as generally accepted standards for the conservation and management of living marine resources and other rules of international law not incompatible with the 1982 UN Convention **and the 1995 UN Agreement**, with a view to ensuring the conservation of the fish stocks concerned.

The relevant parts of the 1982 UN Convention **and** the 1995 UN Agreement shall apply **mutatis mutandis** whether or not the Contracting Parties are also Parties to these instruments.

**Annex 8. Second European Union Working Paper
(DSP Working Group W.P. 99/4)**

[obligation to cooperate]

1. Contracting Parties shall cooperate in order to prevent disputes.
In particular, any Contracting Party may invite a Commission Member that has objected to a proposal of the Commission or has given notice of its intention not to be bound by a measure of the Commission to state the reasons for its objection or its notice of intention, as well as to describe the conservation and management measures it has taken or intends to take for the fishery resource in question.
[1st sentence from Chairman's paper; voluntary declaration of intent added]

[binding dispute settlement procedure]

2. Without prejudice to para. 3 a Contracting Party may refer any dispute concerning the interpretation or application of the Convention to DSP.
Such procedures shall be governed mutatis mutandis by the provisions relating to the settlement of disputes set out in Part XV of UNCLOS or, where the dispute concerns one or more straddling stocks, by the provisions set out in Part VIII of the UN Agreement.
The relevant parts of UNCLOS and the UN Agreement shall apply whether or not the Parties to the dispute are also State Parties to these instruments.
[rephrase of No. 2 of Chairman's paper to make text simpler.]

[ad hoc panel procedure]

3. Where the dispute concerns the interpretation or application of a proposal adopted by the Commission pursuant to Article XI or matters related thereto Parties to the dispute shall within x days after the notification of the dispute to the Executive Secretary proceed to an exchange of views regarding its settlement through an *ad hoc* panel procedure. When the Parties do not agree to such a procedure or to any other peaceful means to resolve the dispute, the dispute shall be referred, if one of the Parties concerned so requests, to a binding DSP as provided in para. 2.

Where a dispute has been submitted to the *ad hoc* panel procedure, the panel constituted as provided in Annex ... to this Convention shall at the earliest possible opportunity confer with the Parties concerned and shall endeavour to resolve the dispute

expeditiously. Within x weeks after being constituted the panel shall present a report to the Parties concerned. The report shall as far as possible include any recommendations which the panel considers appropriate to resolve the dispute.

Where a dispute has not been resolved through agreement between the Parties following an *ad hoc* panel procedure it shall be referred, if one of the Parties concerned so requests, to a binding DSP as provided in para. 2.

[text of yesterday's paper slightly modified to take into account comments from delegations]

[provisional application during and after ad hoc panel procedure]

4. Where the Parties to a dispute have agreed to submit the dispute to the *ad hoc* panel procedure, they may agree at the same time to apply provisionally the relevant proposal adopted by the Commission until the report of the panel or the dispute is resolved, whichever occurs first.

Pending the settlement of disputes according to para. 2 the Parties to the dispute shall apply provisionally any recommendation made by a panel where the Parties had agreed an *ad hoc* panel procedure. That provisional application shall cease when the Parties agree on arrangements of equivalent effect, when a court or tribunal to which the dispute has been submitted in accordance with para 2 has taken a provisional or definitive decision or, in any case, at the end of the calendar year in which the report of the panel has been presented.

[text of the Chairman's paper adapted to the new subpara. 3]

[law to be applied by court, tribunal or panel]

5. A court, tribunal or panel to which any dispute has been submitted under this Article shall apply the relevant provisions of this Convention, of the 1982 UN Convention, of the 1995 UN Agreement, as well as generally accepted standards for the conservation and management of living marine resources and other rules of international law not incompatible with the 1982 UN Convention and the 1995 UN Agreement, with a view to ensuring the conservation of the fish stocks concerned.

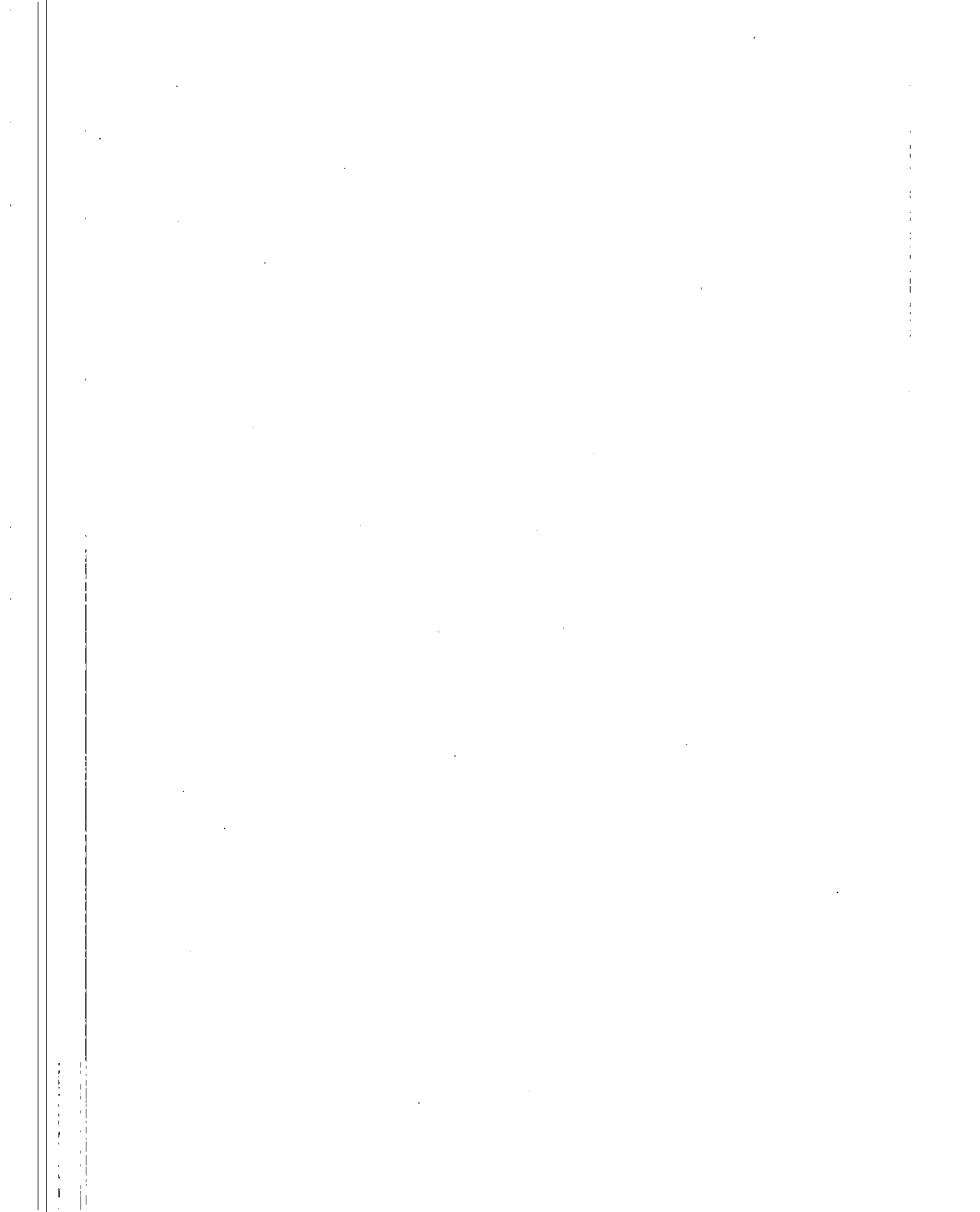
[same text as the Chairman's paper]

SECTION II

(pages 37 to 59)

Report of the Working Group on Transparency**2-4 March 1999****Dartmouth, N.S., Canada**

Report of the Working Group	39
1. Opening by the Chairman	39
2. Appointment of Rapporteur	39
3. Adoption of Agenda.....	39
4. Review by the Chairman of work in NAFO on the subject of Observers and the Terms of Reference	39
5. Presentation of Papers by Delegates for Discussion	40
6. Continuation of Consideration of Requirements and Rules for Participation of Observers at NAFO Meetings	40
7. Report and Recommendations to the General Council	41
8. Other Matters	41
9. Adjournment.....	41
Annex 1. List of Participants	42
Annex 2. Agenda	44
Annex 3. Terms of Reference for the Working Group on Transparency.....	45
Annex 4. Guidelines and Criteria for Granting Observer Status at ICCAT Meetings.....	46
Annex 5. Chairman's Draft – Procedures for Observers.....	48
Annex 6. Guidelines and Criteria for Granting Observer Status at NAFO Meetings (Paper presented by US Delegation).....	51
Annex 7. Rules for Granting Observer Status at NAFO Meetings (Paper presented by EU Delegation).....	53
Annex 8. Paper presented by Denmark (in respect of Faroe Islands and Greenland).....	55
Annex 9. Recommendation for Rules for Granting Observer Status at NAFO Meetings	56



Report of the Working Group on Transparency (GC Doc. 99/3)

2-4 March 1999
Dartmouth, N. S., Canada

The Working Group on Transparency met in accordance with the decision taken by the General Council at the 20th Annual Meeting, September 1998 (GC Doc. 98/7, Part I, item 2.2).

1. Opening by the Chairman

The Chairman, Dr. Dean Swanson (USA), opened the meeting and welcomed delegates to Dartmouth, N.S. Representatives from the following Contracting Parties were present: Canada, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union, Iceland, Norway, Russia and the United States (Annex 1).

The representatives of Denmark (in respect of the Faroe Islands and Greenland), the USA and the European Union each made opening remarks. For the record, the USA delegation reminded delegates of their remarks made in a letter to the Executive Secretary of 23 February 1999, which reads as follows:

“Notwithstanding the result of the mail-vote on NGO participation on national delegations to the March 2-4, 1999, meeting of the Transparency Working Group, as reported in GF/99-118, the United States reaffirms its sovereign right to decide the composition of its delegation to any international meeting. The absence of representatives from non-governmental organizations on the U.S. Delegation to the subject meeting should not be viewed by other NAFO Contracting Parties as precedent to be invoked at future meetings of NAFO or in any other international fora.”

2. Appointment of Rapporteur

Mr. Andrew Thomson (EU) was appointed Rapporteur.

3. Adoption of Agenda

The provisional agenda, as circulated, was adopted (Annex 2).

4. Review by the Chairman of work in NAFO on the subject of Observers and the Terms of Reference

The Chairman reminded delegates of the history of the issue of transparency within the NAFO. The Terms of Reference of the Working Group (Annex 3) had been established in September 1997 at the Annual Meeting in St. John's, Newfoundland. The previous Working Group meeting, which was held in Washington, D.C. in May 1998, recommended that the Group should continue its work. The General Council at its 1998 Annual Meeting instructed that this work should be concluded in time for consideration at the 1999 Annual Meeting. The Chairman furthermore noted the recent progress made in the context of other regional fisheries organizations on the issue of transparency, in particular in ICCAT, NEAFC, the proposed Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Central and Western Pacific and the South East Atlantic Fisheries Organization (SEAFO).

5. Presentation of Papers by Delegates for Discussion and

6. Continuation of Consideration of Requirements and Rules for Participation of Observers at NAFO Meetings

The Chairman drew attention to the Guidelines and Criteria adopted by ICCAT at its Annual Meeting in November 1998 (Annex 4). This paper represented the work of ICCAT carried out over a number of years. No other new papers had been circulated in advance of this Meeting. However, delegates agreed that the initial basis of the discussion at this session of the Working Group should be the Chairman's draft, which came out of the 1998 session (Annex 5). It was agreed to examine the points set out in this paper with a view to reaching further agreement. In so doing, it was possible to establish where any remaining difficulties lay between the Parties. This draft highlighted a number of areas where it would be necessary to establish criteria for NGO observer consideration. In particular, it examined the eligibility of an organization, the details required in its application, the selection procedure, the participation of the NGO and how the costs should be borne by the NGO.

The delegates considered a number of issues, which had been raised in the context of the 1998 meeting of the Group. These issues included the confidence building and the level at which NGOs would be able to participate in NAFO work. There was general agreement that access should be given to the General Council and to the Fisheries Commission as constituent bodies. No agreement was reached on whether NGOs should be given access to subsidiary bodies of NAFO. In this context, there was also discussion on whether Working Groups should be considered as to be included as subsidiary bodies. The idea of a trial period in which the rules would apply was also agreed. Views were also expressed by some delegations that at least during the trial period access would not be granted to subsidiary bodies or Working Groups. The question also arose as to whether NGOs should be able to speak or to make oral statements. It was agreed that if oral statements were permitted they should as a general rule be presented either at the opening or at the close of the meeting. The instance of NASCO where NGOs are able to take an active part in the proceedings by way of special sessions was given as a positive example.

In order to facilitate the discussion, the USA prepared a new set of proposed Guidelines and Criteria for granting observer status at NAFO meetings (Annex 6), which drew its inspiration from the similar ICCAT guidelines adopted in 1998 as well as from the practices of other organizations, particularly NASCO. It attempted to incorporate the comments, which had been made by the delegates in the Group in respect of the Chairman's paper. It was noted that NAFO needed to take due account of the requirements of Article 12 of the UN Fish Stocks Agreement and should not delay its work. The paper provided the basis for a thorough discussion, as it tried to combine a number of ideas contained within previous discussions.

The European Union presented a paper (Annex 7), which it offered as a working tool to advance the discussion and which drew upon the USA paper as well as further comments raised in the course of the discussion. This document on Rules for granting observer status was, like the USA paper, generally well received and helped to form the basis of the proposed rules for the General Council and the Fisheries Commission, which are contained in the recommendation.

The Danish Delegation drew attention to its paper submitted to the Working Group in March 1998 (Annex 8) and in particular to the discussion on the press contained therein. Following discussion, the Working Group agreed that it would identify the question of Rules and Procedures regarding the press as an important question for further examination.

In essence, the main difficulties outstanding are possible NGO participation in NAFO subsidiary bodies and Working Groups and the question of decision making. There is a divergence of opinion on whether NGOs should have access at least during the trial period to bodies other than the constituent bodies, which are the General Council, the Fisheries Commission and the Scientific Council. Opinions also vary as to whether existing NAFO rules on majority voting should apply when deciding to admit an NGO as an observer, or whether some kind of qualified voting system or consensus should be more appropriate.

7. Report and Recommendations to the General Council

The Working Group recommended that both the General Council and the Fisheries Commission adopt new rules for granting observer status to NGOs at NAFO meetings as set out in Annex 9 of this Report. This would entail amendments to the existing Rules of Procedure. The Group recognized that there were several issues which it was unable to resolve and that consideration of these by the General Council and the Fisheries Commission, possibly involving this Working Group at the Annual Meeting, might be useful and should be decided by the General Council intersessionally. The Working Group further recommended that the Scientific Council be called upon to review its Rules of Procedure and adopt, as appropriate, rules in line with Annex 9 to this Report.

The Working Group adopted the Report of its meeting.

8. Other Matters

There was no other business.

9. Adjournment

The Meeting adjourned at 1245 hrs, Thursday, 4 March 1999.

Disposition of Report

The Report was considered by the General Council at the 21st Annual Meeting, September 1999.

Annex 1. List of Participants**CANADA****Head of Delegation**

R. Steinbock, International Directorate, Dept. of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario
K1A 0E6

DENMARK (in respect of Faroe Islands & Greenland)**Head of Delegation**

E. Lemche, Head of Representation, Gronlands Hjemmestyre, Pilestraede 52, Box 2151, DK-1016
Copenhagen, Denmark

Alternate

A. Kristiansen, Foroya Landsstyri, P. O. Box 64, FR-110 Torshavn, Faroe Islands

Adviser

H. Fischer, Ministry of Foreign Affairs, 2 Asiatisk Plads, DK-1448 Copenhagen, Denmark

ESTONIA**Head of Delegation**

L. Vaarja, Director General, Fisheries Dept. of the Ministry of Environment, Kopli 76, 10416 Tallinn

Adviser

E. Kobakene, Fisheries Dept. of the Ministry of Environment, Kopli 76, 10416 Tallinn

EUROPEAN UNION**Head of Delegation**

F. Wieland, European Commission, DG-XIV (Fisheries), Rue de la Loi 200, B-1049 Brussels, Belgium

Alternate

A. Thomson, European Commission, Directorate General for Fisheries, J-II 99/3/29, Rue de la Loi 200, B-1049 Brussels, Belgium

Advisers

L. E. Svensson, Council of the European Union, DG B-III, Rue de la Loi 175, B-1048 Brussels, Belgium
H. Pott, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Rochusstr. 1, 53125 Bonn, Germany
S. Feldthaus, Ministry of Food, Agriculture and Fisheries, Holbergsgade 2, 1057 Copenhagen K, Denmark
R. Akesson, Ministry of Agriculture, 10333 Stockholm, Sweden

ICELAND**Head of Delegation**

S. Bjornsson, Embassy of Iceland, Washington, D.C.

Alternate

S. Asmundsson, Legal Adviser, Ministry of Fisheries, Skulagata 4, 150 Reykjavik

NORWAY**Head of Delegation**

S. Owe, Norwegian Embassy, 2720 34th Street, N.W., Washington, D.C. 20008

RUSSIA**Head of Delegation**

V. Fedorenko, Embassy of the Russian Federation, 1609 Decatur St. N.W., Washington, D.C. 20011

Adviser

E. Gontchar, Representative of the Russian Federation in Canada on Fisheries, Welsford Place, 2074 Robie St., Ste. 2202 Halifax, N. S., Canada B3K 5L3

UNITED STATES OF AMERICA**Head of Delegation**

D. Swanson, Chief, International Fisheries Div., F/SF4, National Marine Fisheries Service, U.S. Dept. of Commerce, 1315 East-West Highway, Silver Spring MD 20910

Alternate

J.-P. Plé, Senior Atlantic Affairs Officer, Office of Marine Conservation (OES/OMC), U.S. Dept. of State, 2201 C Street NW (Rm 5806), Washington, D.C. 20520

NAFO SECRETARIAT

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

Annex 2. Agenda

1. Opening by Chairman, D. Swanson (USA)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review by the Chairman of work in NAFO on the subject of observers and the terms of reference
5. Presentation of any papers by Delegates for discussion
6. Continuation of consideration of requirements and rules for participation of observers at NAFO meetings
7. Report and recommendations to the General Council
8. Other matters
9. Adjournment

Annex 3. Terms of Reference for the Working Group on Transparency

The Working Group shall assess all relevant implications of:

access to and distribution of information on the work and decisions of NAFO in light of the Organization's relations with relevant interest groups and the general public; and

the terms and conditions and other relevant criteria for participation in meetings of NAFO bodies as observers or otherwise, as appropriate, with respect to:

- IGO's
- NGOs

in light of the need of NAFO to function effectively when executing its business.

The Working Group shall submit its report, including possible recommendations to the General Council.

Annex 4. Guidelines and Criteria for Granting Observer Status at ICCAT Meetings

1. In exercising the responsibilities in respect to observers to ICCAT Meetings as provided for in Article XI of the Convention and in Article 2 of the FAO/ICCAT Agreement, the Executive Secretary, acting on behalf of the Commission, shall invite:
 - FAO
 - Intergovernmental economic integration organisations constituted by States that have transferred to it competence over the matters governed by the ICCAT Convention, including the competence to enter into treaties in respect of those matters.
 - Intergovernmental organisations that have regular contacts with ICCAT as regards fisheries matters or whose work is of interest to ICCAT or vice versa.
 - Non-Contracting countries with coastlines bordering the Convention Area as defined in Article I of the Convention, or those non-contracting parties, entities or fishing entities identified as harvesting tunas or tuna-like species in the Convention Area.
2. All non-governmental organisations (NGOs) which support the objectives of ICCAT and with a demonstrated interest in the species under the purview of ICCAT should be eligible to participate as an observer in all meetings of the organisation and its subsidiary bodies, except extraordinary meetings held in executive sessions or meetings of Heads of Delegations.
3. Any NGO desiring to participate as an observer in a meeting of the organisation or its subsidiary bodies shall notify the Secretariat of its desire to participate at least 50 days in advance of the meeting. This application must include:
 - Name, address, telephone, and fax number of the organisation;
 - Address of all its national/regional offices;
 - Aims and purposes of the organisation and an indication as to how they relate to the objectives of ICCAT;
 - A brief history of the organisation and a description of its activities;
 - Any papers produced by or for the organisation on the conservation, management or science of tunas or tuna-like species;
 - A history of ICCAT observer status granted/revoked;
 - Information or input that the organisation proposes to present at the meeting in question.
4. The Executive Secretary shall review applications received within the prescribed time, and, at least 45 days before the meetings for which the application was received, shall notify the Contracting Parties of the names and qualifications of NGOs determined to meet the criteria for participation stipulated in paragraph 2 above. Such applications will then be considered as accepted unless one-third of the Contracting Parties object in writing at least 30 days prior to the meeting.
5. Any eligible NGO admitted to a meeting may:
 - Attend meetings, as set forth above, but may not vote;
 - Make oral statements during the meeting upon the invitation of the presiding officer;
 - Distribute documents at meetings through the secretariat; and
 - Engage in other activities as appropriate and as approved by the presiding officer.

6. Observers will be required to pay a fee for their participation at the meetings of the Organization, which will contribute to the additional expenses generated by their participation, as determined annually by the Executive Secretary.
7. The Executive Secretary will determine whether, due to conference room capacity, seating limitations require that a limited number of observers per NGO may be present at any meetings. The Executive Secretary will transmit any such determination in the conditions of participation.
8. All observers admitted to a meeting shall be sent or otherwise receive the same documentation generally available to Contracting Parties and their delegations, except those documents deemed confidential by the Parties.
9. All observers admitted to a meeting shall comply with all rules and procedures applicable to other participants in the meeting. Failure to conform to these rules or any other rules that ICCAT may adopt for the conduct of observers will result in withdrawal of accreditation by the Chairman of the Commission.

Annex 5. Chairman's Draft – Procedures for Observers
(Extract - Annex 5, GC Doc. 98/3)

Observers from Inter-governmental Organizations and
Non-Contracting Parties

The Working Group agreed that, at present, there was no need to be concerned about the eligibility criteria for such observers. Contracting Parties should continue to be notified in advance of such measures. The costs of participation by non-member governments should be assessed consistent with those assessed to NGOs, while any costs assessed to IGOs should also aim at recovering the additional costs of their participation to NAFO, taking into account any reciprocal arrangements and reserving appropriate flexibility. IGO and Non-Contracting Party observers must agree in writing to comply with the Rules of Procedure and other rules applicable to other participants in the meeting.

Observers from Non-governmental Organizations

1. Eligibility

- A. Representatives from [international] non-governmental organizations (NGOs) [with a qualified interest in][with an ability to contribute to] [concerned with] the work of NAFO, and supportive of the optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area, shall be eligible to participate in meetings described in 4(A) below.
- B. [NGOs referred to in paragraph 1A shall be international with offices in at least two Contracting Parties]

2. Application

Any NGO desiring to participate as an observer in meetings described in 4(A) below shall notify the NAFO Secretariat of its desire to participate at least [60] days in advance of the beginning of the meeting and shall specify in the body of a memorandum:

- A. a description of the NGOs [concern with] [ability to contribute to] [interest in] the work of NAFO;
- B. the purpose of the NGO, [including a copy of its annual report];
- C. description of the NGOs activities, including observership granted by other fisheries management organizations, [funding sources,] and [information of its governance and] the total number of members;
- D. a statement that the NGO supports the optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area.
- E. a statement agreeing to comply with the Rules of Procedure and other rules applicable to other participants in the meeting.
- [F. a statement of the location of the NGOs offices in at least two Contracting Parties.]

3. Selection

- A. Notification: The Executive Secretary shall notify NAFO Contracting Parties of the names of NGOs desiring to participate as observers and shall forward copies of the documents in paragraph 2 to Contracting Parties at least [50] days prior to the beginning of the meeting.

B. Selection:

[any eligible NGO that has applied consistent with 2 above to participate as an observer may do so unless a majority of NAFO Contracting Parties formally objects for cause in writing at least [30] days prior to the beginning of the meeting, and in this case, the Executive Secretary shall notify the NGO and Contracting Parties accordingly]

[the decision on each NGO application should be taken by consensus]

[any eligible NGO that has applied consistent with 2 above to participate as an observer may do so provided that a majority of NAFO Contracting Parties eligible to vote supports the application through a vote conducted by mail under Rule 2 of the applicable rules of procedure as a matter of course. Contracting Parties shall have [30] days to cast their votes [, and any votes opposing the application shall be accompanied by an explanation].

[Applicants shall be notified of the results of the voting within 10 days[, including, in the case of the denial of the application, the explanations for any votes opposing the application.]

C. Duration:

Decisions approving an application of an NGO will be effective for two years.

[Any observer that engages in activities which are at odds with the principles and objectives of the NAFO Convention should have its status as observer suspended.]

4. Participation

A. Meetings open to NGOs: NGOs shall be admitted to meetings of

[the General Council]

[the General Council and the Fisheries Commission]

[the General Council, the Fisheries Commission, and the Scientific Council]

[the General Council, the Fisheries Commission, and the Scientific Council and, with the permission of the presiding officer, any subsidiary body thereof, except extraordinary meetings held in executive session or meetings of Heads of Delegations.]

B. Forms of participation: NGOs may:

i. not vote

ii. not use films, videos, tape-recording devices, etc. to record meeting proceedings

iii. [attend meetings and distribute documents,]

[attend meetings, distribute documents and make oral statements:

[[at the discretion of the presiding officer]]

[[at the discretion of the presiding officer and subject to objection by any Party]]

[attend meetings, distribute documents, and make oral statements at fixed times, at the discretion of the presiding officer]

- iv. [engage in other activities as appropriate and at the discretion of the presiding officer and subject to objection by any Party]
- v. [each NGO may send not more than two representatives to meetings]

[All observers admitted to a meeting shall be sent or otherwise receive the same documentation generally available to delegates.]

C. Conditions of Participation

NGOs must agree in writing to comply with the rules of procedure and other rules applicable to other participants in the meeting. Failure to adhere to these rules of procedure can result in revocation of observer status.

5. Costs

NGOs shall bear the costs, including copying and mailing of documents prior to the meeting, of their participation.

(Note: A lump sum fee designed to meet these costs shall be established for the first applicable meeting and reviewed regularly thereafter by STACFAD.)

6. Other

- A. [the Press should have the same access to NAFO and under the same conditions and procedures as NGOs, except for paying a fee.]
- B. [When an NGO publishes an article on NAFO matters in which a Contracting Party is mentioned by name, the NGO shall forward a copy of the article to that Contracting Party [in that Party's language][in English]].
- C. Procedures and rules applicable to NGO observers should be implemented [as a pilot project for five years] [subject to review after five years] [subject to review at any time]. A general evaluation of the regime should be undertaken after five years.

Annex 6. Guidelines and Criteria for Granting Observer Status at NAFO Meetings
(Transparency W.G. W.P. 99/1 – Paper presented by US Delegation)

1. In exercising the responsibilities in respect to observers to NAFO meetings as provided for in rule 1.2 of the Rules of Procedure for the General Council and the Fisheries Commission and rule 1.3 of the Rules of Procedure for the Scientific Council, the Executive Secretary shall invite:
 - FAO
 - Intergovernmental organizations that have regular contacts with NAFO as regards fisheries matters or whose work is of interest to NAFO or vice-versa.
 - Non-Contracting Parties, entities, or fishing entities identified as harvesting fishery resources in the Convention Area to which the Convention applies.
2. All non-governmental organizations (NGOs) that support the general objectives of NAFO and with a demonstrated interest in the species under the purview of NAFO or in marine fisheries should be eligible to participate as an observer in all meetings of the organization and its subsidiary bodies, except extraordinary meetings held in executive session or meetings of Heads of Delegations.
3. Any NGO desiring to participate as an observer in a meeting of the organization or its subsidiary bodies shall notify the Secretariat of its desire to participate at least 65 days in advance of the meeting. This application must include:
 - Name, address, telephone, and fax number of the organization;
 - Address of all its national/regional offices;
 - Aims and purposes of the organization and a statement that the NGO generally supports the objectives of NAFO, i.e., optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area;
 - A brief history of the organization and a description of its activities;
 - Representative papers or other similar resources produced by or for the organization on the conservation, management, or science of fishery resources to which the Convention applies;
 - A history of NAFO observer status granted/revoked or service on a national delegation to a NAFO meeting;
 - Information or input that the organization plans to present at the meeting in question and that it would wish to be circulated by the Secretariat for review by Contracting Parties prior to the meeting, supplied in sufficient quantity for such distribution.
4. The Executive Secretary shall review applications received within the prescribed time, and at least 60 days before the meetings for which the applications were received, the Executive Secretary, in consultation with the NAFO President, shall decide, on an individual basis, whether the applications meet the criteria provided for in paragraph 3 above. After such consultation, but at least 50 days before the meetings, the Executive Secretary shall circulate to all Contracting Parties the names of organizations whose applications were approved.
5. Any application not approved after consultation with the NAFO President shall be put to a mail vote. At least 45 days before the meeting, the Executive Secretary shall notify the Contracting Parties of the names of organizations and qualifications of such NGOs. Such applications will then be considered as accepted unless a majority of Contracting Parties

object at least 30 days prior to the meetings. The Executive Secretary shall also circulate any comments that the Contracting Parties include with their vote on this matter.

6. Any eligible NGO admitted to a meeting may:
 - Attend meetings, as set forth above, but may not vote;
 - Make oral statements during the meeting upon the invitation of the presiding officer;
 - Distribute documents at meetings through the Secretariat;
 - Engage in other activities as appropriate and as approved by the presiding officer.
7. Observers will be required to pay a fee which will contribute to the additional expenses generated by their participation, as determined annually by the Executive Secretary.
8. The Executive Secretary will determine whether, due to conference room capacity, seating limitations require that a limited number of observers per NGO may be present at any meetings. The Executive Secretary will transmit any such determination in the conditions of participation.
9. All observers admitted to a meeting shall be sent or otherwise receive the same documentation generally available to Contracting Parties and their delegations, except those documents deemed confidential by a Contracting Party or the Executive Secretary.
10. All observers admitted to a meeting shall comply with all rules and procedures applicable to other participants in the meeting. Failure to conform to these rules or any other rules that NAFO may adopt for the conduct of observers will result in withdrawal of accreditation by the President of the Organization.
11. The foregoing guidelines and criteria shall be reviewed three years after their adoption and any time thereafter at the request of any Contracting Party.

Annex 7. Rules for Granting Observer Status at NAFO Meetings
(Transparency W.G. W.P. 99/2 - Paper presented by EU Delegation)

1. In exercising the responsibilities in respect to observers to NAFO meetings as provided for in rule 1.2 of the Rules of Procedure for the General Council and the Fisheries Commission, the Executive Secretary shall invite:
 - Intergovernmental organizations that have regular contacts with NAFO as regards fisheries matters or whose work is of interest to NAFO or vice-versa.
 - Non-Contracting Parties, entities, or fishing entities identified as harvesting fishery resources in the Regulatory Area.
2. All non-governmental organizations (NGOs) that support the general objectives of NAFO and with a demonstrated interest in the species under the purview of NAFO should be eligible to participate as an observer in all regular meetings of the organization, except extraordinary meetings held in executive session or meetings of Heads of Delegations. Unless expressly determined otherwise, NGOs may also participate in meetings of subsidiary bodies of the organization.
3. Any NGO desiring to participate as an observer in a meeting of the organization or its subsidiary bodies shall notify the Secretariat of its desire to participate at least 65 days in advance of the meeting. This application must include:
 - Name, address, telephone, and fax number of the organization;
 - Address of all its national/regional offices;
 - Aims and purposes of the organization and a statement that the NGO generally supports the objectives of NAFO, i.e., optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area;
 - A brief history of the organization and a description of its activities;
 - Representative papers or other similar resources produced by or for the organization on the conservation, management, or science of fishery resources to which the Convention applies;
 - A history of NAFO observer status granted/revoked;
 - Information or input that the organization plans to present at the meeting in question and that it would wish to be circulated by the Secretariat for review by Contracting Parties prior to the meeting, supplied in sufficient quantity for such distribution.
4. The Executive Secretary shall review *applications* received within the prescribed time, and, at least 60 days before the meeting for which the application was received, shall notify the Contracting Parties of the names and qualifications of NGOs determined to meet the criteria stipulated in paragraph 2 above. If one of the Contracting Parties objects giving in writing its reasons within 10 days, the matter will be put to a vote by written procedure. Applications will then be considered as accepted where a majority of Contracting Parties support such applications in writing at least 30 days prior to the meeting. The Executive Secretary shall also circulate any reasons given in a preliminary objection as well as any comments that Contracting Parties may include with their vote on this matter.
5. Any eligible NGO admitted to a meeting may:
 - Attend meetings, as set forth above, but may not vote;
 - Make oral statements during the meeting upon the invitation of the presiding officer;
 - Distribute documents at meetings through the Secretariat;
 - Engage in other activities as appropriate and as approved by the presiding officer.

6. Observers will be required to pay a fee which will contribute to the additional expenses generated by their participation, as determined annually by the Executive Secretary.
7. The Executive Secretary will determine whether, due to conference room capacity, seating limitations require that a limited number of observers per NGO may be present at any meetings. The Executive Secretary will transmit any such determination in the conditions of participation.
8. All observers admitted to a meeting shall be sent or otherwise receive the same documentation generally available to Contracting Parties and their delegations, except those documents deemed confidential by a Contracting Party or the Executive Secretary.
9. All observers admitted to a meeting shall comply with all rules and procedures applicable to other participants in the meeting. Failure to conform to these rules or any other rules that NAFO may adopt for the conduct of observers will result in removal from the meeting by the presiding officer and revocation of observer status.
10. These rules shall be subject to review and revision, as appropriate, at the ..th Annual Meeting for application in the year 2003 and subsequent years. The General Council shall review and assess the adequacy of these rules and, if necessary, adopt amendments in the light of the need of NAFO to function effectively when conducting its business.

Annex 8. Paper presented by Denmark (in respect of Faroe Islands and Greenland)

(Extract – GC Doc. 98/3, Annex 4)

1. All non-member governments and intergovernmental organizations may participate as observers in Plenary sessions of NAFO's General Council and Fisheries Commission.
2. Applications for NGO observer status should be accompanied by a memorandum setting out relevant information including
 - a description of the NGOs ability to contribute to the work of NAFO,
 - the purpose of the NGO, including a copy of its annual report,
 - a description of the organization's activities and information of the organization's governance and the total number members,
 - up to date information about the organization's relevant activities.

(Note: these requirements correspond to those agreed to in Arctic Council).

3. NAFO's decision on each NGO application should be taken by consensus.

(Note: this also corresponds to Arctic Council).

4. Renewed decision on participation of each NGO should be taken regularly (e.g. every second year).

Any observer that engages in activities which are at odds with the principles and objectives of the NAFO Convention should have its status as observer suspended.

5. NAFO fora in which NGO observers may participate: Plenary sessions of the General Council and Fisheries Commission. Observer status in Scientific Council should be decided by SC, cf. Rules of Procedure 1.3 for the Scientific Council.
6. NGOs may make only written reports. No films, videos, tapes, etc.
7. NGOs should cover all expenses connected with their participation (room, documents, etc.).
8. Press should have same access as NGOs to NAFO meetings and documents.

(Note: This is the case in NASCO and IWC).
9. When a NGO publishes articles etc. on NAFO matters in which a Contracting Party is mentioned by name, the NGO should be *obliged* to forward the article to the Contracting Party in that Party's language.
10. The outlined regime on NGO observers should be implemented as a pilot project. NAFO should take final decision after [five] years.

Annex 9. Recommendation for Rules for Granting Observer Status at NAFO Meetings

Delete Rule 1.2 of the Rules of Procedure for both the General Council and the Fisheries Commission. Add Rule 9 and 10 respectively as follows:

Observers

(General Council)

Rule 9

- 9.1 The Executive Secretary shall invite:
- Intergovernmental organizations that have regular contacts with NAFO as regards fisheries matters or whose work is of interest to NAFO or vice-versa.
 - Non-Contracting Parties identified as harvesting fishery resources in the Regulatory Area.
- 9.2 All non-governmental organizations (NGOs) that support the general objectives of NAFO and with a demonstrated interest in the species under the purview of NAFO should be eligible to participate as an observer in [all regular meetings of the General Council] [the annual meetings of the General Council], except meetings held in executive session or meetings of Heads of Delegations. [Unless expressly determined otherwise, NGOs may also participate in meetings of subsidiary bodies of the Council.]
- 9.3. Any NGO desiring to participate as an observer in a meeting of the General Council or its subsidiary bodies shall notify the Secretariat of its desire to participate at least 65 days in advance of the meeting. This application must include:
- Name, address, telephone, fax number of the organization and the person(s) proposed to represent the organization;
 - Address of all its national/regional offices;
 - Aims and purposes of the organization and a statement that the NGO generally supports the objectives of NAFO, i.e., optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area;
 - Information on the organization's total number of members, [its decision-making process and its funding];
 - A brief history of the organization and a description of its activities;
 - Representative papers or other similar resources produced by or for the organization on the conservation, management, or science of fishery resources to which the Convention applies;
 - A history of NAFO observer status granted/revoked;
 - Information or input that the organization plans to present at the meeting in question and that it would wish to be circulated by the Secretariat for review by Contracting Parties prior to the meeting, supplied in sufficient quantity for such distribution.
- 9.4 The Executive Secretary shall review applications received within the prescribed time, and, at least 60 days before the meeting for which the application was received, shall notify the Contracting Parties of the names and qualifications of NGOs having fulfilled

the requirements stipulated in Rule 9.3. [If one or more of the Contracting Parties object giving in writing its reasons within 10 days, the matter will be put to a vote by written procedure. Applications will then be considered as accepted unless a majority of Contracting Parties objects in writing at least 30 days prior to the meeting. The Executive Secretary shall also circulate any reasons given in a preliminary objection as well as any comments that Contracting Parties may include with their vote on this matter.] [Such NGOs shall be granted observer status unless one of the Contracting Parties objects giving in writing its reasons. The Executive Secretary shall also circulate any reasons given in such an objection.]

9.5 Any NGO admitted to a meeting of the General Council may:

- Attend meetings, as set forth above, but may not vote;
- Make oral statements during the meeting upon the invitation of the chairman;
- Distribute documents at meetings through the Secretariat;
- Engage in other activities as appropriate and as approved by the chairman.

Any NGO admitted to a meeting of the General Council may not use films, videos, tape-recording devices etc. to record meeting proceedings.

9.6 Observers will be required to pay a fee, which will cover the additional expenses generated by their participation, as determined annually by the Executive Secretary.

9.7 The Executive Secretary will determine whether, due to conference room capacity, seating limitations require that a limited number of observers per NGO may be present at any meetings. The Executive Secretary will transmit any such determination in the conditions of participation.

9.8 All observers admitted to a meeting shall be sent or otherwise receive the same documentation generally available to Contracting Parties and their delegations, except those documents deemed confidential by a Contracting Party or the Executive Secretary.

9.9 All observers admitted to a meeting shall comply with all rules and procedures applicable to other participants in the meeting. Failure to conform to these rules or any other rules that NAFO may adopt for the conduct of observers may result in removal from the meeting by the presiding officer and revocation of observer status.

9.10 These rules shall be subject to review and revision, as appropriate, at the 24th Annual Meeting (2002). The adequacy of these rules shall be reviewed and assessed and, if necessary amendments shall be adopted in the light of the need of NAFO to function effectively when conducting its business.

Observers

(Fisheries Commission)

Rule 10

10.1 The Executive Secretary shall invite:

- Intergovernmental organizations that have regular contacts with NAFO as regards fisheries matters or whose work is of interest to NAFO or vice-versa.
- Non-Contracting Parties identified as harvesting fishery resources in the Regulatory Area.

- 10.2 All non-governmental organizations (NGOs) that support the general objectives of NAFO and with a demonstrated interest in the species under the purview of NAFO should be eligible to participate as an observer in [all regular meetings of the Fisheries Commission] [the annual meetings of the Fisheries Commission], except meetings held in executive session or meetings of Heads of Delegations. [Unless expressly determined otherwise, NGOs may also participate in meetings of subsidiary bodies of the Commission.]
- 10.3. Any NGO desiring to participate as an observer in a meeting of the Fisheries Commission or its subsidiary bodies shall notify the Secretariat of its desire to participate at least 65 days in advance of the meeting. This application must include:
- Name, address, telephone, fax number of the organization and the person(s) proposed to represent the Organization;
 - Address of all its national/regional offices;
 - Aims and purposes of the organization and a statement that the NGO generally supports the objectives of NAFO, i.e., optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area;
 - Information on the organization's total number of members, [its decision-making process and its funding];
 - A brief history of the organization and a description of its activities;
 - Representative papers or other similar resources produced by or for the organization on the conservation, management, or science of fishery resources to which the Convention applies;
 - A history of NAFO observer status granted/revoked;
 - Information or input that the organization plans to present at the meeting in question and that it would wish to be circulated by the Secretariat for review by Contracting Parties prior to the meeting, supplied in sufficient quantity for such distribution.
- 10.4 The Executive Secretary shall review applications received within the prescribed time, and, at least 60 days before the meeting for which the application was received, shall notify the Contracting Parties of the names and qualifications of NGOs having fulfilled the requirements stipulated in Rule 10.3. [If one or more of the Contracting Parties objects giving in writing its reasons within 10 days, the matter will be put to a vote by written procedure. Applications will then be considered as accepted unless a majority of Contracting Parties objects in writing at least 30 days prior to the meeting. The Executive Secretary shall also circulate any reasons given in a preliminary objection as well as any comments that Contracting Parties may include with their vote on this matter.] [Such NGOs shall be granted observer status unless one of the Contracting Parties objects giving in writing its reasons. The Executive Secretary shall also circulate any reasons given in such an objection.]
- 10.5 Any NGO admitted to a meeting of the Fisheries Commission may:
- Attend meetings, as set forth above, but may not vote;
 - Make oral statements during the meeting upon the invitation of the chairman;
 - Distribute documents at meetings through the Secretariat;
 - Engage in other activities as appropriate and as approved by the chairman.

Any NGO admitted to a meeting of the Fisheries Commission may not use films, videos, tape-recording devices etc. to record meeting proceedings.

- 10.6 Observers will be required to pay a fee, which will cover the additional expenses generated by their participation, as determined annually by the Executive Secretary.
- 10.7 The Executive Secretary will determine whether, due to conference room capacity, seating limitations require that a limited number of observers per NGO may be present at any meetings. The Executive Secretary will transmit any such determination in the conditions of participation.
- 10.8 All observers admitted to a meeting shall be sent or otherwise receive the same documentation generally available to Contracting Parties and their delegations, except those documents deemed confidential by a Contracting Party or the Executive Secretary.
- 10.9 All observers admitted to a meeting shall comply with all rules and procedures applicable to other participants in the meeting. Failure to conform to these rules or any other rules that NAFO may adopt for the conduct of observers may result in removal from the meeting by the presiding officer and revocation of observer status.
- 10.10 These rules shall be subject to review and revision, as appropriate, at the 24th Annual Meeting (2002). The adequacy of these rules shall be reviewed and assessed and, if necessary amendments shall be adopted in the light of the need of NAFO to function effectively when conducting its business.

THE
MOUNTAIN
VIEW
SCHOOL
DISTRICT
OFFICE
1000
N. 10TH
AVENUE
DENVER,
COLORADO
80202

SECTION III

(pages 61 to 90)

**Report of the Working Group on Allocation of Fishing Rights to
Contracting Parties of NAFO and Chartering of Vessels
Between Contracting Parties
13-15 April 1999
Halifax, N.S., Canada**

Report of the Working Group	63
1. Opening of the Meeting	63
2. Appointment of Rapporteur	63
3. Adoption of Agenda.....	63
4. Exploration of the meaning of the term "real interest" in relation to new members	63
5. Consideration of a broad strategy to guide expectations of future new members with regard to fishing opportunities in the NRA.....	64
6. Development of a broad strategy of allocating future fishing opportunities for stocks not currently allocated	65
7. Exploration of possible margins to accommodate requests for fishing opportunities in connection with the stocks under TACs.....	65
8. Consideration of the chartering of fishing vessels which are flying the flag of the chartering Contracting Party during the charter period.....	65
9. Consideration and development of rules for chartering of fishing vessels flying the flag of a Contracting Party, which are duly authorized to exploit fishing rights of the chartering NAFO Contracting Party	65
10. Other Business	66
11. Adjournment	67
Annex 1. List of Participants	68
Annex 2. Terms of Reference	72
Annex 3. Opening Statement by the Representative of Canada	73
Annex 4. Opening Statement by the Representative of the United States of America	74
Annex 5. Agenda	75
Annex 6. Participatory Rights of Prospective New Members of NAFO (USA).....	76
Annex 7. Allocation of Fishing Rights and Chartering (Japan).....	79
Annex 8. Working Paper presented by Denmark (in respect of Faroe Islands and Greenland).....	81
Annex 9. Explanation of Various Points in Working Paper 99/1 (Denmark in respect of Faroe Islands and Greenland).....	85
Annex 10. Draft General Council Resolution to Guide the Expectations of Future New Members with Regard to Fishing Opportunities in the NAFO Regulatory Area (USA).....	86
Annex 11. Interpretative notes by the Chair attempting to clarify discussions on Agenda points 6 and 7.....	87

Annex 12. Draft resolution concerning the chartering by an operator of a Contracting Party of vessels flying the flag of another Contracting Party to conduct fishing operations in the NAFO regulated area (France-SPM)	89
Annex 13. Draft Resolution Concerning the Chartering of Vessels Flying the Flag of a Contracting Party in the Regulatory Area (France-SPM)	90

**Report of the Working Group on Allocation of Fishing Rights
to Contracting Parties of NAFO and Chartering of Vessels
Between Contracting Parties**
(GC Doc. 99/4)

**13-15 April 1999
Halifax, N. S., Canada**

The Working Group on Allocation of Fishing Rights to Contracting Parties of NAFO and Chartering of Vessels Between Contracting Parties met in accordance with the decision taken by the General Council at the 20th Annual Meeting, September 1998 (GC Doc. 98/7, Part I, item 4.6).

1. Opening of the Meeting

The Meeting was called to order by the Chairman, Mr. H. Koster (EU), who welcomed delegates to the meeting (Annex 1).

The Chairman recalled the mandate for the Working Group as provided in the terms of reference (Annex 2) for the Working Group by the joint decision of the General Council and the Fisheries Commission at the 19th Annual Meeting, 15-19 September 1997, were still applicable.

The delegations of Canada and the USA offered opening remarks, attached as Annexes 3 and 4.

2. Appointment of Rapporteur

Mr. R. Steinbock (Canada) was elected as rapporteur.

3. Adoption of Agenda

The agenda attached as Annex 5 was adopted.

**4. Exploration of the meaning of the term "real interest"
in relation to future new members**

The Chairman noted that the term "real interest" in relation to new members was discussed in broad terms at the March 1998 Working Group meeting. While the term appears in 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, 1995 (UNFA), the term has not been defined in any international instrument. The Representative of the USA introduced Working Paper 99/3 (Annex 6) entitled "Participatory Rights of Prospective New Members of NAFO" and noted that the usage of the term "real interest" implies that states with a real interest in a fishery include relevant coastal states and other states participating in a fishery. The USA stated that NAFO would need to take UNFA Article 11 into account in deciding fishing opportunities for new members.

The Representative of Japan introduced Working Paper 99/4 (Annex 7) entitled "Allocation of Fishing Rights and Chartering" and Japan's interpretation that the meaning of "real interest" is a state's truthful intention to fish and the capacity to actually fish, and with the clear and appropriate record of fishing in the NAFO Regulatory Area. He expressed the view that the UNFA should not be used as a guide for the allocation of fishing rights since this instrument had not yet entered into

force. The Representative of Canada expressed the view that the term "real interest" in the UNFA was related solely to the right of states to become members of regional fisheries management organizations (RFMOs) and not in the context of allocation of fishing rights. He concluded that once states become members, then UNFA Article 11 is relevant with respect to quota allocation. The Representative of France (on behalf of Saint Pierre et Miquelon) concurred that UNFA Article 11 provided various criteria which may be used by RFMOs to guide the allocation of fishing rights for its members. The Representatives of Denmark and Norway agreed with the Canadian interpretation that the term "real interest" is linked solely to the right of states to join RFMOs and not for the allocation of fishing rights. After extensive discussions on this issue, the meeting agreed that a common understanding could not be found but that this was not necessary to consider a strategy to guide the expectations of future new members.

5. Consideration of a broad strategy to guide expectations of future new members with regard to fishing opportunities in the NAFO Regulatory Area

The Chairman noted that the NAFO Convention is open for accession by any state wishing to become a member (Article XXII.4). The Representative of the USA referred to Working Paper 99/3 which suggested a strategy to guide the expectations of future new members with regard to fishing opportunities in the NAFO Regulatory Area. He proposed some form of declaration by NAFO that would articulate the limitations to fishing opportunities to future new members in the NRA to the following: exploring any flexibility in the current quota table as well as a broader sharing when regulated stocks recover, and fishing opportunities for stocks not currently managed by NAFO. A number of Contracting Parties proposed that the benefits of recovered stocks should accrue to current NAFO members only in recognition of their restraints and contributions to conservation.

The Representative of Denmark (on behalf of the Faroe Islands and Greenland) submitted Working Papers 99/1 and later 99/5 (Annexes 8 and 9) which related to Agenda items 5, 6 and 7 of the agenda. He introduced this elaboration of proposals in an effort to provide a focus for and facilitate the discussions. He explained that these proposals sought to reflect to a reasonable extent existing NAFO principles whilst also taking into account appropriate changes caused by developments since the NAFO quota sharing system emerged over twenty years ago. The Representative of Japan referred to section A.2 of Working Paper 99/1 regarding preference to coastal states. He stated that Japan did not accept the notion of coastal state preference as it is not provided for in international law. Also in reference to section A.2 - Remarks, the Representative of Denmark (on behalf of the Faroe Islands and Greenland) clarified the concept of "zonal attachment" refers to biological criteria such as the biomass distribution between coastal state waters and the NAFO Regulatory Area and thus the weight of coastal state preference for a coastal state should vary from stock to stock to reflect these biological criteria. The Representative of France (on behalf of Saint Pierre et Miquelon) expressed support to the principles of coastal state preference in the allocation of straddling stocks based on the NAFO Convention, Article XI.4 by taking in due account of coastal communities that are primarily dependent on fishing for NAFO stocks. The Representative of Canada clarified that Article XI.4 refers to only "the Contracting Party", singular - not plural, in reference to Canada's contributions at the time the Convention was negotiated.

After extensive discussions and at the request of the Chair, the Representative of the USA submitted Working Paper 99/7 (Annex 10) entitled "Draft General Council Resolution to Guide the Expectations of Future New Members with Regard to Fishing Opportunities in the NAFO Regulatory Area". This resolution is aimed at providing an objective statement of facts - that NAFO is an open organization under the NAFO Convention Article XXII.4, that all Contracting Parties are members of the General Council, and that should new NAFO members obtain

membership in the Fisheries Commission, they should be aware that presently, and for the foreseeable future, fishing opportunities are likely to be limited to new fisheries and the "Others" category of the NAFO quota allocation table. All Contracting Parties agreed in principle with the proposed draft however the Representative of the EU withheld its support and requested the opportunity to consult further internally on some technical issues. The Chair proposed that the proposed resolution would be presented to the General Council in September 1999.

6. Development of a broad strategy of allocating future fishing opportunities for stocks not currently allocated

7. Exploration of possible margins to accommodate requests for fishing opportunities in connection with the stocks under TACs

In reference to Working Papers 99/1 and 99/5, the meeting considered possible criteria for allocating future fishing opportunities of stocks not currently allocated by NAFO as well as possible margins for allocation in regard to stocks currently under TAC/effort limits. The Representative of Norway expressed the view that discussion of model 4b in W.P. 99/1 was inappropriate according to the agenda of the meeting. Contracting Parties advanced proposals for initial eligibility to fishing rights and then various criteria that should be considered in the allocation of future fishing opportunities of stocks not currently allocated. After extensive discussions, the Chairman submitted Working Paper 99/8 (later revised) (Annex 11) entitled "Interpretative notes by the Chair attempting to clarify discussions on Agenda points 6 and 7" - which aimed to provide an inclusive "shopping list" of criteria for Contracting Parties to qualify for fishing rights and secondly considerations for the allocation of fishing rights, as well as an agreed list of the NAFO-managed stocks indicating, respectively, whether they have been allocated and whether they are currently subject to a moratorium. The Chairman emphasized that the criteria presented were without any evaluation - they carried no qualification as to weighting or importance. He noted that the lists were without prejudice to future discussions and that they may be considered at some point for possible future discussions depending on the General Council.

A number of ideas were also advanced for possible further consideration with respect to possible margins for allocation in regard to stocks currently under TAC. These included reallocation of unused and underutilized quotas, reallocation of quotas when the abundance of stocks exceeds a reference level to be identified, the possibility for wider sharing among Contracting Parties, allocation of the "Others" quota and the allocation of the Block quotas.

8. Consideration of the chartering of fishing vessels which are flying the flag of the chartering Contracting Party during the charter period

9. Consideration and development of rules for chartering of fishing vessels flying the flag of a Contracting Party, which are duly authorized to exploit fishing rights of the chartering NAFO Contracting Party, in the following terms:

- notification and approval procedures
- criteria
- recording and reporting rules
- effective control

The meeting agreed that flag-state or "bare-boat" charters were not of concern and could continue to take place by Contracting Parties. At Japan's request, the meeting agreed that Contracting Parties should report such charters to NAFO for purposes of transparency.

With respect to non-flag state charters, France (on behalf of Saint Pierre et Miquelon) pursued the need for a charter policy in order that a Contracting Party without secure fishing capacity might still benefit economically from its NAFO fishing rights. The Representative of France introduced Working Papers 99/2 (Annex 12) and subsequently 99/6 (Annex 13) which provide draft resolutions concerning the chartering of vessels flying the flag of a Contracting Party in the Regulatory Area. He explained the basic principles of the proposed chartering policy - that charter operations would be limited in scope and restricted to vessels flying the flag of NAFO Contracting Parties, that any chartering operation would be subject to an Agreement between the Contracting Parties concerned, that the charter would be limited in time and would not exceed the capacity of (one) vessel a year and would be approved by a majority of the Contracting Parties through a mail vote according to NAFO rules, and that the Contracting Party granted the allocation remained responsible for its management to NAFO. He also explained the general terms of the agreement between Contracting Parties including the proviso that in case of non-compliance with NAFO rules, the Contracting Party of the chartered vessel would take appropriate sanctions in accordance with international law and the charter would be cancelled.

The Representative of the EU provided an analysis of some of the legal concerns associated with non flag-state charters with the conclusion that the flag-state has sole responsibility to ensure compliance of the vessel on the high seas. The Representative of Japan referred to its Working Paper 99/4 and explained its position that strict provisions should be established for charter operations and they should be limited to the substitution of domestic fishing vessels and to supplying fish products domestically. He felt that if chartering operations are used mainly to fulfil a gap between the current fishing capacity and the allocation of quota to a Contracting Party, NAFO should not approve the charter. He also concurred with the need for Fisheries Commission approval of any proposed charter. The Representative of Canada raised the issue that the "others" quota as well as the 100 effort days equivalent in the 3M shrimp fishery should not be available for charter as the others quota does not belong to any one Contracting Party and the 100 effort days in the 3M shrimp fishery were serving an equivalent purpose. He expressed the view that the flag state had to be accountable and take full responsibility for control and reporting of the chartered vessel. He echoed the concern expressed by Japan and questioned the benefits of permitting charters on a long-term basis, recommending that they not be approved for more than two years, with a possibility, if appropriate, for a one year extension. The Representative of Norway agreed with Canada that the "100 effort-days equivalent" should not be available for charter. A number of other Contracting Parties also expressed reservations to the idea of what appeared from the situation described by the Representative of France as a recurring charter operation year to year. Most Contracting Parties concurred that if charters were permitted, they should be under very limited conditions with a stipulation for a bilateral agreement between the Contracting Parties involved to address the enforcement and reporting responsibilities and other conditions.

The Chairman summarized the discussions that the meeting did not oppose a pragmatic solution in principle if it were based on the premise that charters would be limited to extraordinary circumstances and in time to no more than two and possibly three years and that a bilateral agreement between the Contracting Parties would address the enforcement responsibilities between the parties involved. The Working Group recommended that Working Paper 99/6 be referred to STACTIC to review the enforcement and reporting responsibilities that need to be reflected in such a bilateral agreement.

10. Other Business

There was no other business.

11. Adjournment

The Chairman adjourned the meeting at 11.20 am on 15 April 1999.

Disposition of Report

The Report was considered by the General Council at the 21st Annual Meeting, September 1999.

Annex 1. List of Participants**CANADA****Head of Delegation**

E. Wiseman, Director General, International Directorate, Dept. of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario K1A 0E6

Advisers

E. Dussault, Director, NAFO and Bilateral Relations Div., International Directorate, Dept. of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario K1A 0E6
L. Ramcharan, Officer, Oceans, Environment and Economic Law Div. (JLO), Dept. of Foreign Affairs and International Trade, 125 Sussex Dr., Ottawa, Ontario K1A 0G2
R. Steinbock, Advisor, NAFO and Bilateral Relations Div., International Directorate, Dept. of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario K1A 0E6

CUBA**Head of Delegation**

L. Albelo Leon, 2001 Brunswick St., Apt. 906, Halifax, Nova Scotia, Canada B3J 3J7

DENMARK (IN RESPECT OF FAROE ISLANDS & GREENLAND)**Head of Delegation**

E. Lemche, Head of Representation, Gronlands Hjemmestyre, Pilestraede 52, Box 2151, DK-1016 Copenhagen, Denmark

Alternate

A. Kristiansen, Foroya Landsstyri, P. O. Box 64, FR-110 Torshavn, Faroe Islands

Advisers

J. Persson, Greenland Home Rule, Dept. of Industry, Box 269, 3900 Nuuk, Greenland

ESTONIA**Head of Delegation**

L. Vaarja, Director General, Fisheries Dept., Ministry of Environment, Kopli 76, 10416 Tallinn

Advisers

A. Luksepp, Director General, Estonian Sea Inspection, Kopli 76, 10416 Tallinn
J. Pollu, Paljassaare Road 28-426, EE-0035 Tallinn
V. Ruul, Vaike-Posti 11, EE-3600 Parnu
A. Soome, Officer, Fisheries Dept., Ministry of Environment, Kopli 76, 10416 Tallinn

EUROPEAN UNION

Head of Delegation

O. Tougaard, European Commission, DG-XIV (Fisheries), Rue de la Loi, 200, B-1049 Brussels, Belgium

Alternate

F. Wieland, European Commission, DG-XIV (Fisheries), Rue de la Loi, 200, B-1049 Brussels, Belgium

Advisers

H. Koster, European Commission, DG-XIV (Fisheries), Rue Joseph II, 99, B-1049 Brussels, Belgium
 L. E. Svensson, Council of the European Union, DG-B-III, Rue de la Loi, 175, B-1048 Brussels, Belgium
 H. Pott, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Rochusstr. 1, D-53125 Bonn, Germany
 S. Feldthaus, Ministry of Food, Agriculture and Fisheries, Holbergsgade 2, 1057 Copenhagen, Denmark
 C. LeVillain, Ministère de l'Agriculture et de la Pêche, Direction des Pêches Maritimes, 3 Place de Fontenoy, 75007 Paris, France
 S. Segura, Direction des Affaires Juridiques, Ministère des Affaires Étrangères, 37 Quai D'Orsay, Paris 75007, France
 V. Fernandes, Embassy of Portugal, 645 Island Park Drive, Ottawa, Ontario K1Y 0B8
 M. H. Figueiredo, Direcção Geral das Pescas e Aquicultura, Edifício Vasco da Gama, Alcantara 1350 Lisbon, Portugal
 M. I. Aragon, Secretaria General de Pesca Marítima, Jose Ortega y Gasset, 57, 28006 Madrid, Spain
 I. Ybanez, Secretaria General de Pesca Marítima, Jose Ortega y Gasset, 57, 28006 Madrid, Spain
 G. Taylor, Nobel House, Rm 427, Ministry of Agriculture, Fisheries and Food, 17 Smith Square, London SW1P 3JR, United Kingdom

FRANCE (IN RESPECT OF ST. PIERRE ET MIQUELON)

Head of Delegation

D. Silvestre, Secrétariat Général à la Mer, 16 boulevard Raspail, 75007 Paris, France

ICELAND

Head of Delegation

E. Gudnason, Foreign Ministry of Iceland, Raudararstigur 25, 150 Reykjavik

Alternate

S. Asmundsson, Ministry of Fisheries, Skulagata 4, 150-Reykjavik

JAPAN

Head of Delegation

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

Advisers

Y. Kashio, Japan Fisheries Association, #1408 Duke Tower, 5251 Duke St., Halifax, N.S., Canada B3J 1P3
A. Umezawa, Embassy of Japan, 255 Sussex Drive, Ottawa, Ontario, Canada

LATVIA

Head of Delegation

N. Riekstins, Director, National Board of Fisheries, Ministry of Agriculture, 2 Republikas laukums, LV-1010 Riga

Adviser

U. Rinkis, National Board of Fisheries, Ministry of Agriculture, 2 Republikas laukums, LV-1010 Riga

LITHUANIA

Head of Delegation

R. Bogdevicius, Deputy Director, Fish Resources Dept., Ministry of Environment, Juozapaviciaus str. 9, 2600 Vilnius

Alternate

S. Toliuis, Director, Fishery Research Laboratory, P. O. Box 108, Klaipeda, 5800-LT
G. Babcionis, Senior State Inspector, Fish Resources Dept., Ministry of Environment, Juozapaviciaus str. 9, 2600 Vilnius

NORWAY

Head of Delegation

P. Sandberg, Directorate of Fisheries, P. O. Box 185, 5002 Bergen

POLAND

Head of Delegation

M. Kucharski, Embassy of the Republic of Poland, 443 Daly Avenue, Ottawa, Ontario, Canada K1N 6H3

Adviser

B. Szemioth, Parkowa 13/17/123, Warsaw

RUSSIA

Head of Delegation

E. Gontchar, Representative of the Russian Federation in Canada on Fisheries, Welsford Place, 2074 Robie St., Ste. 2202, Halifax, N.S., Canada B3K 5L3

UNITED STATES OF AMERICA**Head of Delegation**

R. Schmitt, Deputy Assistant Secretary for International Affairs, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, DC 20230

Advisers

J.-P. Plé, Senior Atlantic Affairs Officer, Office of Marine Conservation (Rm 5806), U.S. Dept. of State, 2201 C Street NW, Washington, D.C. 20520-7818

D. E. Swanson, Chief, International Fisheries Div. (F/SF4), National Marine Fisheries Service, U.S. Dept. of Commerce, 1315 East-West Highway, Silver Spring, MD 20910

NAFO SECRETARIAT

L. I. Chepel, Executive Secretary

F. D. Keating, Administrative Assistant

B. Cruikshank, Senior Secretary

G. Moulton, Statistical Officer

F. E. Perry, Desktop Publishing/Documents Clerk

**Annex 2. Terms of Reference for the Working Group on the
Allocation of Fishing Rights* to Contracting Parties
of NAFO and Chartering**

The Fisheries Commission requests:

1. interested Contracting Parties to participate in the Working Group named above with senior-level participation;
2. the Working Group to meet by March 1, 1998, under the Chairmanship of H. Koster (EU);
3. the Working Group to:
 - a. consider the issue of allocating fishing rights within NAFO and, if necessary, develop appropriate options, taking into account the current allocation practice within NAFO, the interests of all Contracting Parties, the relevant provisions of the NAFO Convention, and any other applicable international agreements as well as the need for NAFO to function effectively;
 - b. develop options whose terms are explicit and predictable for allocation to Contracting Parties from current fisheries with NAFO TACs, fisheries previously not subject to NAFO TACs, new fisheries, closed fisheries being reopened, and fisheries for which fishing rights are or will be allocated in terms other than quotas (e.g., effort limits); and
 - c. examine and clarify rules applicable to the chartering of fishing vessels to fish on allocated fishing rights.
4. the report of the Working Group by June 30, 1998, in order to be considered at the 20th Annual Meeting of the Fisheries Commission.

*Allocation of fishing rights includes allocation of quotas as well as, e.g., effort limitations.

Annex 3. Opening Statement by the Representative of Canada

Canada would first like to welcome all delegations to the beautiful port city of Halifax. We would also like to thank the NAFO Secretariat for making the arrangements and providing logistical support for this meeting.

Canada has a direct interest in the discussions of this working group.

There is no doubt that the issues before us are challenging. The March 1998 meeting of the working group highlighted the complexity and sensitivity of some of these issues. Last year we explored some of the *broad principles of international fisheries law*.

Through the Chairman's Working Paper, the group managed to provide a focus to our discussions this week with respect to some key issues. It was agreed that allocations to future members of NAFO needed to be examined as a distinct issue. The Chairman made it clear that any strategy to be developed under this item will not affect existing fishing rights of Contracting Parties. Canada believes that the working group can make progress on this particular issue at this meeting.

Developing consensus on a broad strategy to allocate future fishing opportunities for stocks not currently allocated raise several questions. Is there a set of universal criteria or is each situation unique? The agenda item on possible margins in the current quota table to accommodating requests for fishing opportunities may be even more complex. There are various proposals for reallocation of existing quotas based on some concept of "use it or lose it". These proposals raise substantive issues of equity as well as questions as to the real reasons for quota underutilization. These questions need to be looked at carefully.

Last year's meeting also considered the issues relevant to the chartering of fishing vessels between NAFO Contracting Parties. It was agreed that there were non-transferable obligations required of the flag state such as for monitoring, control and reporting. Any charter policy and rules that are adopted need to be effective in addressing these responsibilities.

Canada also continues to share the concerns expressed by others that these discussions could have the potential to adversely affect the stability of the Organization. I am confident that the Parties will be sensitive to these concerns and find the way to develop solutions through open, constructive dialogue.

The Canadian delegation looks forward to examining these questions and the basic principles underlying the issues of fishing rights of members and vessel chartering.

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

Thank you, Mr. Chairman.

My delegation is happy to be meeting in this beautiful location, and we are grateful to the Executive Secretary, his staff, and the Government of Canada for providing such fine arrangements. Dr. Rosenberg sends his regrets that he is unable to attend this meeting, but this is the very week that my successor, the new Director of the National Marine Fisheries Service, reports for duty. Lest there be no misunderstanding of the importance of this meeting to the United States, I am happy to join you, at least for today, during my first week of service as the Deputy Assistant Secretary for International Affairs, National Oceanic and Atmospheric Administration.

We appreciate the participation of all present and your willingness to strive for progress on our terms of reference which include issues that are very important to the United States, other Contracting Parties, and the Organization as a whole. Many of these issues relate back to the need for NAFO to have an allocation process that meets the needs of its members as well as the Organization. The process must be clear and transparent; it must recognize all the legitimate needs and interests of its members; and it must serve our present needs as well as those we can predict into the future.

We are fully prepared to work with our colleagues around the table and with you, Mr. Chairman, to make progress on our agenda during the next three days. Anticipating our work, let me make some initial comments. First, we are circulating a working paper on the meaning of the term "real interests" in relation to future new members. We hope that delegations find it useful. Second, we believe that it may be possible to draft a document, perhaps in the form of a General Council resolution, to guide expectations of future new members with regard to fishing opportunities in the NAFO Regulatory Area. Third, we are grateful to the Danish Delegation, in respect of the Faroe Islands and Greenland, for its working paper which relates to most of the agenda items dealing with quota allocation. Finally, we are prepared to conclude our consideration of the chartering of fishing vessels on the basis of the duties and responsibilities of both the flag State and the chartering State.

My delegation looks forward to an open, productive discussion and real progress on an allocation process that will work today and tomorrow and a resolution of the chartering question. Unfortunately, many NAFO-managed stocks are not subject to directed fishing in light of the status of those stocks. We are all working toward the recovery of these resources and looking forward to a brighter future with healthier marine resources. Resolving allocation issues now can only strengthen the future of NAFO.

Annex 5. Agenda

1. Opening by the Chairman, H. Koster (EU)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Exploration of the meaning of the term "real interests" in relation to future new members
5. Consideration of a broad strategy to guide expectations of future new members with regard to fishing opportunities in the NAFO Regulatory Area
6. Development of a broad strategy of allocation future fishing opportunities for stocks not currently allocated
7. Exploration of possible margins to accommodate requests for fishing opportunities in connection with the stocks under TACs
8. Consideration of the chartering of fishing vessels which are flying the flag of the chartering Contracting Party during the charter period
9. Consideration and development of rules for chartering of fishing vessels flying the flag of a Contracting Party, which are duly authorized to exploit fishing rights of the chartering NAFO Contracting Party, in the following terms:
 - notification and approval procedures
 - criteria
 - recording and reporting rules
 - effective control
10. Other Business
11. Adjournment

Annex 6. Participatory Rights of Prospective New Members of NAFO
(Working Paper 99/3 - Presented by the United States)

Summary

This paper explores the meaning of the term "real interest" in relation to future new members and sketches a strategy to guide the expectations of future new members with regard to fishing opportunities in the NAFO Regulatory Area. It suggests the following strategy:

In light of the real interest of present Contracting Parties of NAFO in the fisheries and fishery resources under the Organization's purview as well as the work of the Organization, accommodation of the fishing interests of any additional Contracting Parties will be limited to, at most:

1. Exploring in connection with stocks under TACs or effort controls possible "margins" to accommodate additional fishing opportunities, i.e., explore any flexibility in the current quota table as well as a broader sharing when regulated stocks recover and
2. Fishing opportunities for stocks not currently managed by NAFO.

Background

Several Articles 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, hereinafter referred to as the Fish Stock Agreement (FSA), are relevant to how NAFO might treat any future new members with regard to fishing rights, even though the FSA is not yet in force. NAFO Parties will be obliged to "agree, as appropriate, on participatory rights such as allocations of allowable catch or levels of fishing effort" (FSA Article 10(b)). They will also be obliged to "agree on means by which the fishing interests of new members of the organization...will be accommodated" (FSA Article 10(i)). However, in making the distinction between existing and prospective new members, these articles do not rule out recognizing differing claims on fish allocations, just as the NAFO Convention establishes the basis for recognizing differing claims on fish allocations among existing NAFO Parties (see NAFO Convention Article XI (4)).

FSA Article 11 is devoted to the nature and extent of participatory rights to be accorded to new members of an organization like NAFO, at least with respect to straddling stocks. States shall take into account, inter alia:

- (a) the status of the straddling fish stocks ... and the existing level of fishing effort in the fishery;
- (b) the respective interests, fishing patterns and fishing practices of new and existing members...;
- (c) the respective contributions of new and existing members... to conservation and management of the stocks, to the collection and provision of accurate data and to the conduct of scientific research on the stocks;
- (d) the needs of coastal fishing communities which are dependent mainly on fishing for the stocks;

(e) the needs of coastal States whose economies are overwhelmingly dependent on the exploitation of living marine resources; and

(f) the interests of developing States from the subregion or region in whose areas of national jurisdiction the stocks also occur.

FSA Article 11 establishes that, in meeting their obligation to agree on fish allocation policies regarding new members, parties to regional fisheries management organization such as NAFO may consider the interests of new members on a case-by-case basis and should take into account, but are not limited to, the foregoing considerations.

The Working Group on Allocation of Fishing Rights to Contracting Parties of NAFO and Chartering of Vessels Between Contracting Parties, which met in Brussels, March 4-6, 1998, agreed that rules should be developed regarding how NAFO would deal with future new members in terms of allocations. The Chairman's Working Paper, in setting out proposed guidelines for future discussions, suggested that participants "explore the meaning of the term 'real interest' in relation to future new members."

Real Interest

The term "real interest" is introduced and used in Article 8 and used again in Article 9 of FSA. Although it is never expressly defined, its usage implies that states with a real interest in a fishery include relevant coastal states and other states participating in the fishery. In Article 8 (3), with regard to existing organizations such as NAFO, it is said that "States fishing for the [straddling] stocks on the high seas and relevant coastal states shall give effect to their duty to cooperate by becoming members of such organization ...or by agreeing to apply the conservation and management measures established by such organization.... States having a real interest in the fisheries concerned may become members of such organization.... The terms of participation in such organization shall not preclude such states from membership or participation; nor shall they be applied in a manner which discriminates against any State or group of States having a real interest in the fisheries concerned."

Based on the provisions of FSA Article 8 (3), one can infer that states with a real interest in a fishery managed under the auspices of an organization like NAFO, assuming that interest is in participating in such fishery, include those states presently fishing in the fishery and relevant coastal states. A state could in principle have a real interest in a managed fishery that did not include a direct fishing interest, such as concern for a bycatch species or for the environmental effects of using a particular fishing gear.

FSA Article 8 (4) establishes that states need not join an existing organization such as NAFO, but in order to have access to the fishery resources managed by the organization, they must either join or agree to apply its conservation and management measures. The living resources of the high seas are no longer open to harvesting at will. If an organization such as NAFO has set rules to regulate high seas fishing, only those States whose vessels abide by the rules may participate in the relevant fisheries. Because NAFO's management regime involves the allocation of all allowable catches or effort limits for managed stocks to its members, it may not be possible for a state to remain outside of NAFO while its flag vessels fish for NAFO-managed stocks, yet agree to apply its conservation and management measures.

Finally, while FSA Article 8 (3) introduced the concept of a state having "a real interest in the fisheries concerned," FSA Article 9 (2) contemplates a situation in which states are forming a

fisheries management organization and must "inform other States which they are aware have a real interest in the work of the proposed organization..." Thus, it is possible to have a real interest in fisheries or in the work of a fisheries management organization or both.

NAFO already makes a distinction between Contracting Parties with a real interest in the work of the Organization and those with a real interest in the fisheries managed by NAFO. In the Convention, Article IV(1) provides that each Contracting Party shall be a member of the General Council whereas Article XIII(1) reserves membership in the Fisheries Commission to:

- a) each Contracting Party which participates in the fisheries of the Regulatory Area and
- b) any Contracting Party which has provided evidence satisfactory to the General Council that it expects to participate in the fisheries of the Regulatory Area during the year of that annual meeting or during the following calendar year."

A Strategy on New Member Fishing Opportunities

The situation in NAFO is that all relevant coastal states have become Contracting Parties, and all other states or entities with a significant fishing history in the NAFO Convention Area have also become Contracting Parties. Nevertheless, NAFO Convention Article XXII (4) states that "any party which has not signed this Convention may accede thereto by a notification in writing to the Depositary."

The class of states or entities that could join NAFO in the future consists of states with no history of fishing in the NAFO Regulatory Area (NRA) and states whose flag vessels have fished in the NRA while remaining non-contracting parties of NAFO.

In either case, NAFO would have to take into account the provisions of FSA Article 11 in deciding what, if any, fishing opportunities such new members would have. However, given the status of many NAFO-managed stocks; the existing level of fishing effort; the respective interests, fishing patterns, and fishing practices of new and existing members; and the contributions (or lack thereof) made to the conservation and management of the stocks, to the collection and provision of accurate data, and to the conduct of scientific research on the stocks, among other considerations, future new members of NAFO cannot make strong claims for fishing opportunities for the foreseeable future.

How might NAFO choose to accommodate the fishing interests of new members in the future? It could articulate a strategy to be applied to such a situation as follows:

In light of the real interest of present Contracting Parties of NAFO in the fisheries and fishery resources under the Organization's purview as well as in the work of the Organization, accommodation of the fishing interests of any additional Contracting parties will be limited to, at most:

1. exploring in connection with stocks under TACs or effort controls possible "margins" to accommodate additional fishing opportunities*, i.e., explore any flexibility in the current quota table as well as a broader sharing when regulated stocks recover and
2. fishing opportunities for stocks not currently managed by NAFO.

*This language is taken from the report of the working group mentioned earlier and refers to allocating quotas in an ad hoc manner, not according to a quota share.

Annex 7. Allocation of Fishing Rights and Chartering (Working Paper 99/4 - Presented by Japan)

Allocation of Fishing Rights and Chartering

1. Allocation of Fishing Rights

(1) Basic position

Japan supports NAFO's effort to review the current allocation system of fishing rights (allocation of TACs and fishing efforts) in order to facilitate effective utilization of the fishing right. Japan considers that the current situation that considerable amount of fishing quotas are allocated to some Contracting Parties but such Contracting Parties did not utilize even a small portion of the allocation whereas the other Contracting Parties could receive the allocation to fully utilize should be urgently rectified.

(2) Meaning of the term "real interests" in relation to future new members

Japan interprets that the meaning of "real interest" is the state's truthful intention to fish and the capacity to actually fish, and with the clear and appropriate record of fishing in the NAFO Regulatory Area.

However, NAFO may consider the allocation of fishing right to a new Contracting Party when factors such as research and enforcement are substantially contributing to the achievement of aims and objectives of NAFO.

(3) Consideration of a broad strategy to guide expectations of future new members with regard to fishing opportunities in the NAFO Regulatory Area

(a) fisheries with TACs

Japan can not accept "three-step approach" proposed by the US last March, which prioritizes quota allocations for coastal states because no provision is exist in any international agreements to grant such priority to coastal states.

However, Japan can consider a part of the US proposal, namely,

"If a Contracting Party with a quota allocation in a fishery with a TAC does not utilize more than a certain percentage (e.g. 60-70%) of its allocation share for a period of three consecutive years, then such Contracting Party shall receive an allocation equal to the three year period average for the next year. The extra amount of the quota generated by the above measure shall be reallocated, taking into account necessary factors such as fishing capacities of Contracting Parties requesting to fish"

(b) fisheries previously not subject to TACs and new fisheries

Allocations of quotas in fisheries previously not subject to TACs and new fisheries should, in principle, be made equally to Contracting Parties requesting to fish, taking into account necessary factors such as fishing capacities of the Parties.

Japan would like to reiterate that it is not appropriate that TACs and allocations system are introduced to the fisheries resources which their abundance is very high and do not need any catch

limitation measures at present. Introduction of TACs and allocations as resource management measures should be considered in the light of their actual need based on scientific evidence.

(c) closed fisheries

When deciding on reopening of any fisheries which has been previously subject to closure, prudent and profound consideration on the past causes of such closures should be given so as not to repeat the same or similar mismanagement which may cause re-closure of the fisheries.

2. Chartering

Japan thinks that it is necessary for management of chartering to establish strict provisions and such chartering operation should be limited for substitution of domestic fishing vessel(s) or for domestic supply of fish products. If chartering operations are mainly used to fulfill the gap between the current fishing capacity and allocation of fishing capacity/quota to a Contracting Party, regardless of vessels' flagship and the amount of domestic supply, NAFO can not improve fairly the current situation mentioned above item 1. (1).

Regarding decision-making rules, a majority of votes of all Contracting Parties should be necessary for any chartering operations, as any transfers of fishing quota are.

Annex 8. Paper Presented by Denmark (in respect of Faroe Islands & Greenland)
(Working Paper 99/1)

This Working Paper relates to items 5, 6 and 7 of the Agenda.

The Working Paper is inspired by the U.S.A. paper "Proposal by the U.S.A. for a Northwest Atlantic Fisheries Organization Policy on Allocation of Quotas" (Working Group W.P. 98/6).

The attachment to this Working Paper is divided into 3 sections: "Questions to be Addressed", "Suggested Solutions" and "Remarks". We consider that such a division will facilitate discussion. Delegations might agree with the "Questions to be Addressed" while not agreeing with the "Suggested Solutions".

Denmark (in respect of Faroe Islands and Greenland) considers that any quota mechanism should contain an element of stability. However, stability should not be interpreted as unchangeability. Hence, the proposal in the Attachment should not have a duration of more than 5-10 years.

We also are aware of the risk that any new mechanism for setting TAC's or quotas might be applied so strictly that the role of the Fisheries Commission would evaporate. Therefore the proposal in the Attachment should be regarded as "Principal Guidelines", from which exemptions can be made if concrete circumstances so warrant.

The proposal in the Attachment seeks to reflect – to a reasonable extent – existing NAFO principles, whilst also taking into account appropriate changes caused by developments since the existing quota sharing system was taken over by NAFO twenty years ago.

QUESTIONS TO BE ADDRESSED	SUGGESTED SOLUTIONS	REMARKS
<p>A: ALLOCATION BETWEEN PRESENT NAFO MEMBERS</p> <p>1. Should the receiver of allocations be "in good standing"?</p>	<p>Yes</p>	<p>Same as U.S.A. proposal.</p>
<p>2. Should preference be given to Coastal States?</p>	<p>Yes, with respect to straddling stocks.</p>	<p>The weight of the preference should vary from stock to stock, and reflect the different zonal attachments.</p>
<p>3. Should allocation only take place when the allocation has a certain minimum size?</p>	<p>Yes, but the minimum size may vary from stock to stock.</p>	<p>An allocation should, as a minimum, enable the Contracting Party to conduct an economically meaningful fishery (e.g. one full hold for one vessel).</p>
<p>4a. Current fisheries with TAC's.</p>	<p>If an amount to be allocated under 4a-d falls short of the minimum size, the amount should be transferred to the "others" quota.</p> <p>TAC's up to traditional levels: should be allocated corresponding to NAFO's present allocation key.</p>	<p>Minimum sizes should be fixed for each stock, and may vary from year to year.</p> <p>In 1999 only four NAFO TAC's are bigger than 0: 3M redfish, 3LNO yellowtail, 3LMNO Greenland halibut and 3+4 squid.</p> <p>"Traditional levels" = highest TAC's within the period [1980-1990].</p>

QUESTIONS TO BE ADDRESSED	SUGGESTED SOLUTIONS	REMARKS
4b. Fisheries previously regulated by effort limitation.	<p>Increases of TAC's beyond traditional levels should be split in three parts: one should be allocated corresponding to NAFO's present allocation key; one should be allocated to present Contracting Parties whose economies are overwhelmingly dependent on the exploitation of living marine resources; one should be transferred to the "others" quota.</p> <p>[70] percent of the TAC should be allocated proportional to catches in a relevant period. [20] percent of the TAC should be allocated proportional to the present allocation of fishing days. [10] percent should be set aside for the "others" quota.</p>	<p>The suggested solution should not be considered as a proposal to establish a TAC/quota system for 3M shrimps.</p>
4c. New fisheries	<p>[90] percent of the TAC should be allocated proportional to fisheries in the latest [3] years. [10] percent of the TAC should be set aside for the "others" quota.</p>	
4d. Closed fisheries	<p>Upon reopening: TAC's up to traditional levels:</p> <p>[90] percent of the TAC should be allocated to previous quota receivers, corresponding to the latest NAFO allocation key before the fishery was closed. [10] percent should be set aside for the "others" quota.</p> <p>Increases of TAC's beyond traditional levels should be allocated as in 4a.</p>	<p>The suggested solution should not apply if the fishery has been closed for less than [5] years or more than [15] years.</p>

QUESTIONS TO BE ADDRESSED	SUGGESTED SOLUTIONS	REMARKS
<p>5. Should transfers be allowed?</p> <p>6. Should underutilization of quotas imply consequences for future allocations?</p> <p>B: PARTICULARS WITH RESPECT TO FUTURE NEW MEMBERS.</p> <p>1. From which TACs may future new members receive allocations?</p> <p>2. How much may future new members fish?</p>	<p>Yes, on the same conditions as today.</p> <p>Yes. Repeated underutilization of a Contracting Party's quota should imply that [part of] the unutilized quota is transferred to the "others" quota.</p> <p>TAC's mentioned under A 4c, <u>not</u> TAC's mentioned under A 4a, b and d.</p> <p>Future new members participate on equal footing with present Contracting Parties in allocations mentioned in A 4c.</p> <p>In addition, future new members may fish under the "others" quotas mentioned in A 4a-d.</p>	<p>Transfers should be regarded as underutilization by the original quota receiver.</p> <p>This proposal takes no stand on the question of eventual future conditions for NAFO's approval of applications from new members ("real interest").</p>

Annex 9. Explanation of Various Points in Working Paper 99/1
(Working Paper 99/5 – Presented by Denmark in respect of Faroe Islands and Greenland)

The following examples are given to illustrate some of the suggestions in Working Paper 99/1.

Re A, 4b: Fisheries previously regulated by effort limitation.

Assumption: NAFO FC has decided to establish a TAC of 100,000 tons for 3M shrimp.

Allocation:

70,000 tons (= 70%) should be allocated between present Contracting Parties proportional to their catches – as reported to NAFO – in a “relevant period”. This period should be decided by NAFO Fisheries Commission. – A specific problem to be solved is how to deal with catches taken under objection.

20,000 tons (= 20%) should be allocated between present Contracting Parties proportional to their present fishing days, as circulated by the NAFO Secretariat (latest circulation is GF/98-617 of 4 December 1998. A specific problem to be solved is how to deal with Contracting Parties who because of objection has no allocation of fishing days in that list.

10,000 tons (= 10%) should be set aside for the “Others” quota.

Re A, 4c: New fisheries

Assumption: NAFO Fisheries Commission has decided to establish a TAC for a stock, which at present is unregulated, e.g. a TAC of 20,000 tons for skates.

Assumption: Through the latest [3] years the fishery for skates has been as follows: Japan 6,000 tons, USA 2,000 tons, Mexico 1,000 tons.

Assumption: Mexico is now a member of the NAFO Fisheries Commission.

Allocation:

18,000 tons (= 90%) should be allocated proportional to fisheries in the latest [3] years, as follows: Japan 12,000 tons, USA 4,000 tons, Mexico 2,000 tons (cf. Section B1).

2,000 tons (= 10%) should be set aside for the “Others” quota.

**Annex 10. Draft General Council Resolution to Guide the Expectations
of Future New Members with Regard to Fishing Opportunities
in the NAFO Regulatory Area**

(Working Paper 99/7 Revised – Presented by the USA)

The Contracting Parties,

NOTING that in accordance with relevant principles of international law, the Northwest Atlantic Fisheries Organization (NAFO) is the competent regional fishery management organization, and in accordance with the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (hereafter, the “Convention”), it has implemented conservation and management measures for particular stocks in the Convention Area;

NOTING Article 11 of the UN Agreement for the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks; and

DESIRING to guide the expectations of future new members with regard to fishing opportunities in the NAFO Regulatory Area;

HAVE AGREED to the following guidance:

1. NAFO is an open organization. States and fishing entities not presently members of the organization may join NAFO by depositing an instrument of accession in accordance with Article XXII of the Convention. In accordance with Article IV of the Convention, all Contracting Parties are members of the General Council.
2. Should any new member of NAFO obtain membership in the Fisheries Commission, in accordance with Article XIII (1) of the Convention, such new members should be aware that presently and the foreseeable future, stocks managed by NAFO are fully allocated, and fishing opportunities for new members are likely to be limited, for instance, to new fisheries (stocks not currently allocated by TAC/quota or effort control), and the “Others” category under the NAFO Quota Allocation Table.

**Annex 11. Interpretative notes by the Chair attempting to
clarify discussions on Agenda points 6 and 7
(Working Paper 99/8 Revised)**

Agenda point 6

"Development of a broad strategy of allocation future fishing opportunities for stocks not currently allocated"

Ideas identified for possible further consideration (if to be considered further definition to be elaborated):

A. Qualifying criteria:

- Contracting Parties "in good standing"
- "Interested" Contracting Parties:
 - where appropriate (straddling stocks) relevant Coastal State;
 - whose vessels have traditionally fished relevant resources;
 - undertaken extensive efforts to ensure the conservation of such stocks, in particular, by providing surveillance and inspection of international fisheries under the international scheme of joint enforcement;
 - undertaken significant substantial contribution to research and data collection for relevant resources;
 - whose economy is overwhelmingly dependent on fisheries.
- Other Contracting Parties
- Future new members "in good standing" (cooperative in accordance with relevant international agreements such as UNCLOS and UNFA and consistency with NAFO measures)

B. Allocation criteria:

- Reference fishing pattern during a representative period
- Where appropriate for Coastal State (straddling stocks), reference fishing pattern during a representative period and/or zonal attachment (biological criteria)
- "Others" lump sum
- Article II (4) of the NAFO Convention
- Minimum allocation

Agenda point 7

"Exploration of possible margins to accommodate requests for fishing opportunities in connection with the stocks under TAC"

Ideas identified for possible further consideration:

- Possible future approaches for re-utilization of allocated quota/re-allocation

A. re-utilization of allocated quota

- unused quota
- underutilized quota

B. re-allocation of fishing opportunities

- when abundance of stocks exceeds reference level to be identified, possibility for wider sharing among other interested Contracting Parties
- allocation "Others" quota

C. allocation of block quota

Stocks	Managed*)	Allocated	Moratorium
I. Fish Stocks in R.A.			
- Cod in Div. 3M	yes	yes ¹⁾	yes
- Redfish in Div. 3M	yes	yes ¹⁾	no
- A. Plaice in Div. 3M	yes	yes ¹⁾	yes
- Shrimp in Div. 3M	yes	yes ²⁾	no
II. Fish Stocks Straddling National Fishing Limits			
- Cod in Div. 3NO	yes	yes ¹⁾	yes
- Refish in Div. 3LN	yes	yes ¹⁾	yes
- A. Plaice in Div. 3LNO	yes	yes	yes
- Yellowtail flounder in Div. 3LNO	yes	yes	no
- Witch flounder in Div. 3NO	yes	yes ¹⁾	yes
- Capelin in Div. 3NO	yes	yes ¹⁾	yes
- Squid (<i>Illex</i>) in Subareas 3 and 4	yes	yes ¹⁾	no
- Shrimp in Div. 3LNO	yes	no	yes
- Greenland halibut in Div. 3LMNO	yes	yes	no
- if available in the RA:			
i) Cod in Div. 2J3KL	yes	yes ¹⁾	yes
ii) Witch flounder in Div. 2J3KL	yes	no	yes

*) NAFO Conservation and Enforcement Measures, PART I Management; points A, Quotas, E, F and G.

¹⁾ Block quotas not allocated

²⁾ Effort allocation

Annex 12. Draft resolution concerning the chartering by an operator of a Contracting Party of vessels flying the flag of another Contracting Party to conduct fishing operations in the NAFO regulated area
(Working Paper 99/2 [former GC W.P. 98/6] - Presented by France on behalf of Saint-Pierre and Miquelon)

Any chartering by an operator of a Contracting Party of vessels flying the flag of another Contracting Party to exploit fishing possibilities opened to that Party under NAFO rules shall comply with the following procedure :

1. The NAFO Secretariat and other Contracting Parties shall be notified of the chartering operation. Such notification shall be made by the authorities of the Contracting Party of the operator.
2. The Authorities of the Contracting Party of the operator and the Authorities of the Contracting Party of the chartered vessel shall enter into a bilateral agreement (i.e. exchange of letter) specifying the general terms of the chartering operation namely notification, reporting, monitoring and control requirements.
3. The Contracting Party of the operator shall be responsible for the recording and reporting of catches as well as notifications concerning the beginning of the fishery. An observer of the said Contracting Party shall be present on board the chartered vessel.
4. In case of non compliance with NAFO regulations (Scheme of Joint International Inspection and Surveillance of the Conservation and Enforcement Measures), the inspector shall forward his report to the Contracting Party of the chartered vessel and the Contracting Party of the operator. The Contracting Party of the chartered vessel shall take appropriate sanctions pursuant to point 17 of the scheme and shall notify the Authorities of the Contracting Party of the operator and the NAFO Secretariat accordingly.

**Annex 13. Draft Resolution Concerning the Chartering of Vessels
Flying the Flag of a Contracting Party in the Regulatory Area**
(Working Paper 99/6 - Presented by France on behalf of Saint-Pierre and Miquelon)

BASIC PRINCIPLE

1. Chartering operations of vessels shall be restricted to vessels flying the flag of NAFO Contracting Parties.
2. Any chartering operation by an operator of a Contracting Party to fish allocations granted to it by NAFO in the Regulatory Area by means of a vessel flying the flag of another Contracting Party shall be subject to an Agreement between the Contracting Parties concerned.
3. Such chartering operations:
 - shall be limited in time and shall not exceed the capacity of [one] vessel a year;
 - shall be approved by the majority of Contracting Parties through a mail vote according to NAFO Rules.
4. The Contracting Party granted with the allocation remains responsible of its management towards NAFO.

GENERAL TERMS OF THE AGREEMENT BETWEEN CONTRACTING PARTIES

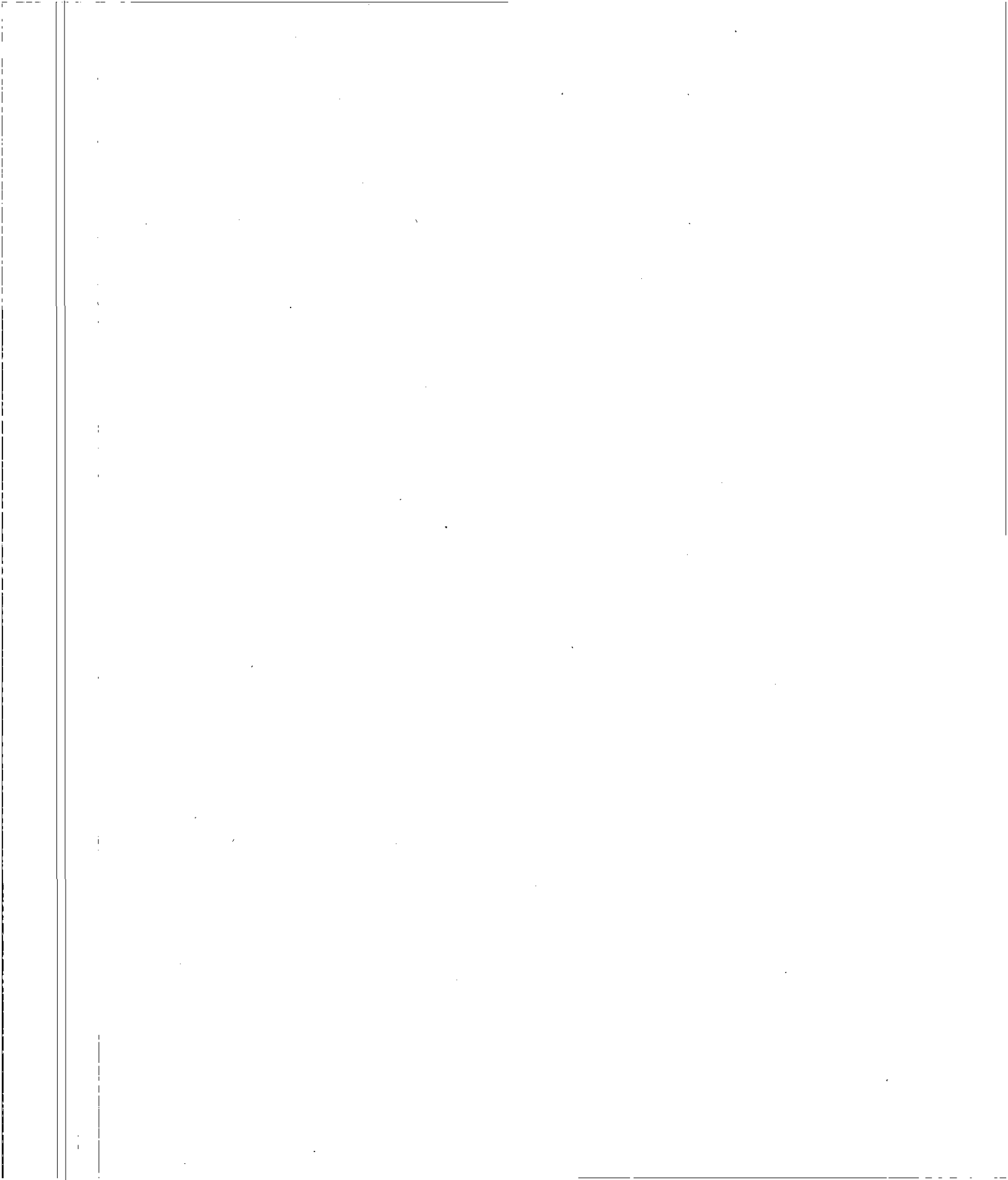
1. The chart shall be agreed by the Contracting Parties concerned (the Contracting Party granted with the allocation and the Contracting Party of the chartered vessel).
2. The Contracting Party of the chartered vessel shall comply with NAFO Rules in respect of the fishery of the allocation. Notification and procedures shall take place on behalf of the Contracting Party granted with the allocation.
3. In case of non compliance with NAFO Rules concerning the allocation:
 - the Contracting Party of the chartered vessel shall take appropriate sanctions in accordance with its national law;
 - the chart shall be cancelled.

SECTION IV

(pages 91 to 103)

Report of the Joint Scientific Council and Fisheries Commission Working Group on Precautionary Approach 3-5 May 1999 San Sebastian, Spain

Report of the Working Group	93
1. Opening of the Meeting.....	93
2. Appointment of Rapporteur.....	93
3. Adoption of Agenda	94
4. Review of the Recommendations of the Scientific Council Meeting (27 April -1 May 1999).....	94
5. Identification of Management Measures as Part of a Comprehensive Application of the Precautionary Approach	94
6. Discussion of a Precautionary Approach, Including Precautionary Reference Points.....	94
7. Identification of Options for Decision-rules (management strategies) for the Three Stocks	96
8. Evaluation of Appropriate Management Strategies for the Three Stocks	96
9. Other Matters.....	98
10. Adoption of Report.....	98
11. Adjournment.....	98
Annex 1. List of Participants.....	99
Annex 2. Agenda.....	102
Annex 3. Measures Proposed by Canada	103



Report of the Joint Scientific Council and Fisheries Commission Working Group on Precautionary Approach

(FC Doc. 99/2)

**3-5 May 1999
San Sebastian, Spain**

The Joint Scientific Council and Fisheries Commission Working Group on Precautionary Approach met in accordance with the decision taken by the Fisheries Commission at the 20th Annual Meeting, September 1998 (FC Doc. 98/13, Part I, item 3.13).

1. Opening

The Joint Scientific Council and Fisheries Commission Working Group on Precautionary Approach was called to order by H. P. Cornus at 1000 hr, 3 May 1999, at Miramon, Parque Tecnológico de San Sebastian, San Sebastian, Spain. Representatives from Canada, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union, Iceland, Japan, Norway, Poland and the United States of America were present (Annex 1). The Chairman welcomed participants and expressed gratitude to the host Contracting Party (EU-Spain) for the invitation and excellent facilities.

The Chairman first outlined the history of the development of the Precautionary Approach (PA) at NAFO. In particular, the Scientific Council began discussions on the PA during its June 1997 Meeting. The Scientific Council Workshop in March 1998 followed by the Joint Fisheries Commission and Scientific Council Working Group Meeting in May 1998 resulted in recommendations at the Annual Meeting in 1998 to develop the Terms of Reference for this meeting. It was noted that some of the recommendations from that meeting had been addressed at earlier Scientific Council meetings, and outstanding items as given in the Report of the 27 April-1 May 1999 Meeting were addressed.

The Chairman reported that NAFO representatives, P. Gullestad (Chairman, Fisheries Commission) and H. P. Cornus (Chairman, Scientific Council), had intended to submit a proposal for standardization of PA terminology at international fora during the FAO, non-FAO Fishery Bodies and Agencies Meeting of 11-12 February 1999 at FAO Headquarters, Rome, Italy. However, the forum was found not suitable for the purpose. The WG noted that, as a follow-up to last year's recommendation, further more direct discussions among North Atlantic fisheries organizations and ICES will be more practical to develop standardization of concepts/nomenclature/abbreviations/definitions for the Precautionary Approach

The Chairman noted that P. Gullestad (Chairman, Fisheries Commission) was not able to attend this meeting and proposed that another co-chairman for this meeting be appointed from the Fisheries Commission to address items relevant to the Fisheries Commission. Canada accordingly proposed J. Baird (Canada), and the Working Group agreed to appoint him as Acting Co-chairman.

2. Appointment of Rapporteur

The Chairman proposed that T. Amaratunga, Assistant Executive Secretary, should act as the rapporteur for the general preparation of the report of this meeting, while individual rapporteurs will be appointed when addressing certain specific agenda items (e.g. Agenda items 5, 6, 7 and 8).

3. Adoption of Agenda

In considering the Provisional Agenda, the Working Group noted that some Contracting Parties had not received the letter of 5 March 1999 from the Executive Secretary (GF/99-187), presenting an amendment to the Provisional Agenda circulated on 4 March 1999 by the Executive Secretary (GF/99-183). The amendment was based on a proposal by Canada to insert a new item 5 (see Annex 2). The Working Group agreed to include Agenda item 5. Canada agreed to present a paper to relate to this item. The Agenda was accordingly **adopted**.

4. Review of the Recommendations of the Scientific Council Meeting (27 April-1 May 1999)

Results described in the Report of the Scientific Council Meeting on Precautionary Approach, 27 April-1 May 1999, were presented to the Working Group. It was noted the recommendations in relation to each of the three case study stocks would be discussed under agenda item 6, when the 3 stock models would be presented.

5. Identification of Management Measures as Part of a Comprehensive Application of the Precautionary Approach

The provisional framework for the application of the precautionary approach to fisheries management in the NAFO Regulatory Area recognizes the need to have limits not only on fishing mortality but also on biomass levels. This is consistent with the terms of the PA as reflected in the 1995 UN Agreement.

At the May 1998 meeting of the Working Group on the Precautionary Approach, it was agreed that, in addition to development and implementation of Harvest Control Rules and reference points, other management tools and concepts need to be identified to enable the wide application of the Precautionary Approach within NAFO. The Joint Scientific Council and Fisheries Commission Working Group recognizes that further work has to be carried out to improve the management tools that could accompany the implementation of a precautionary approach in the NAFO context but it is unclear which mechanism should be called upon to address these important questions.

The Working Group discussed potential management tools (a Canadian list of management tools is attached in Annex 3) and it is recognized that appropriate management measures should be identified to further the goal of precautionary management. This should be considered by the Fisheries Commission in September 1999.

6. Discussion of a Precautionary Approach, Including Precautionary Reference Points

The participants of the Joint Scientific Council and Fisheries Commission Working Group Meeting reviewed the analysis performed by the Scientific Council prepared during the meeting of 27 April-1 May 1999. It was pointed out that the terminology employed in scientific presentations related to the precautionary approach is rather difficult for the managers and clients. In addition, it was noted that the differences in the terminology employed in ICES and NAFO create some difficulty for the managers who have to work in more than one fisheries organization. The Chairman of the Scientific Council indicated that the NAFO PA Framework has been developed to address the peculiarities of the stock dynamics of fish stocks of the Northwest Atlantic. Some

managers expressed the need for a clear, transparent and simple presentation of the results in order to understand the background.

1. **Cod Stock in Divisions 3NO (stock with closed fishery)**

The Scientific Council recommended to set the B_{lim} at 60 000 tons as the current best estimate for this case study. Scientific Council presented results of simulations on the development of the cod stock in Div. 3NO. All simulations assumed constant by-catch mortality, which was considered the most realistic situation. The development of the stock was simulated, and the probability of a year when SSB reaches B_{lim} and two buffers (16%

probability to be below B_{lim} and 5% probability B_{lim} to be below B_{lim}) were presented based on the assumption of a normal recruitment regime. An additional simulation was presented based on the assumption that the stock is in a low recruitment regime.

The Scientific Council noted that the simulations are most sensitive to the choice of the stock recruitment relationship and explained the specific characteristic of this in the case of cod in Div. 3NO. After clarification of questions and a discussion the Working Group requested further simulations for the development of cod stock in Div. 3NO taking into account a possible lower B_{lim} due to probable current low recruitment regime and three different levels of by-catch mortality.

It was further requested to do the same exercise assuming a full range of observed recruitment. Scientific Council agreed to conduct this exercise during its June 1999 Meeting.

2. **Yellowtail Flounder Stock in Divisions 3LNO (stock with open fishery)**

The Scientific Council recommended to set F_{lim} at F_{MSY} as the current best estimate available for this case study. The Council noted that stock recruitment data for this stock were not considered reliable at this time and further investigations are needed and have to be reviewed at the Scientific Council June 1999 Meeting. Therefore, simulations like in the case of Div. 3NO cod could not be conducted. However, results of a production model were presented. These displayed the development of the yellowtail flounder stock in Div. 3LNO based on catches of 6 000 tons (equal to the 1999 TAC), 8 000 tons and 10 000 tons in the year 2000. In the following discussions the reason for using the production model for simulations were further evaluated. In addition, the Council explained why this model cannot provide estimates of B_{lim} and related buffers like in the case of cod in Div. 3NO. For illustrative purposes the development of this stock was presented in the context of the NAFO Scientific Council PA framework using a B_{lim} value indicated by other data sources. Following further clarifications and discussion, additional projections with the ASPIC model were requested including a scenario for F above and below F_{MSY} . Yields and biomass levels for long-term projections at $F = 0.1, 0.2$ and 0.3 were presented to allow evaluation of these different options and to illustrate the risks of falling below the critical levels.

3. **Shrimp Stock in Division 3M (stock for which only limited data are available)**

The "Traffic Light" framework and an illustrative application to shrimp in Div. 3M were presented to Working Group by Scientific Council. The framework was viewed, as an acceptable approach in relation to its potential for providing an understandable format for

discussion and consensus building between scientists, managers and fishermen on resource status. It was concluded that, at this stage of development, the method can provide only short-term views of stock conditions rather than be used to evaluate future management options. Further investigations to improve the meaning of the "yellow" light are requested. It was noted that this method should be used only in addition to the traditional advice given by Scientific Council and not be considered as a replacement to it.

The Working Group concurred with Scientific Council's recommendation that the use of the traffic light framework be considered by managers as an interim means to evaluate Div. 3M shrimp and other data-poor stocks.

7. Identification of Options for Decision-rules (management strategies) for the Three Stocks

See item 8.

8. Evaluation of Appropriate Management Strategies for the Three Stocks

After an initial discussion of these agenda items and recognizing the linkages between the two, the working group decided to include the summary of discussion as a single combined component of the report.

The initial discussion on these issues focused on the approach that the working group should take on this particular aspect of the agenda. There were two specific suggestions for proceeding:

1. Identification of management objectives with associated management strategies.
2. Determination of options for consideration by the Fisheries Commission.

There was no consensus as to which approach the working group should use, it was subsequently concluded that all elements to be included in a precautionary framework be simply listed without categorization for consideration by the Fisheries Commission and Scientific Council.

Cod in Divisions 3NO

The following list of elements was drawn from the discussion of the working group:

1. Restore and maintain stock at level that can support sustainable fisheries.
2. Rebuild SSB to a level that will increase the probability of good recruitment.
3. Keep directed fisheries closed in the short term.
4. Determine the spawning stock biomass at which the fishery will be re-opened.
5. Develop additional criteria to guide potential fishery re-openings.
6. Minimize the by-catch for cod in directed fisheries for other fisheries.
7. Identify and evaluate options for B_{lim} (60000 t SSB at high productivity level and 35000 t SSB at low productivity level). In doing so, use the following performance measures in the risk analysis:
 - ◆ The time (year) at which B_{lim} is reached at various probability levels
 - ◆ The yield potential at re-opening.
8. Evaluate risks of stocks being below B_{lim} .

9. Full review and analysis of 1) the stock recruitment data to determine the high and low productivity levels 2) options for B_{lim} and 3) the appropriate risk analysis.

Yellowtail Flounder in Divisions 3LNO

Additional analysis and options of 3LNO yellowtail flounder requested by the EU was presented. It was agreed that the format and content of this presentation would be useful to managers when considering precautionary approach management. The following list of elements regarding 3LNO yellowtail flounder was identified from the discussion:

1. Maintain harvest levels that will continue to rebuild and maintain the stock biomass above the rebuilt biomass level.
2. Continue with a comprehensive suite of management measures.
3. Ensure a conduct of the fishery in a manner that will not jeopardize recovery of other stocks in the area which are currently under moratorium, specifically 3NO cod and 3LNO American plaice.
4. Performance measures of interest to the managers could be expressed in terms of biomass and its trajectory and where it is with respect to the reference level and catch levels. With respect to catch, the performance measure was: cumulated yield, yield trajectories and trends (in particular, to identify declining trends).
5. It was noted that production models do not permit determination of all reference points. It should be ensured that data are available for scientists to move toward using age-structured modelling.
6. Despite these limitations, production modelling is a tool that could be used to start to evaluate real F limits and could be used to provide insight in what will happen if there are lower or higher fishing mortality levels.
7. There is a need to develop "target" biomass levels that could be higher than the biological limits so as to take into account management objectives including economic considerations.
8. Endorse the work of the Scientific Council in its attempts to develop a better understanding of the stock-recruit relationship.

Shrimp in Division 3M

The following items were identified by the working group as a possible approach to a data-poor stock situation, recognizing that this approach would need to be developed further:

1. The traffic light approach for shrimp is appropriate to assist managers in making short-term decisions but is currently not appropriate for determination of management strategies.
2. Further development of the traffic light approach would require interaction between managers and scientists.
3. The 3M shrimp traffic light table developed for this meeting is for descriptive purposes only and must not be used as a substitute for management advice because there is still a need to incorporate the managers views on certain elements of the approach.
4. Generally speaking, the traffic light approach could be appropriate for stocks for which the information is limited. This type of approach could be useful for managers in developing management decisions.
5. There is a need to separate in the formulation of a traffic light approach the measures of uncertainty in data and assessment and the measures of stock performance. Similarly, work should be done to develop proxies for reference points. There is concern that an extension of this approach to include separate measures of uncertainty and stock performance information will be useful only if these measurements are independent.

6. In order to improve our ability to assess the shrimp stock in 3M, data will have to be improved, including comprehensive surveys on the resource.
7. Decrease exploitation on males so that sufficient numbers have the opportunity to change sex and spawn at least once as females.
8. Ensure a suite of conservation and enforcement measures is maintained so as to adequately monitor this fishery.
9. Continue with mandatory use of sorting grates as defined in the Conservation and Enforcement Measures and continue to closely monitor by-catches in the fishery.

Conclusion

In conclusion, the working group recommends that both the Scientific Council and the Fisheries Commission consider the above in designing and formulating further action in respect to implementation of the PA for the above three stocks for the year 2000 and beyond.

In addition, as the implementation of the precautionary approach progresses, it is recommended that similar actions be taken for other stocks with related characteristics which are under the NAFO purview.

9. Others Matters

There were no other matters identified for discussion.

10. Adoption of Report

During the concluding session of the Working Group on 5 May 1999, the draft report was reviewed and the report was adopted.

11. Adjournment

Noting the Working Group work was brought to a successful completion, the Chairman, H. P. Cornus, thanked the participants, expressing his hopes that the work done so far on the PA will be continued to meet the management objectives. He extended special thanks to the AZTI hosts, particularly L. Motos for the arrangements, facilities and the great hospitality.

The Canadian representative on behalf of his delegation extended special thanks to the participants of the Working Group and expressed hope that work would continue to build on the progress so far on the precautionary approach. Thanks were also extended to the two co-chairmen for their excellent work, to the AZTI hosts for the great facilities and hospitality, and the Secretariat for the supporting work to make this a successful meeting. Similar appreciations were extended by the USA and the EU representatives.

There being no further business, the Chairman adjourned the meeting at 1335 hrs.

Annex 1. List of Participants

CANADA

Representatives

Robichaud, J. Dir. Gen., Resource Management, Fisheries Mgmt., DFO, 200 Kent St., Ottawa K1A 0E6
Phone: +1-613-990-6794 – Fax: 1-613-954-1407

Advisers

Baird, J. W. Director, Resource Management, DFO, P.O. Box 5667, St. John's, Newfoundland A1C 5X1
Phone: +1-709-772-4497 – Fax: 1-709-772-3628 – E-mail: bairdj@dfo-mpo.gc.ca

Dussault, E. Director, Atlantic Affairs Div., International Directorate, DFO, 200 Kent St. Ottawa K1A 0E6
Phone: +1-613-993-5316 – Fax: +1-613-993-5995 – E-mail: dussaulte@dfo-mpo.gc.ca

DENMARK (in respect of Faroe Islands and Greenland)

Representatives

Lemche, E. Head of Representation, Greenland Home Rule, Denmark Office, Pilestræde 52, Box 2151, Copenhagen
Phone: +45 33 69 3400 – Fax: +45 33 69 3401

Kristiansen, A. Foroya Landsstyri, Fiskivinnudeildin, P. O. Box 64, FR-110 Torshavn, Faroe Islands
E-mail: andrask@fisk.fl.fo

Adviser

Persson, J. Greenland Home Rule, Dept. of Industry, P. O. Box 269, DK-3900 Nuuk, Greenland
Phone: +299 34 53 24 – Fax: +299 32 47 04 – E-mail: jpe@dffl.gh.gl

ESTONIA

Representative

Aps, R. Deputy Director, Fisheries Dept. of the Ministry of Environment, Kopli 76, 10416 Tallinn
Phone: +37 2 660 3348 – Fax: +37 2 630 4080 – Email: aps@kopli.envir.ee.

Adviser

Saat, T. Director, Estonian Marine Institute, 18b Viljandi road, EE-11216, Tallinn
Phone: +372 6 281 570 – Fax: +372 6 281 563 – E-mail: tsaat@sea.ee

EUROPEAN UNION (EU)

Representative

Wieland, F. European Commission, Directorate Gen. for Fish., Rue de la Loi 200, B-1049 Brussels, Belgium
Phone: +32 2 296 3205

Advisers

Hagstrom, O. European Commission, DG XIV– Unit C-1, , 200 Rue de la Loi, B-1049, Brussels, Belgium
Phone: +32 2 295 5612 – Fax: +32 2 296 6046 – E-mail: ulle.hagstroem@dg14.cec.be

Svensson, L.E. Directorate General B-III Fisheries, Rue de la Loi, 175, B-1048 Brussels, Belgium
Phone: +32 2 285 7853 – Fax: +32 2 285 69 10

- Feldthaus, S. Ministry of Food, Agriculture and Fisheries, Holbergsgade 2, 1057 Copenhagen K, Denmark
Phone: +45 33 92 35 60 – Fax: +45 33 11 82 71 – E-mail: sfe@fvm.dk
- Gauthiez, F. Ministère de l'Agriculture et de la Pêche, Direction de Pêches Maritimes, 3 Place Fontenoy, 75700 Paris 07 SP
Phone: +33(0) 1 49 55 8203 - Fax: +33 (0) 1 49 55 8200
E-mail: francois.gauthiez@agriculture.gouv.fr
- Pott, H. Bundesministerium für Ernährung, Landwirtschaft und Forsten, Rochusstr. 1, D-53125 Bonn, Germany
Phone: +49 40 228 529 4124 – Fax: +49 40 228 529 4410
- Salvador, S.S. Direcção Geral das Pescas & Aquacultura, Edifício Vasco da Gama, Alcantara Mar, Portugal
Phone: +3511 391 3520 – Fax: +3511 397 9790
- Ybañez, I. Subdir. Gen. de Organismos Multilaterales de Pesca, Jose Ortega y Gasset, 57, 28006 Madrid, Spain
Phone: +341 91 402 74 04 – Fax: +341 91 309 39 67 – E-mail: orgmul sgpm@virtualsw.es
- Aro, M. Permanent Representation of Finland to the EU, Rue de Trèves 100, B-1040 Brussels, Belgium
Phone: +32-2-287-8464 – Fax: +32-2-287-8415 – E-mail: markku.aro@formin.fi
- Åkesson, R. Ministry of Agriculture, 10333 Stockholm, Sweden
Phone: +46 08 405 1122 – Fax: +46 08 10 5061 – E-mail: rolf.akesson@agriculture.ministry.se
- Cumberlidge, N. Ministry of Agric., Fish. & Food, Nobel House, 17 Smith Square, London, England SW1P 3HX
Phone: +44 71 238 5925 – Fax: +44 71 238 5721

ICELAND

Representative

- Skarphedinnson, K. Ministry of Fisheries, Skulagotu 4 – 18, 150 Reykjavik
Phone: +354-560-9670 – Fax: +354-562-1853 – E-mail: kristjan@hafro.is

JAPAN

Representatives

- Katsuyama, K. Deputy Director, Intl. Affairs, Div., Japan Fishery Agency, 1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo 100-8907
Phone: +81 3 3591 1086 – Fax: +81 3 3502 0571
- Iwata, T. Inter. Affairs Div., Fisheries Agency, Government of Japan, 1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo 100-8907
Phone: +81 3 3581 1086 – Fax: +81 3 3502 0571

Adviser

- Uozumi, Y. National Research Institute of Far Seas Fisheries, 5-7-1 Orido, Shimizu 424-8633
Phone: +81 543 36 6037 - Fax: +81 543 35 9642 - E-mail: uozumi@enyo.affrc.go.jp

NORWAY

Representative

- Sandberg, P. Directorate of Fisheries, P. O. Box 185, 5804 Bergen
Phone: +47 55 23 8000 – Fax: +47 55 23 8090
E-mail: per.sandberg@fiskeridir.dep.telemax.no

Advisers

- Jakobsen, T. Institute of Marine Research, P. O. Box 1870 Nordnes, N-5817 Bergen
Phone: +011-47-5523- 8636 – Fax: +011-47-5523-8687 – E-mail: tore.jakobsen@imr.no

Johnsen, S.-A. Directorate of Fisheries, P. O. Box 185, 5804 Bergen
Phone: + 47 552 38000 – Fax: +47 552 38090

POLAND

Representative

Dybiec, L. Min. of Transport & Maritime Econ., Sea Fish. Dept., Chalubinskeigo Str. 4/6, 00-928
Warsaw
Phone: +48 22 830 0262 – Fax: +48-2283-00947

UNITED STATES OF AMERICA (USA)

Representative

Kurkul, P. National Marine Fisheries, Northeast Region, 1 Blackburn Drive, Gloucester, MA 20910
Phone: +978-281-9331 – Fax: +978-281-9315

Advisers

Rodrigues, K. National Marine Fisheries, 1 Blackburn Drive, Gloucester, MA 01930
Phone: +978-281-9324 – Fax: +978-281-9135 – E-mail: kathi.rodrigues@noaa.gov

SCIENTIFIC COUNCIL REPRESENTATIVES

H. P. Cornus, Chairman Scientific Council
W. B. Brodie, Vice-Chairman Scientific Council (Designated Expert for Div. 3LNO yellowtail flounder)
R. Mayo (Chairman STACFIS)
D. E. Stansbury (Designated Expert for Div. 3NO cod)
U. Skúladóttir (Designated Expert for Div. 3M shrimp)
D. B. Atkinson
D. Rivard
D. G. Parsons
H. Siegstad
E. de Cardenas
L. Motos
F. M. Serchuk

NAFO SECRETARIAT

T. Amaratunga, Assistant Executive Secretary
D. C. A. Auby, Secretary

SECRETARIAT ASSISTANCE

I. Martín, AZTI, Food & Fish., Tech., Inst., Satrustegi ib. 8, 20008 Donostia-San Sebastian,
Basque Country, Spain
Phone: +34 943 316 731 – Fax: +34 943 212151 - E-mail: inma@rp.azti.es

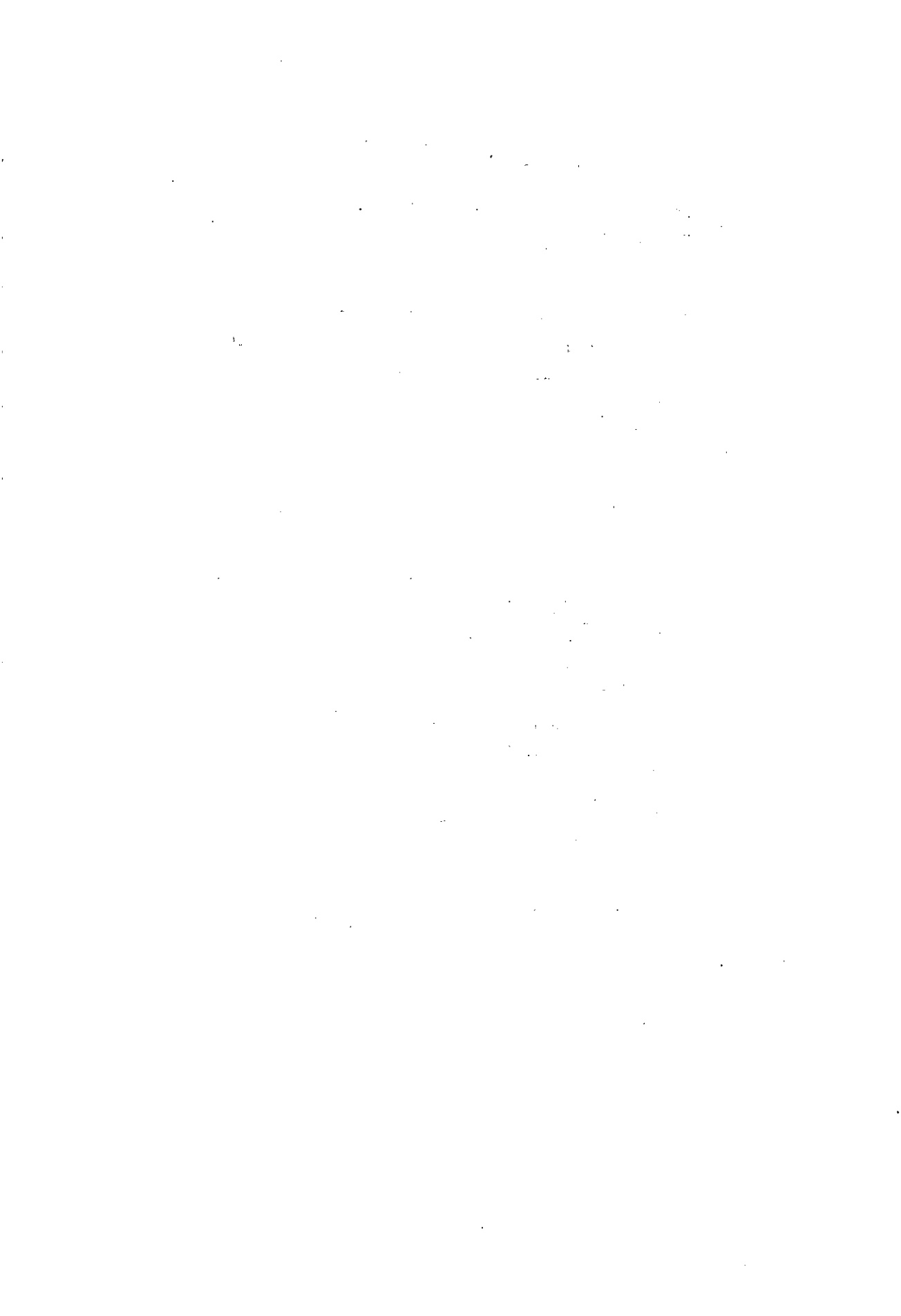
Annex 2. Agenda

1. Opening by the Chairman
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of the recommendations of the Scientific Council Meeting (27 April-01 May 1999)
5. Identification of management measures as part of a comprehensive application of the precautionary approach.
6. Discussion of a precautionary approach, including precautionary reference points, for three (3) model stocks:
 - a) Cod stock in Divisions 3NO (stock with closed fishery)
 - b) Yellowtail flounder stock in Divisions 3LNO (stock with open fishery)
 - c) Shrimp stock in Division 3M (stock for which only limited data are available)
7. Identification of options for decision-rules (management strategies) for the three stocks
8. Evaluation of appropriate management strategies for the three stocks
9. Other matters
10. Adoption of Report
11. Adjournment

Annex 3. Measures Proposed by Canada

Measures proposed by Canada to illustrate the use of other management measures to complement the application of the precautionary approach

Canadian Management Measures that may be considered:
TAC/Moratorium
Limited Entry
Vessel Replacement Restrictions
Effort Control
Conservation Harvesting Plans
By-catch Protection Provisions
Minimum Fish Size
In-season Management
By-catch Protocols (In-season)
Small fish Protocols (In-season)
Spawning Closures
Juvenile Closures
By-catch Closures
Fishing Gear Restrictions – Minimum Mesh
Fishing Gear Restrictions – Separator Grates
Observers – Canadian Zone
Observers – NRA - % Coverage
Dockside Monitoring - % Coverage
Vessel Monitoring Systems
Air Patrols
Ship Patrols
On-board Inspections
Basic Scientific Surveys
Comprehensive Scientific Surveys



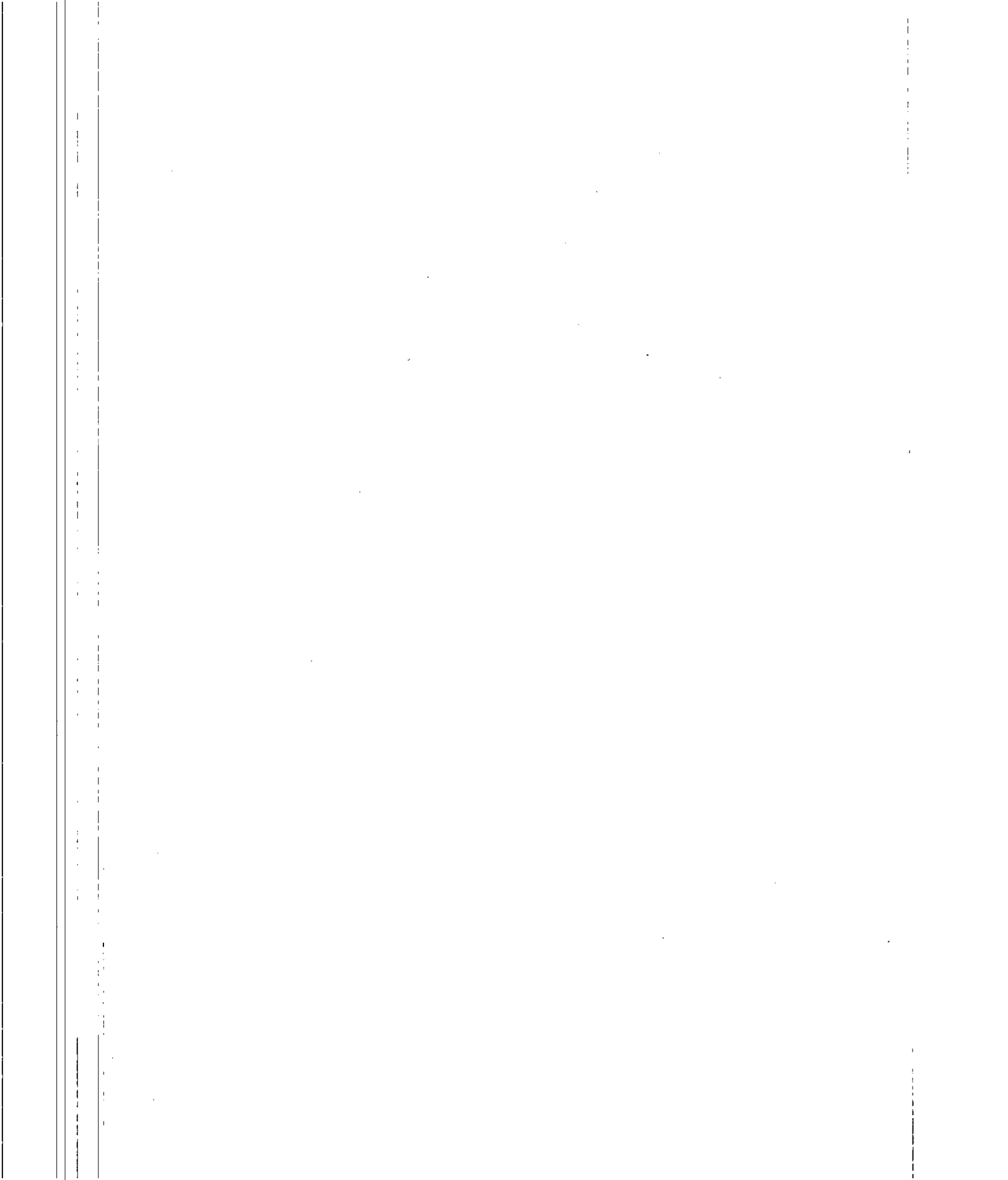
SECTION V
(pages 105 to 199)

**Report of the General Council and its Subsidiary Bodies
(STACFAD and STACFAC), 21st Annual Meeting
13-17 September 1999
Dartmouth, N.S., Canada**

PART I. Report of the General Council	109
1. Opening of the Meeting	109
2. Supervision and Coordination of the Organizational, Administrative and Other Internal Affairs	109
3. Coordination of External Relations.....	111
4. Fishing Activities in the Regulatory Area Adverse to the Objectives of the NAFO Convention.....	113
5. Finance.....	117
6. Closing Procedures	118
Annex 1. List of Participants	119
Annex 2. Opening Statement by the Representative of Canada (P. Chamut)	128
Annex 3. Opening Statement by the Representative of the European Union (E. Mastracchio).....	131
Annex 4. Opening Statement by the Representative of Ukraine (V. G. Chernik)	133
Annex 5. Opening Statement by the Representative of the United States of America (A. Rosenberg).....	135
Annex 6. Opening Statement by the Representative of the Russian Federation (V.A. Izmailov)	136
Annex 7. Opening Statement by the Representative of France on behalf of St. Pierre et Miquelon (G. Grignon)	137
Annex 8. Agenda	138
Annex 9. Recommendation for Rules for Granting Observer Status at NAFO Meetings	140
Annex 10. The FAO International Plans of Action of the Management of Fishing Capacity, Shark Fisheries and Incidental Catch of Seabirds in Longline Fisheries and NAFO	144
Annex 11. Terms of Reference for the Working Group on Dispute Settlement Procedures (DSP)	148
Annex 12. Statement by the Representative of the Republic of Korea on Quota Allocation Practices.....	149
Annex 13. Resolution to Guide the Expectations of Future New Members with regard to Fishing Opportunities in the NAFO Regulatory Area	150
Annex 14. Working Group Calendar 2000.....	151
Annex 15. Press Release	152
Annex 16. List of Decisions and Actions by the General Council	158

PART II. Report of the Standing Committee on Finance and Administration (STACFAD)	159
1. Opening by the Chairman	159
2. Appointment of Rapporteur	159
3. Adoption of Agenda	159
4. Auditor's Report for 1998	159
5. Meeting of the Pension Society	160
6. Review of Cost Implications of the Hail and Satellite Tracking Systems at the NAFO Secretariat	160
7. Administrative and Financial Statements for 1999 (July)	161
8. Review of the Accumulated Surplus Account	162
9. Preliminary Budget Estimate for 2000	162
10. Preliminary Budget Forecast for 2001	163
11. Time and Place of 2001-2002 Annual Meeting	163
12. Other Issues including any questions referred from the General Council during the current Annual Meeting	164
13. Election of Chairman and Vice-Chairman	164
14. Adjournment	164
Annex 1. List of Participants	165
Annex 2. Agenda	166
Annex 3. Cost Implications of the Hail and Satellite Tracking Systems at the NAFO Secretariat	167
Annex 4. Schedule of Outstanding Contributions from Bulgaria and Romania	172
Annex 5. Budget Estimate for 2000	173
Annex 6. Preliminary Calculation of Billing for 2000	174
Annex 7. Preliminary Budget Forecast for 2001	175
Annex 8. Publication of NAFO century book – "Northwest Atlantic Fisheries in the 20th Century"	176
Annex 9. NAFO's Financial Contribution to the Joint ICES/NAFO Symposium, 2001	178
Annex 10. Report on the Year 2000 Audit of the NAFO Secretariat Computer Requirements and Upgrades (Y2K)	179
PART III. Report of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)	181
1. Opening by the Chairman, J.-P. Plé (USA)	181
2. Appointment of Rapporteur	181
3. Adoption of the Agenda	181
4. Review of 1999 information on activities of Non-Contracting Party Vessels in the Regulatory Area	181
5. Review of 1999 information on landings and transshipments of fish caught by Non-Contracting Party vessels in the Regulatory Area	182
6. Review of information on imports of species regulated by NAFO from Non-Contracting Parties whose vessels have fished in the Regulatory Area	182

7. Reports by Contracting Parties on diplomatic contacts with Non-Contracting Party Governments concerning fishing in the Regulatory Area.....	182
8. Review of the performance of the Scheme to deal with Non-Contracting Parties fishing in the NAFO Regulatory Area.....	182
9. Review of information on the vessels Austral, High Sierra, Porto Santo, and Santa Princesa, which were fishing in the Regulatory Area under the flag of Sierra Leone	183
10. NAFO response to stateless vessels operating in the NAFO Regulatory Area	183
11. Exchange of views on the FAO Committee on Fisheries (COFI) initiative on Illegal, Unregulated and Unreported Fishing.....	184
12. Report and Recommendations to the General Council	184
13. Other Matters	185
14. Adjournment	185
Annex 1. List of Participants	186
Annex 2. Agenda	187
Annex 3. Summary of Information of Nationality of the High Sierra and Austral.....	188
Annex 4. Report-1998 on the Scheme to Promote Compliance by non-Contracting Party Vessels with the Conservation and Enforcement Measures.....	189
Annex 5. Unregulated Fisheries in the NAFO Regulatory Area on Stocks regulated by NAFO. Additional measures to counteract activities by Non-Contracting Parties.....	191
Annex 6. Draft Recommendation by STACFAC to the General Council concerning vessels for which there are reasonable grounds for suspecting them to be without nationality	194
Annex 7. Proposed Letter to the Government of Belize	195
Annex 8. Proposed Letter to the Government of Honduras.....	196
Annex 9. Proposed Letter to the Government of São Tomé e Príncipe.....	197
Annex 10. Proposed Letter to the Government of Sierra Leone.....	199



PART I

Report of the General Council Meeting

(GC Doc. 99/9)

21st Annual Meeting, 13-17 September 1999

Dartmouth, Nova Scotia, Canada

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).
- 1.2 Representatives from the following sixteen (16) 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, Republic of Korea, Latvia, Lithuania, Norway, Poland, Russia, Ukraine and the United States of America (Annex 1).
- 1.3 The Chairman welcomed the Delegates to the 21st Annual Meeting and wished success and traditional cooperation in resolving serious issues at this Meeting.

The Chairman welcomed a new NAFO member – Ukraine that acceded to the NAFO Convention on 30 August 1999.
- 1.4 The Heads of Delegations from (in order of presentation): Canada, European Union, Ukraine, United States, Russia and France addressed the Meeting (Annexes 2-7).
- 1.5 The meeting **appointed** the Executive Secretary as Rapporteur.
- 1.6 The Provisional Agenda was adopted without changes (Annex 8).
- 1.7 The Chairman welcomed to the meeting Observers from ICES, Dr. H.-P. Cornus (EU-Germany) and from NAMMCO, Mr. K. Arnason (Iceland).
- 1.8 For the item "Publicity", it was **agreed** that the normal NAFO practice regarding publicity should be followed and that no statements would be made to the media until after the conclusion of the meeting when the NAFO Secretariat would issue a press release. The Press Release shall be prepared by the Executive Secretary in consultation with the Chairmen of General Council, Fisheries Commission, and Scientific Council.

2. Supervision and Coordination of the Organizational, Administrative and Other Internal Affairs (items 6 to 9)

- 2.1 The Chairman noted that there were 18 NAFO members including a new member, Ukraine. Ukraine had acceded to the NAFO Convention on 30 August 1999. The Fisheries Commission membership was fifteen members excluding Bulgaria, Romania and Ukraine.
- 2.2 The Representative of Ukraine presented its statement that Ukraine had traditionally exploited the fishery resources of the Northwest Atlantic in the past and has a real interest to participate in this area. He requested the General Council to admit Ukraine to the

Fisheries Commission membership. Ukraine presented information on their fishing capability and fishing plans in the NAFO Regulatory Area noting that their mid-trawler would be ready to conduct a shrimp fishery in the Regulatory Area upon the adoption of positive decision by the General Council. The General Council **admitted** Ukraine to the Fisheries Commission.

- 2.3 Regarding the membership by Bulgaria and Romania, the Chairman noted that the situation has not changed, and these Parties have not been in contact with NAFO for many years. He requested to establish dialogue with those countries to clarify their intentions regarding their participation in NAFO business.
- 2.4 Under item 7, "Transparency", the Chairman of the Working Group on Transparency, Dr. D. Swanson (USA), presented the Working Group report (GC Doc. 99/3) to the General Council.

The Representative of Canada introduced its proposal (GC W.P. 99/7, Revised) with a view to bridging the differences between Contracting Parties. The Representative of the EU welcomed the Canadian proposal, which he considered to be both a good basis for the continuation of discussions as well as a balanced approach to solving outstanding problems. He stressed that a successful conclusion of this work at this year's session would be of use for a number of other regional fisheries organizations. Delegates from Estonia, France (in respect of St. Pierre et Miquelon), Latvia supported the Working Group Report and the Canadian proposal.

The Representative of USA urged the meeting to make further progress along the recommendations of the Working Group and based on the UN Fish Stocks Agreement 1995, which should be a guideline for NAFO's work. He proposed that NAFO should settle the transparency matter at the current meeting and apply the basic majority vote rules for the admission of NGO observers to NAFO meetings.

The Chairman concluded that the Canadian proposal was acceptable as a basis for further discussion, and the General Council should return to the transparency issue during this year's session. Upon a proposal by the Representative of Denmark (in respect of the Faroe Islands and Greenland) the matter was referred to the Heads of Delegation Meeting.

- 2.5 During the closing session of the Council, 17 September 1999, the Chairman introduced a proposal (GC W.P. 99/10) based on the previous Canadian *working paper* as modified by Denmark and the Chairman, and asked for the adoption of this document.

The Representative of Iceland presented its statement for the report asking the General Council's agreement in principle to include his statement in the minutes of the meeting. The statement by the Representative of Iceland was as follows: "In taking this decision the Contracting Parties mindful of deplorable behaviour of some NGOs in, e.g., the International Whaling Commission, are determined and resolved not to tolerate inappropriate behavior at NAFO meetings. One Contracting Party, Iceland, felt so strongly about potential threats of such actions that it recommended the requirement of consensus decisions on observer admittance."

The Representative of Latvia requested a clarification of item 9.4 of this document regarding the meaning of the term of 30 days of a decision making by the General Council

for attendance of observers. The Representative of Denmark explained that the meaning of this provision was that

the intention (of this para 9.4) is to have the final decision at least 30 days before the meeting, so, that everybody who was planning to go to the meeting should know 30 days in advance that they would participate at the meeting.

The General Council agreed to such an interpretation. The proposal (GC W.P. 99/10) "Recommendation for Rules for Granting Observer Status at NAFO Meetings" was **adopted** (Annex 9).

- 2.6 Item 8 of the Agenda "Administrative Report" was referred to STACFAD. The STACFAD report was delivered to the General Council on Thursday, September 16, 1999 with its recommendation to adopt the Administrative Report. The Report was **adopted** by the General Council.
- 2.7 Item 9 of the Agenda "Election of the Chairman and Vice-Chairman of the General Council" was postponed to the end of the Annual Meeting. At the closing session of the General Council, 17 September 1999, **Mr. Enrique Oltuski of Cuba**, nominated by Canada, was elected the **Chairman** of the General Council, and **Mr. P. Chamut of Canada**, nominated by Denmark, was elected **Vice-Chairman** of the General Council.

On behalf of Mr. E. Oltuski, who was not present at the meeting, the Representative of Cuba thanked the General Council for the election of Mr. Oltuski and expressed his appreciation on this matter.

3. Coordination of External Relations (items 10 to 11)

- 3.1 Under item 10, "Communication with the United Nations", the Chairman informed that the Executive Secretary communicated all required information to the United Nations Headquarters and FAO according to the instructions from the General Council (NAFO GF/99-188 of 05 March 1999, GF/99-389 of 15 June 1999, GF/99-316 of 06 May 1999). There were no comments from the Meeting to these documents.

During the meeting of the Heads of Delegation, some delegations questioned the procedure for presentation of NAFO papers to the UN and FAO noting that the Executive Secretary should pay more attention to timely circulation and information to Contracting Parties on such matters pursuing full transparency and thorough consultations with all Contracting Parties. The Chairman of the General Council advised the Executive Secretary accordingly.

- 3.2 Under item 11 of the Agenda, "NAFO participation at other international organizations", the Chairman noted that the General Council delegated Dr. D. Swanson (USA) to take part in the FAO Consultation on the Management of Fishing Capacity, Shark Fisheries and Incidental Catch of Seabirds in Longline Fisheries, Rome, Italy, 26-30 October 1998. The NAFO observer presented his report to the General Council (GC Working Paper 99/1, and a summary of FAO Report in GC Working Paper 99/2).

The NAFO observers, P. Gullestad (Norway), Chairman of the Fisheries Commission, and H.-P. Cornus (EU-Germany), Chairman of the Scientific Council, attended the Meeting of FAO and Regional Fishery Bodies held in Rome during 11-12 February 1999. The FAO

Report was issued in May 1999 (FAO Fisheries Report No. 597, FIPL/R597), and a summary presented to the Meeting in GC Working Paper 99/3.

H. P. Cornus, the Scientific Council Chairman, took part in the ICES Dialogue meeting on the Relationship between Scientific Advice and Fishery Managers, 26-27 January 1999 in Nantes, France. (GF/99-195, 10 March 1999).

The Assistant Executive Secretary, T. Amaratunga, took part in the Coordinating Working Party on Fishery Statistics (CWP) meeting and presented its report to the Scientific Council.

- 3.3 The Representative of USA asked the Meeting to consider the issue of the Management of Fishing Capacity and Shark Fisheries, according to the FAO work. His idea was that Contracting Parties stimulate their discussions regarding a Regional Action Plan(s) on the management of fishing capacity. The Chairman supported this idea and asked the meeting and USA delegate to provide a concrete proposal/paper to develop more concrete discussions.

The Representatives of Canada, European Union, Estonia, supported in principle the idea of reporting to NAFO their national action plans according to the FAO ideas. The USA Representative proposed to refer the issue of shark fisheries and other questions relevant to the FAO consultations to STACTIC and Scientific Council.

The Chairman summarized the discussions that all Contracting Parties should participate in preparing their action plans and other relevant submissions. He asked the USA Representative to table a working document for future discussion.

- 3.4 During the second session of the General Council (16 Sept) the Representative of the United States introduced its GC Working Paper 99/9, "The FAO International Plans of Action on the Management of Fishing Capacity, Shark Fisheries and Incidental Catch of Seabirds in Longline Fisheries and NAFO". He explained that the intent of this paper was to keep NAFO informed and cooperative on FAO International Plans of Action on the management of fishing capacity, which should include both the national and regional plans.
- 3.5 The Representative of the European Union questioned the "ambition" of one item (item 3 of the paper) regarding the reports of Contracting Parties' fishing capacity that may impact fisheries in the NAFO Regulatory Area in 2000. He asked for more time to review this paper. Following brief discussions the Representative of the USA agreed with the EU note and proposed to modify this item, which would refer only to "Contracting Parties reports and their progress in evaluating fishing capacity as it may impact fisheries in the NAFO Regulatory Area".

Regarding the shark fisheries in the NAFO Area, there was an agreement that this matter should be considered by the Scientific Council and reported back to the General Council.

- 3.6 At the closing session, the Representative of USA asked for clarification of the status of their GC W.P. 99/9 (revised) emphasizing on its proposal (under item 3 of the paper) to report on the progress of evaluating fishing capacity as it may impact fisheries in the NAFO Regulatory Area at the 22nd Annual Meeting in 2000.

The Chairman **concluded** that this working paper will be considered by all Contracting Parties during the coming year and then reviewed during 22nd Annual Meeting in Boston in the year 2000 (Annex 10).

- 3.7 On participation in NAMMCO meetings, the Representative of Norway reported that he, as NAFO observer at NAMMCO, did not present his report as the NAMMCO Annual Meeting will be held in October 1999.

4. Fishing Activities in the Regulatory Area Adverse to the Objectives of NAFO Convention (items 12 to 15)

- 4.1 Under item 12 of the Agenda "Consideration of Non-Contracting Parties' activities in the NAFO Regulatory Area", the Chairman proposed to address any relevant issues for consideration at STACFAC during this meeting. The Report by the Executive Secretary on the Scheme (data 1998) was distributed to all Contracting Parties in advance of the meeting (GC Doc. 99/1 of 01 April 1999).
- 4.2 The Chairman of STACFAC, Dr. J.-P. Plé (USA) reported that the Committee agenda would be routinely considered during this Annual Meeting. However, STACFAC was concerned with a new situation developing recently regarding "stateless" vessels, which would require new approach and discussion on this matter. STACFAC convened several sessions through 13-16 September 1999.
- 4.3 Item 13, "STACFAC Report", was presented to the Meeting by the STACFAC Vice-Chairman, Mr. Daniel Silvestre (France in respect of St. Pierre et Miquelon). He noted the following findings and recommendations (Part III of this Report):
- a) There were sightings of only two (2) vessels, the "Austral" and "High Sierra" in the NAFO Regulatory Area in 1999 (four vessels were sighted in 1998). It was suggested that such a decrease might be due to the success of the "NAFO Scheme to Promote Compliance by non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO" (NAFO GC Doc. 97/6).
 - b) A new development was noted regarding relocation of the NCP vessels from the NAFO Regulatory Area to the NEAFC Regulatory Area and these vessels often re-register between such countries as Belize, Honduras and Sao Tomé e Príncipe. The vessels "Austral" and "Albri II" (formerly known under the name "High Sierra") were exemplified in such an activity. The need for a close cooperation between international organizations was recommended for this matter.
 - c) During 1998-1999, NAFO diplomatic demarches were delivered to Honduras and Panama (by Canada), to Belize (by USA) and to Sierra Leone (jointly by Canada and USA). In addition, Canada reported the delivery of a Canadian demarche to Sao Tomé e Príncipe. The results of these actions and communication with NCP authorities are presented in STACFAC Report (Part III).

New diplomatic demarches were developed by STACFAC to Belize, Honduras, Sao Tomé e Príncipe and Sierra Leone.

4.4 STACFAC recommended the following actions and measures to the General Council:

- the Executive Secretary circulate to all NAFO Contracting Parties information on non-Contracting Party activity reported to him by other regional fishery organisations;
- the Executive Secretary circulate GF 98/1 and GF 99/1 to the Secretariats of ICCAT, NASCO, NEAFC, IBSFC and CCAMLR, and the Executive Secretary circulate to these regional fishery organisations the report he will prepare pursuant to paragraph 14 of the Scheme;
- the Contracting Parties submit a report at the next Annual Meeting on what legal, administrative and practical action they have taken to implement the Scheme;
- the Contracting Parties submit annual reports under paragraph 13 of the Scheme, including negative reports if appropriate;
- the Contracting Parties adopt the statement that the term “non-Contracting Party vessel” as used in the Scheme shall include vessels for which there are reasonable grounds for suspecting them to be without nationality;
- where there are reasonable grounds for suspecting that a vessel which has been sighted engaging in fishing activities in the NAFO Regulatory Area is without nationality, a NAFO Contracting Party may board and inspect the vessel. Where evidence so warrants, the NAFO Contracting Party may take such action as may be appropriate in accordance with international law. Contracting Parties are encouraged to examine the appropriateness of domestic measures to exercise jurisdiction over such vessels; and
- the Contracting Parties share with other NAFO Contracting Parties any reports that they prepare for consideration by the FAO with respect to the FAO initiative on Illegal, Unregulated and Unreported Fishing.

4.5 All Contracting Parties at the meeting supported the STACFAC report and its recommendations. The EU Representative emphasized that those recommendations should receive full endorsement from NAFO members. The Representative of Canada and USA especially pointed out their support of FAO progress on “Illegal, Unreported, Unregulated Fishing (IUU)” in light of activities of fishing vessels of non-Contracting Parties. The Representative of Norway called to extend the STACFAC mandate and activity to tackle the IUU problems in the NAFO Regulatory Area.

The General Council **adopted** the STACFAC Report and its recommendations.

- 4.6 The Chairman of the General Council, Mr. A. Rodin, signed the diplomatic demarches to Belize, Honduras, Sao Tomé e Príncipe and Sierra Leone. On his request, the meeting agreed that the demarches will be delivered by the following Contracting Parties: Canada will deliver the demarche to Honduras; European Union, to Sao Tomé e Príncipe; and the United States, to Belize and Sierra Leone.
- 4.7 Item 14, “Report of the Working Group on Dispute Settlement Procedures” (GC Doc. 99/2) was presented to the Meeting by the Chair of Working Group, Stein Owe (Norway).

The Representative of the EU emphasized that the elaboration of NAFO specific dispute settlement procedures (DSP) has become a matter of great importance. It would not suffice to just await the entry into force of the UN Agreement because it was not at all clear whether all NAFO Contracting Parties would eventually ratify UNCLOS and the UN Agreement and because the UN Agreement did in no case cover discrete fish stocks in high seas areas. Reference was also made to certain lacunae in the provisions pertaining to provisional measures under the UN Agreement. Furthermore, attention was drawn to the recent Southern Bluefin Tuna Case which showed a possible risk of disputes arising out of regional fisheries organizations being decided in disregard of the relevant provisions of the respective regional fisheries agreements. Under these circumstances, the EU was strongly committed to a continuation of the Working Group. Otherwise, NAFO would miss a unique opportunity to set the precedent for other regional fisheries organizations.

The Representative of Denmark mentioned that NAFO DSP would be relevant if we could obtain quick resolution-results to the fishing business in a current year. He noted that the DSP mechanism should be agreed either unanimously (by a Convention amendment) or it should be agreed by a majority (a Protocol to the Convention). At present, the Working Group is far from unanimity or majority. The Canadian Representative explained that Dispute Settlement Procedure has been a long standing concern to deal with the abusive use of the NAFO objections procedure that threatened the conservation objectives of the NAFO Convention. He recalled a resolution of the General Council calling to avoid an excessive use of an objection procedure. The Canadian Representative further noted that the UN Fish Stocks Agreement would probably come into force in the near future, with a Dispute Settlement Mechanism provisions. Considering the lack of consensus in the NAFO DSP Working Group, he proposed the best resolution on this matter would be to suspend the NAFO Working Group on DSP and to continue consultations until a full consensus could be reached. The Representative of Latvia concurred with this proposal and especially noted that there should be full cooperation and voluntary consensus between Parties concerned in any settlement of disputes, and in general there should be international rules applied. The USA delegate urged to use the UN Fish Stocks Agreement, 1995, as a basis to settle disputes rather than continue NAFO discussions in a Working Group.

- 4.8 As the result of ensuing discussions, the Meeting asked the Chairman of the Working Group on DSP, Stein Owe, to present his draft of new Terms of Reference to the Working Group, which should meet sometime in 2000. The Terms of Reference were presented to the Meeting (GC Working Paper 99/12, Annex 11) and **adopted** by the General Council. It was further decided that the Working Group should meet in Copenhagen, Denmark, during 29-31 May 2000 (Annex 14).
- 4.9 Item 15, "Report of the Working Group on Allocation of Fishing Rights and Chartering of Vessels" was presented by the Chairman of the Working Group, H. Koster (EU) (GC Doc. 99/4).

The Representative of Korea stated that unused quotas should be reallocated to those Parties in need of quotas. He emphasized that the Korean NAFO quota is too small to carry on any fishery, and the Republic of Korea had been fishing up to 9,000t before joining NAFO (Annex 12).

The Representative of USA noted its paper GC W.P. 99/8 which proposed adoption of a GC resolution on fishing opportunities in the NAFO Regulatory Area. He urged to continue the Working Group proceedings, and proposed the site of the next Working Group

meeting in the USA at the time agreed by the meeting. The USA proposal for the continuation of this Working Group was **supported** by the Meeting.

The Representative of France (in respect of St. Pierre et Miquelon) asked the Meeting to consider the idea of chartering vessels as it was presented at the previous Annual Meeting by France and other related issues mentioned by the USA Representative.

The Representative of the EU proposed to consider the USA paper during this meeting and to refer the paper (Quota/Chartering W.G. W.P. 99/6) regarding the chartering vessels to STACTIC.

The Representative of Norway brought the Meeting's attention to the potential problem of "over capacity" and "flag hopping" (not "quota hopping" as it was in the past), when vessels would jump from one flag to another to utilize NAFO quotas. He noted last year's Japanese proposal to report the charter arrangements to the NAFO Secretariat and asked to refer this question to STACTIC. The Representative of Denmark supported the Norwegian proposal.

The Representative of Canada agreed with the proposal regarding Guidelines to the Expectations of Future New Members for quota allocation (GC W.P. 99/8), and he wanted to give more consideration on this proposal by USA. Regarding Quota/Chartering GC W.P. 99/6, he agreed to refer this to STACTIC.

The Representatives of Latvia, Lithuania and Estonia supported the continuation of the Working Group on allocation of fishing rights.

The Representative of Iceland suggested to consider the NAFO Contracting Parties as a whole fishing group, which could possibly utilize vessels available for fishing activity, and for this purpose the so-called "flag hopping", to his opinion, could be a solution to the "over capacity" noted by Norway.

- 4.10 The Chairman of the General Council summarized all discussions and proposed to continue deliberations in the framework of the Working Group supplemented by the Heads of Delegations consultations. He ruled that the Working Paper on the chartering of vessels (Quota/Chartering GC W.P. 99/6) should be referred to the Fisheries Commission and then to STACTIC. The Chairman of Fisheries Commission present (P. Gullestad) took the floor in a formal capacity of the Chairman and referred the W.P. 99/6 to STACTIC.
- 4.11 The Chairman noted the Working Paper 99/8, "Draft Resolution to Guide the Expectations of Future New Members with Regard to Fishing Opportunities in the NAFO Regulatory Area" prepared by the USA Delegation and proposed the Meeting to consider this issue. The Representative of Denmark (F & G) took the floor and explained that this paper reflects a proposal developed by the Working Group on Allocation of Fishing Rights (April 1999, Halifax, GC Doc. 99/4) with some modifications of wording which did not change the Working Group proposal, which had been agreed by Contracting Parties. Therefore, he proposed to adopt the Resolution based on the USA proposal.

There was a **consensus at the Meeting for adoption** of the Resolution (Annex 13).

- 4.12 At the closing session on 17 September 1999, the Meeting agreed to call a meeting of the Working Group on Allocation of Fishing Rights in Washington, D.C., 27-30 March 2000 (Annex 14). Note: This Working Group will be in conjunction with, but separately from, a

Working Group to evaluate the current management system for 3M shrimp and possible quota allocation systems for shrimp in the NAFO Regulatory Area.

5. Finance (items 16-17)

- 5.1 Items 16 and 17 were referred to the Standing Committee on Finance and Administration (STACFAD). The STACFAD proceedings are attached in Part II of this General Council Report.
- 5.2 The Chairman of STACFAD, F. Kingston (EU), delivered its report to the General Council on 16 September 1999 and noted the following:
- a) The Auditor's Report 1998 was circulated to Heads of Delegations on 25 March 1999, and STACFAD recommended the Report for adoption;
 - b) The NAFO Secretariat was represented at the Pension Society Meeting (the International Fisheries Commissions Pension Society, IFCPS, of North America) by two staff members and its report was considered by STACFAD. A new contract with Eckler Partners Ltd. for actuarial and administrative services has substantially diminished NAFO's payment from \$6,800 Cdn to approximately \$1,700 Cdn annually.
 - c) The basic budgetary items of the NAFO Secretariat were agreed as follows:
 - the budget for 2000 to be adopted in the amount of \$1,157,000 Cdn;
 - the Accumulated Surplus Account be maintained at a level not less than \$75,000 Cdn in order to fulfil NAFO's financial obligations in early 2000 until contributions are received;
 - the outstanding contributions from Bulgaria and Romania deemed uncollectible be applied against the Accumulated Surplus Account and written-off;
 - \$35,000 Cdn be allocated as a contingency to cover possible recommendations of the Fisheries Commission on an automated hail/satellite tracking report system at the NAFO Secretariat.
 - d) The Committee recommended that Contracting Parties continue attempts to contact Bulgaria and Romania in order to ascertain whether they intend to participate in NAFO and to inform them of their outstanding contributions. The Committee further recommended that Contracting Parties exchange information about such contacts through the NAFO Secretariat. The Chairman of STACFAD pointed out that the Committee discussed briefly international practice regarding "expulsion" rules and concluded that the current NAFO provisions are consistent with the international practice and expulsion rules would not be in line with the current international practice, and, therefore, would not be applicable to Bulgaria and Romania.
 - e) The Committee noted that fishery statistics (STATLANT 21A and 21B) were outstanding from a number of Contracting Parties and recommended that General Council urge Contracting Parties to submit their reports to the NAFO Secretariat on time to ensure the ongoing integrity of the NAFO statistical database and provide valuable information to the NAFO Scientific Council.
 - f) The dates of next Annual Meetings were recommended as follows:

2000	-	Scientific Council	-	13-22 September
	-	General Council	-	18-22 September
	-	Fisheries Commission	-	18-22 September

2001	-	Scientific Council	-	12-21 September
	-	General Council	-	17-21 September
	-	Fisheries Commission	-	17-21 September
2002	-	Scientific Council	-	11-20 September
	-	General Council	-	16-20 September
	-	Fisheries Commission	-	16-20 September

5.3 The site of the Annual Meeting 2000 will be in Boston, Massachusetts, USA.

The site of the Annual Meeting 2001 will be in Havana, Cuba.

5.4 On the other matter re allocation of funds in the year 2001 for publication of a book "ICNAF-NAFO Century Book", the Representative of USA expressed his concern and questioned the procedures for a pre-publication review of the contents of the book. The meeting could not arrive to any solution on this matter and **agreed** that the present funds of \$9,000 Cdn for the book should be provisional, and during the next Annual Meeting this matter should be reconsidered again.

The Representative of the European Union noted their concerns regarding the Preliminary Budget estimates for 2000 (under item 9 of STACFAD Report) requesting that the estimates should include two (2) meetings: Dispute Settlement Procedures and Shrimp 3M and 3L, which were decided by the meeting.

5.5 The General Council reviewed the STACFAD Report item by item and **adopted** all recommendations.

6. Closing Procedures (items 18-21)

6.1 Item 18 "Time and Place of the Next Annual Meeting" was reported by STACFAD (above) and agreed by the General Council to convene the 22nd Annual Meeting of NAFO in Boston, Massachusetts, USA.

6.2 Under item 19, "Other Business", the Chairman introduced a GC Working Paper 99/11 "Working Group Draft Calendar 2000", which was officially **adopted** by the Council (Annex 14).

On presentation from the EU Delegation, the General Council thanked and applauded the out-going Chairman of the Scientific Council, Hans-Peter Cornus (EU-Germany) who demonstrated high scientific knowledge and effective management skill of the NAFO Scientific Council and greatly contributed to the development of Precautionary Approach to NAFO-managed stocks.

6.3 The draft Press Release was prepared by the Executive Secretary and circulated to Heads of Delegations for their final review and comments.

The Chairman proposed the Contracting Parties present their comments on the Press Release to the NAFO Secretariat and then, the draft Press Release would be circulated to Contracting Parties (Annex 15).

Annex 1. List of Participants

CANADA

Head of Delegation

P. S. Chamut, Assistant Deputy Minister, Dept. of Fisheries and Oceans, Fisheries Management, 200 Kent Street, Ottawa, Ontario K1A 0E6

Representative

P. Chamut (see address above)

Advisers

- C. J. Allen, Resource Management, Dept. of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario K1A 0E6
 J. Angel, Canadian Association of Prawn Producers, P. O. Box 1C1, Head of St. Margarets Bay, N.S. B0J 1R0
 D. B. Atkinson, Northwest Atlantic Fisheries Centre, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
 J. W. Baird, Director, Resource Management Div., Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
 P. S. Best, Government of Nunavut, P. O. Box 2410, Iqaluit, Nunavut X0A 0H0
 D. Bevan, Dept. of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario K1A 0E6
 T. Blanchard, Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
 D. R. Bollivar, Seafreez Foods Inc., 32 Beckfoot Drive, Dartmouth, N.S. B2Y 4C8
 W. R. Bowering, Northwest Atlantic Fisheries Centre, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
 W. B. Brodjie, Northwest Atlantic Fisheries Centre, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
 B. Chapman, 1388 River Road, Manotick, Ontario K1T 1B7
 J. Conway, Fisheries Advisor, Resource Management Br., Scotia-Fundy Fisheries, 176 Portland St., Dartmouth, N.S.
 R. Coombs, Dept. of Fish and Aquaculture, P. O. Box 8700, Govt. of Nfld. and Labrador, St. John's, Newfoundland A1B 4J6
 L. Dean, Dept. of Fish and Aquaculture, Government of Nfld. and Labrador, P. O. Box 8700, St. John's, Newfoundland A1B 4J6
 E. Dussault, Dept. of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario K1A 0E6
 W. Evans, Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
 W. Follett, Fisheries Management, Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
 A. Frenette, Dept. of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario K1A 0E6
 M. Gagne, Dept. of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario K1A 0E6
 G. Gregory, Fishery Products International Ltd., P. O. Box 550, Station A, St. John's, Newfoundland A1C 5L1
 N. Greig, P. O. Box 1058, Kuujuaq, Quebec J0M 1C0
 M. Hogan, ACOA, 644 Main Street, P. O. Box 6051, Moncton, New Brunswick E1C 9J8
 D. Jennings, Dept. of Fisheries and Oceans, Dartmouth, N.S.
 J. Kjolbro, P. O. Box 128, Mulgrave, N.S. B0E 2G0
 P. Koeller, Dept. of Fisheries and Oceans, Bedford Institute of Oceanography, P. O. Box 1006, Dartmouth, N.S., B2Y 4A2
 D. Kulka, Northwest Atlantic Fisheries Centre, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
 C. F. MacKinnon, Marine Advisor, Groundfish and Seaplants, Nova Scotia Dept. of Fisheries, P. O. Box 2223, Halifax, N. S. B3J 3C4
 E. McCurdy, c/o FFAW/CAW, P. O. Box 10, St. John's, Newfoundland A1C 5H5
 P. McGuinness, Vice-President, Fisheries Council of Canada, 38 Antares Drive, Suite 110, Nepean, Ontario K2E 7V2
 B. J. McNamara, Newfoundland Resources Ltd., 90 O'Leary Avenue, St. John's, Nfld. A1B 3R9
 J. Mercer, Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
 A. Noseworthy, Deputy Minister, Intergovernmental Affairs, Government of Newfoundland and Labrador, P. O. Box 8700, St. John's, Newfoundland A1B 4J6

M. O'Connor, National Sea Products, 100 Battery Point, P. O. Box 910, Lunenburg, N.S. B0J 2C0
 A. O'Rielly, President, Fisheries Association of Nfld. and Labrador Ltd., P. O. Box 8900, St. John's, Newfoundland A1B 3R9
 D. Orr, Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
 F. G. Peacock, Director, Resource Mgmt. Br., Dept. of Fisheries and Oceans, P. O. Box 550, Halifax, Nova Scotia B3J 2S7
 D. Rivard, Fisheries Research Br., Fisheries and Oceans, 200 Kent St., Ottawa, Ontario K1A 0E6
 M. Short, Baine Johnston Bldg., Suite 801, St. John's, Newfoundland A1S 1C1
 M. Showell, Dept. of Fisheries and Oceans, BIO, P. O. Box 1006, Dartmouth, N.S. B2Y 4A2
 L. Simard, Dept. of Foreign Affairs and International Trade (JLO), 125 Sussex Drive, Ottawa, Ontario K1A 0G2
 C. Simms, Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
 P. Steele, Dept. of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario K1A 0E6
 R. Steinbock, International Directorate, Dept of Fisheries and Oceans, 200 Kent Street, Stn. 1452, Ottawa, Ontario K1A 0E6
 R. Stirling, SPANS, P. O. Box 991, Dartmouth, N. S. B2Y 3Z6
 E. Wiseman, Director-General, International Directorate Dept. of Fisheries and Oceans, International Directorate, 200 Kent Street, Stn. 1452, Ottawa, Ontario K1A 0E6
 F. Woodman, Chairman, Fisheries Resource Conservation Council, P. O. Box 2001, Station D, Ottawa, Ontario K1P 5W3

CUBA

Head of Delegation

J. Baisre Alvarez, Ministerio de la Industria Pesquera, Barlovento, Santa Fe 19 100, Playa la Habana

Representative

J. Baisre Alvarez (address above)

Advisers

V. Sarda Espinosa, 5th Ave. y 246, Barlovento

R. Espinosa, Dragnets, Asociacion Pesport, Puerto Pesquero de la Habana, Ave la Pesquera y Atares, Habana Vieja, Ciudad de La Habana

L. Albelo Leon, Cuban Fishing Fleet Representative, 1881 Brunswick St., Ph-B, Halifax, Nova Scotia, Canada B3J 3L8

R. Matos Llago, Asociacion Pesport, Ave Pesquera y Atares, Habana Vieja, Ciudad de La Habana

DENMARK (in respect of Faroes and Greenland)

Head of Delegation

E. Lemche, Head of Representation, Gronlands Hjemmestyre, Pilestraede 52, Box 2151, Copenhagen, Denmark

Alternate

A. Kristiansen, Ministry of Fisheries, Yviri við Strond 17, P. O. Box 87, FO-110 Torshavn, Faroe Islands

Representatives

E. Lemche (see address above)

A. Kristiansen (see address above)

Advisers

H. Fischer, Royal Danish Ministry of Foreign Affairs, 2 Asiatisk Plads, DK-1448 Copenhagen K, Denmark

J. E. Hansen, Bondaheygur 9, FR-100 Torshavn, Faroe Islands
 M. Kruse, Vaktar-og Bjargingartaenastan, Yviri Vid Strond 6, FO-100 Torshavn, Faroe Islands
 M. T. Nedergaard, Gronlands Fiskerilicenskontrol, Postbox 501, DK-3900 Nuuk, Greenland
 A. Nicolajsen, Fiskirannsoknarstovan, Noatun, P. O. Box 3051, FR-110 Torshavn, Faroe Islands
 P. M. Pedersen, P. O. Box 269, 3900 Nuuk, Greenland
 J. Persson, Greenland Home Rule, Dept. of Industry, Box 269, 3900 Nuuk, Greenland
 H. Siegstad, Greenland Institute of Natural Resources, Box 570, 3900 Nuuk, Greenland
 J. H. Toftum, Ministry of Fisheries, P. O. Box 64, FO-100 Torshavn, Faroe Islands

ESTONIA

Head of Delegation

R. Aps, Deputy Director General, Fisheries Dept., Ministry of the Environment, Kopli 76, 10416 Tallinn

Representative

R. Aps (see address above)

Advisers

M. Harjak, Dagomar Ltd., Sadama 15, Kardla
 T. Kouhkna, Chairman of the Supervisory Board, ETFC Group Ltd., 139E Parnu Road, 11317 Tallinn
 R. Kulla, E-Traal Ltd., 9 Narva st., Tallinn 10017
 A. Luksepp, Estonian Sea Inspection, Kopli 76, 10416 Tallinn
 J. Pollu, Reyktal Ltd., Paljassaare Tee 28-426, 10313 Tallinn
 V. Ruul, Permare Ltd., Vaike-Posti 11, 3600 Parnu
 T. Saat, Director, Estonian Marine Institute, 18b Viljandi Road, 11216, Tallinn
 A. Soome, Fisheries Dept., Ministry of Environment, Kopli 76, 10416 Tallinn

EUROPEAN UNION (EU)

Head of Delegation

E. Mastracchio, Director, European Commission, Directorate General for Fisheries, 200 Rue de la Loi, B-1049 Brussels, Belgium

Alternate

O. Tougaard, European Commission, Directorate General for Fisheries, 200 Rue de la Loi, B-1049 Brussels, Belgium

Representatives

E. Mastracchio (see address above)
 O. Tougaard (see address above)

Advisers

D. Smadja, Ambassador, Delegation of the European Commission, 45 O'Connor Street, Suite 1900, Ottawa, Ontario Canada K1P 1A4
 H. Koster, European Commission, Directorate General for Fisheries, Rue Joseph II, 99, B-1049 Brussels, Belgium
 O. Hagstrom, European Commission, Directorate General for Fisheries, Unit C-1, 200 Rue de la Loi, B-1049 Brussels, Belgium
 F. Wieland, European Commission, Directorate General for Fisheries, Rue de la Loi 200, B-1049 Brussels, Belgium

- A. Thomson, European Commission, Directorate General for Fisheries, J-II 99/3/29, Rue de la Loi, 200, 1049 Brussels, Belgium
- V. Angot, European Commission, Rue de la Loi 200, B-1049 Brussels, Belgium
- G. F. Kingston, Delegation of the European Commission, 45 O'Connor Street, Suite 1900, Ottawa, Ontario Canada K1P 1A4
- D. Cross, Eurostat, European Commission, Jean Monnet Bldg., BP 1907, L-2920 Luxembourg
- L. Svensson, Council of the European Union, DG BIII, 4040 GH26, Rue de la Loi 175, B-1048 Brussels, Belgium
- M. Aro, The Finnish Permanent Representation to the EU, Rue de Treves 100, B-1040 Brussels, Belgium
- R. Lampien, Ministry of Agriculture and Forestry, Dept. of Fisheries and Game, 00171 Helsinki, Finland
- R. Akesson, Ministry of Agriculture, 10333 Stockholm, Sweden
- H. Pott, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Rochusstr. 1, D-53125 Bonn, Germany
- C. LeVillain, Ministère de l'Agriculture et de la Pêche, Direction des Pêches Maritimes, 3 Place de Fontenoy, 75007 Paris, France
- E. Monteiro, Director-General, Direcção Geral Pescas e Aquicultura, Edifício Vasco da Gama, Alcantara, 1350 Lisbon, Portugal
- M. H. Figueiredo, Direcção Geral das Pescas e Aquicultura, Edifício Vasco da Gama, Alcantara, 1350 Lisbon, Portugal
- J. R. Baranano, Secretaria General de Pesca Marítima, Jose Ortega y Gasset, 57, 28006 Madrid, Spain
- M. I. Aragon, Secretaria General de Pesca Marítima, Jose Ortega y Gasset, 57, 28006 Madrid, Spain
- I. Ybanez, Secretaria General de Pesca Marítima, Jose Ortega y Gasset, 57, 28006 Madrid, Spain
- R. Liano de la Torre, Subdirección General Inspección Pesquera, c/ Castellana, 112, 28046 Madrid, Spain
- A. Hermida, Director Xeral de Estructuras Pesqueiras e Mercados, C/Sar, 75, Santiago 15702, A Coruna, Spain
- G. Taylor, Nobel House, Ministry of Agriculture, Fisheries and Food, 17 Smith Square, London SW1P 3JR, United Kingdom
- H.-P. Cornus, Institut für Seefischerei, Palmaille 9-D-22767, Hamburg, Germany
- H. J. Ratz, Institut für Seefischerei, Palmaille 9-D-22767, Hamburg, Germany
- M. Stein, Institut für Seefischerei, Palmaille 9-D-22767, Hamburg, Germany
- D. Briand, IFREMER, B. P. 4240, 97500 St. Pierre et Miquelon, France
- R. Alpoim, Inst. de Investigação das Pescas e do Mar (IPIMAR), Av. de Brasília, 1400 Lisbon, Portugal
- A. Avila de Melo, Inst. de Investigação das Pescas e do Mar (IPIMAR), Av. de Brasília, 1400 Lisbon, Portugal
- E. De Cardenas, Instituto Espanol de Oceanografía, Avenida de Brasil 31, 28020 Madrid, Spain
- S. Junquera, Instituto Espanol de Oceanografía, Cabo Estay-Canido, Aptdo. 1552, E-36280 Vigo (Pontevedra), Spain
- L. Motos, AZTI, Instituto para la Ciencia y Tecnologia Pesquera, Av. Satrustegi 8, 20008 Donostia – San Sebastian, Spain
- A. Vazquez, Instituto de Investigaciones Marinas, Eduardo Cabello 6, 36208 Vigo, Spain
- P. Franca, ADAPI – Associação Armadores das Pescas Industriais, Edifício Dos Armadores 13-A, Docaesca 1400 Lisbon, Portugal
- A. M. Paiao, ADAPI – Associação Armadores das Pescas Industriais, Edifício Dos Armadores 13-A, Docaesca 1400 Lisbon, Portugal
- J. R. Fuertes Gamundi, ANAMER-ANAVAR-AGARBA, Puerto Pesquero, Vigo, Spain
- J. M. Liria, ANAMER, Pto Pesquero, Spain
- J. L. Meseguer, Asociación de Empresas de Pesca de Bacalao, Especies Afines y Asociadas (ARBAC), Enrique Larreta 10, Madrid, Spain
- C. Real Rodriguez, Vice-Presidente, Boanova, S.A., Apartado 424, Vigo, Spain

FRANCE (in respect of St. Pierre and Miquelon)

Head of Delegation

G. Grignon, 4C Rue Albert Briand, 97500 Saint Pierre et Miquelon

Alternate

D. Silvestre, Secretariat General de la Mer, 16 Boulevard Raspail, 75007 Paris

Representatives

G. Grignon (address above)
D. Silvestre (address above)

Advisers

F. Beaudroit, Maritimes Affairs Office, 1, rue Gloanec, B.P. 4206, 97500 Saint Pierre et Miquelon
L. Surette (Interpreter), 3124 Needham St., Halifax, N.S. B3K 3N9
M. Tremblay (Interpreter), 3124 Needham St., Halifax, N.S. B3K 3N9

ICELAND**Head of Delegation**

T. Asgeirsson, Director of Fisheries, Ingilfsstraeti 1, 150 Reykjavik

Representative

T. Asgeirsson (see address above)

Advisers

K. Arnason, Ministry of Fisheries, Skulagata 4, 150 Reykjavik
G. Hannesson, Directorate of Fisheries, Ingilfsstraeti, 150 Reykjavik
G. Geirsson, Icelandic Coast Guard, P. O. Box 7120, 127 Reykjavik
G. Kristjansson, P. O. Box 676, 121 Reykjavik
K. Ragnarsson, Federation of Icelandic Fishing Vessel Owners, P. O. Box 893, 121 Reykjavik

JAPAN**Head of Delegation**

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

Representatives

K. Yonezawa (see address above)

Advisers

S. Kawahara, National Research Institute of Far Seas Fisheries, 5-7-1 Orido, Shimizu-shi 424, Sizuoka, 424
Y. Kashio, Japan Fisheries Association, Suite 1408 Duke Tower, 5251 Duke St. Tower, Halifax, N.S., Canada B3J 1P3
S. Muraya, Far Seas Fisheries Div., Oceanic Fisheries Dept., Fishery Agency Government of Japan, 1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo 100
H. Nakayama, Japan Marine Fishery Resources Research Center, 3-27 Kioi-cho, Chiyoda-ku, Tokyo 102-0094
A. Tajima, Fisheries Div., Economic Affairs Bureau, Ministry of Foreign Affairs, 2-2-1 Kasumigaseki, Chiyoda-ku, Tokyo
N. Takagi, Executive Secretary, Japan Deep Sea Trawlers Association, Ogawacho-Yasuda Bldg., 6 Kanda-Ogawacho, 3-Chome, Chiyoda-ku, Tokyo 101-0052
K. Tanaka, Deputy Director, International Affairs Div., Fisheries Agency, Government of Japan, 1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo

REPUBLIC OF KOREA**Head of Delegation**

G. Lee, Economic Counsellor, Embassy of the Republic of Korea, 150 Boteler Street, Ottawa, Ontario, Canada
K1A 5A6

Representative

G. Lee (see address above)

LATVIA**Head of Delegation**

N. Riekstins, Director, National Board of Fisheries of the Ministry of Agriculture, 2 Republikas laukums, Riga
LV-1010

Alternate

R. Derkacs, Head of the International Agreements and Legal Div. of the National Board of Fisheries of the
Ministry of Agriculture, 2 Republikas laukums, Riga LV-1010

Representatives

N. Riekstins (see address above)

R. Derkacs (see address above)

Adviser

D. Kalinoff, Director, Mersrags Ltd., 34 Dunties str., Riga LV-1005

LITHUANIA**Head of Delegation**

V. Vaitiekunas, Director, Fisheries Dept. of the Ministry of Agriculture, 19 Gedimino str., Vilnius 2600

Alternate

A. Rusakevicius, Chief Specialist of International Relations of Fisheries, Dept. of the Ministry of Agriculture,
19 Gedimino str., Vilnius 2600

Representatives

V. Vaitiekunas (see address above)

A. Rusakevicius (see address above)

Advisers

G. Babcionis, Senior Specialist, Fish Resources Dept. of the Ministry of Environment, A. Juozapavichiaus St. 9,
Vilnius 2600

R. Bogdevicius, Deputy Director of Fish Resources Dept. of the Ministry of Environment, A. Juozapavichiaus
St. 9, Vilnius 2600

N. Koptev, Poilsio str. 20-30, 5810 Klaipeda

B. Urboniene, Poilsio str. 20-30, 5810 Klaipeda

NORWAY**Head of Delegation**

P. Gullestad, Directorate of Fisheries, P. O. Box 185, N-5804 Bergen

Alternate

T. Lobach, Directorate of Fisheries, P. O. Box 185, N-5804 Bergen

Representatives

P. Gullestad (see address above)

T. Lobach (see address above)

Advisers

W. Barstad, Norwegian Fishing Vessel Owners Association, P.O. Box 67, Aalesund

K. K. Dørum, Ministry of Foreign Affairs, P. O. Box 8114 Dep., 0032 Oslo

S. Owe, Ministry of Fisheries, P. O. Box 8118 Dep., 0032 Oslo

POLAND**Head of Delegation**

L. Dybiec, Ministry of Transport and Maritime Economy, Maritime Administration, Shipping and Fisheries
Dept. Chalubinskiego Str. 4/6, 00-928 Warsaw

Alternate

M. Kucharski, Embassy of the Republic of Poland, 443 Daly Avenue, Ottawa, Ontario K1N 6H3

Representatives

L. Dybiec (see address above)

M. Kucharski (see address above)

RUSSIA**Head of Delegation**

V. Izmailov, State Committee for Fisheries of the Russian Federation, 12 Rozhdestvensky Boul., Moscow
103031

Representative

V. Izmailov (see address above)

Advisers

V. K. Babayan, Head of Laboratory for System Analysis of Fishery Resources, VNIRO, 17, V. Krasnoselskaya,
Moscow 107140

M. G. Botvinko, State Committee for Fisheries of the Russian Federation, 12 Rozhdestvensky Boul., Moscow
103031

G. V. Goussev, State Committee for Fisheries of the Russian Federation, Fisheries Dept., 12 Rozhdestvensky
Boul., Moscow 103031

B. N. Kotenev, VNIRO, 17, V. Krasnoselskaya, Moscow 107140

V. M. Kolesnikov, PBORF, Pionerskiy, Kaliningrad Region
 V. M. Mishkin, General Director, Scientific and Technical Firm "Complex Systems", 5, Kominterna str., P. O. Box 183038, Murmansk
 A. A. Okhanov, Representative of the Russian Federation in Canada on Fisheries, Welsford Place, 2202-2074 Robie Street, Halifax, N.S. Canada B3K 5L3
 V. A. Rikhter, ATLANTNIRO, 5 Dmitry Donskoy St., Kaliningrad, 236000
 A. Rodin, Zorge st. 14-215, Moscow
 E. Samoilova, PINRO, 6 Knipovich St., Murmansk 183763
 V. N. Shibanov, PINRO, 6 Knipovich St., Murmansk 183763
 F. M. Troyanovsky, PINRO, 6 Knipovich St., Murmansk

UKRAINE

Head of Delegation

V. G. Chernik, Deputy Chairman, State Committee for Fisheries of Ukraine, 82A Turgenivska str., Kiev, 252053

Representative

V. G. Chernik (see address above)

Advisers

V. Litvinov, Chief Specialist, State Committee for Fisheries of Ukraine, 82A Turgenivska str., Kiev, 252053
 V. Abramovich, Deputy Director-General, "Pyvdenryboposhuk", 11, Samoilenko Str., Kezch 33400
 V. Kachurenko, Ministry of Foreign Affairs of Ukraine, 1. Wykhaylyvska Str., Kiev 252018

UNITED STATES OF AMERICA

Head of Delegation

A. Rosenberg, Deputy Assistant Administrator, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910

Representative

A. Rosenberg (see address above)

Advisers

S. V. Fordham, Fisheries Project Manager, Center for Marine Conservation, 1725 DeSales Street, NW Suite 600, Washington, DC 20036
 D. Warner-Kramer, International Affairs Officer, Office of Marine Conservation (Room 5806), U.S. Dept. of State, 2201 C Street NW, Washington, DC 20520
 P. Kurkul, Regional Administrator, Northeast Region, National Marine Fisheries, 1 Blackburn Drive, Gloucester, MA
 G. S. Martin, Office of the General Counsel, Northeast Region, National Oceanic and Atmospheric Administration, U.S. Dept. of Commerce, 1 Blackburn Dr., Gloucester, MA 01930
 R. Mayo, Northeast Fisheries Science Center, NMFS, 166 Water St., Woods Hole, MA 02543
 D. T. Mathers, Coast Guard Liaison, Office of Marine Conservation, Dept. of State, 2201 C. St. NW, Room 5806, Washington, DC 20520
 M. Mooney-Seus, Manager, Conservation Dept., New England Aquarium, Central Wharf, Boston, MA 02110 -3399
 P. Moran, International Fisheries Div., F/SF4, National Marine Fisheries Service, U.S. Dept. of Commerce, 1315 East-West Hwy., Silver Spring, MD 20910
 J. D. O'Malley, Executive Director, East Coast Fisheries Federation Inc., P. O. Box 649, Narragansett, RI 02879

J. Pike, Director, Government Relations, Scher and Blackell, Suite 200, 1850 M Street NW, Washington, DC 20036

J.-P. Plé, Senior Atlantic Affairs Officer, Office of Marine Conservation (Room 5806), U.S. Dept. of State, 2201 C Street NW, Washington, DC 20520

R. G. Rosenman, U.S. Consulate General, 2000 Barrington St., Cogswell Tower, Suite 910, Halifax, N.S., Canada B3J 3K1

F. M. Serchuk, Chief, Resource Evaluation and Assessment Division, Northeast Fisheries Science Center, NMFS, 166 Water St., Woods Hole, MA 02543-1097

D. E. Swanson, Chief, International Fisheries Div., F/SF4, National Marine Fisheries Service, U.S. Dept. of Commerce, 1315 East-West Highway, Silver Spring, MD 20910

SECRETARIAT

L. I. Chepel, Executive Secretary

T. Amaratunga, Assistant Executive Secretary

F. D. Keating, Administrative Assistant

B. J. Cruikshank, Senior Secretary

S. Goodick, Accounting Officer

D. C. A. Auby, Word Processing Secretary

G. Moulton, Statistical/Conservation Measures Officer

F. E. Perry, Desktop Publishing/Documents Clerk

R. Myers, Graphic Arts/Printing Technician

B. L. Marshall, Statistical/Library Documents Clerk

Annex 2. Opening Statement by the Representative of Canada (Mr. P. Chamut)

Mr. Chairman, distinguished Representatives, it is a pleasure for Canada to participate at this year's NAFO Annual Meeting.

On behalf of the entire Canadian delegation, I wish to extend a warm welcome to all delegates. We hope that you enjoy your stay in Nova Scotia and are able to take advantage of the fine fall weather.

I would like to welcome Ukraine as our newest member to NAFO. Ukraine deposited its instruments of accession to the NAFO Convention on August 27. The Ukraine is joining at a time when stocks are severely depleted, and fishing opportunities are modest. It is a time when our challenge as an organization is to focus on our obligations for conservation and stock rebuilding. We look forward to working with the Ukraine to help advance our objectives for effective fisheries controls, and rebuilding of a sustainable fishery in the Northwest Atlantic.

I would like to introduce the new Canadian Commissioner to NAFO – Mr. John Angel who replaces Dr. William Murphy. Mr. Angel brings a wealth of experience in the fisheries domain. He is formerly a colleague with the Department of Fisheries and Oceans in Halifax and is currently President of the Canadian Association of Prawn Producers.

Mr. Chairman, I am very pleased to advise that on August 3 of this year, Canada ratified the United Nations Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks. This was an important step for Canada and like-minded countries who share the objective to halt the depletion of global straddling and highly migratory fish stocks.

The U.N. Fish Agreement marks a milestone in providing a framework for international co-operation on the high seas, a goal long sought by Canada. The Agreement will go a long way towards ensuring the sustainability of our ocean resources for future generations. Proper conservation and management and responsible fishing practices will make a significant contribution to ensure the sustainability of the important fish resources of our oceans.

Canada applauds those governments that have already ratified the UN Fish Agreement. We encourage all NAFO members who have not already done so to ratify the Agreement with a view to expediting its entry into force and its full implementation.

This year marks the 50th anniversary of the Conference which led to the founding of the International Commission for the Northwest Atlantic Fisheries or ICNAF – the predecessor organization to NAFO.

This Conference led to the first instance where Nations joined together in a mutual commitment to ensure that the resources of the high seas are conserved and utilized prudently.

Over the years, much progress was made by ICNAF, and by NAFO in establishing a management framework intended to provide for sustainable fisheries in the Northwest Atlantic.

Four years ago NAFO adopted strengthened Conservation and Enforcement Measures and last year NAFO adopted on a permanent basis the program for 100% observer coverage and satellite tracking on NAFO member vessels. The new strengthened measures were rightly hailed a

milestone on the road towards enhanced international co-operation towards a common purpose. That purpose is to ensure that high seas fishing activities are conducted in a rational, sustainable and responsible manner.

We need to build on the achievements of recent years to sustain the progress which has been made in the establishment of sound conservation measures and in controlling overfishing and deterring unsustainable fishing practices. The implementation of these measures has laid the groundwork for the recovery and rebuilding of stocks in the Northwest Atlantic. I believe that this is of fundamental importance and benefit to all NAFO Parties, like Canada, who wish to see renewed fishing possibilities in the NAFO Regulatory Area.

This 21st annual meeting of NAFO will be an especially critical one for the Organization, as we are facing a number of important issues which will have significant implications for the future.

The assessments and recommendations of the Scientific Council underline the need for continuing restraint and vigilance in surveillance and enforcement of the NAFO conservation measures in order to ensure that the path to rebuilding of stocks is not compromised.

The Scientific Council recommends continuing in 2000 most of the moratoria on fishing for groundfish stocks. On the other hand, it is heartening to see continued positive signs for 3LNO yellowtail flounder.

We must also remain vigilant to the danger signals reported by the Scientific Council, in particular the high proportion of catches of young, immature fish, either in the directed fishery or caught as bycatch. Measures such as tighter bycatch and discard rules, increased minimum fish and mesh sizes as well as area and seasonal closures must be considered to protect juvenile fish and allow these stock to rebuild.

Canada's objective is sustainable fisheries in the Northwest Atlantic. I am sure this objective is shared by all. However with most of the NAFO stocks currently under moratoria, it is clearly too early to benefit from the restraint we have practised over the past several years nor consider that this challenge has been met. In fact, we also need to consider modifying or extending some conservation measures or introducing new ones if we are to achieve our goal.

I would also like to highlight the work of the Scientific Council and fisheries managers who continue to elaborate on the concepts for a precautionary approach to fisheries management in the NAFO Regulatory Area. The meetings to date represent positive steps in introducing this management approach to NAFO stocks.

This approach will take time to implement as we grapple with the complexities of fisheries science and management. We know that the precautionary approach is not limited to the development of biological limits and reference points. It can and must also include conservation measures to protect juveniles and the spawning stock including closed areas, gear restrictions and bycatch protection provisions. Comprehensive monitoring, control and surveillance measures are also an integral part of the precautionary approach. Such systems are essential to the viability and sustainability of NAFO stocks, and to meeting our collective obligations under the Convention.

As Contracting Parties to the NAFO Convention, we all share the responsibility to conserve the resources in the NAFO Regulatory Area. We must ensure that achievement of that responsibility remains our primary objective, rather than accommodating short term economic interests.

I am looking forward to a constructive and positive dialogue at this session which will help advance the interests of this Organization and all its members. Thank you.

Annex 3. Opening Statement by the Representative of the European Union (E. Mastracchio)

Mr. Chairman, distinguished Delegates, ladies and gentlemen, it is a great pleasure for me to be here in Canada once again, this time in a new venue. However, I know that to many present here today, it is a very familiar one. It is appropriate that we are here in Nova Scotia on the very western side of the Northwest Atlantic, at the very heart of the important fisheries of this side of the Atlantic Ocean. I look forward to being able to profit from the seafood products of this great ocean during my stay here. One change from the last meeting is the arrival of a new member to this body, namely the Ukraine. Chairman, I would personally like to welcome the Delegation from the Ukraine. I know that we can all look forward to a very fruitful relationship with our new colleagues.

The European Community continues in its firm belief that our future in fisheries lies with the sound conservation and management of all the fish stocks in the Northwest Atlantic. We all have common interests as Contracting Parties in ensuring that those fish stocks remain available not just for our own futures but for those of our children. In order to do this, NAFO must remain at the very forefront of good management in international fisheries.

As in previous years, we have a number of important challenges ahead of us. I must reiterate the Community's firm commitment to the sound management of fishery resources based on the best scientific advice available, which reflects consistency and compatibility, both within areas under national jurisdiction and beyond. That is why I am concerned with the Canadian regulatory measures taken for 1999 for cod in area 2J 3KL. This is despite the fact that in the framework of the 1998 Annual Meeting, Canada notified NAFO that they were applying a moratorium for this stock. Sound management and compatibility will remain the basis of the Community's thinking throughout this week.

During this week, NAFO will be discussing a number of issues, which are of particular interest for the Community. In the time since the last Annual Meeting, you will recall that we have met as Contracting Parties on several occasions in the context of various Working Groups.

At the beginning of the year, a meeting was held in Bergen to discuss the issue of a NAFO dispute settlement mechanism. For the Community, the issue of such a mechanism peculiar to NAFO is of the utmost importance. We strongly support compulsory and binding dispute settlement, prevention of disputes and, if disputes do nevertheless arise, mechanisms that entail binding decisions with due regard to the peculiarities of the NAFO Convention.

In Dartmouth in March, our experts met to discuss the issue of transparency, an issue which has been on the table for some time and which I feel we should try to resolve at this meeting. It is an issue, which has been examined not only by NAFO but also by other regional fisheries organisations. The outcome of our deliberations will, however, very much influence the way in which this issue is dealt with elsewhere.

Finally in May, experts from the Contracting Parties came across the Atlantic to San Sebastian in Spain where they had the opportunity to discuss with scientists in a joint forum the issue of the Precautionary Approach. What seems clear to me now from this meeting is the need for us to have consistent terminology and concepts.

Mr. Chairman, I would like to wish everyone present today the very best towards achieving great success in our work this week. My Delegation and I are looking forward to working with you and with all our colleagues constructively in order to achieve what we must achieve; this means that we can fulfil all the objectives and challenges, which we have set ourselves. Thus said, we will push forward the interests of our organisation and ensure that NAFO remains at the forefront of international fisheries. Thank you.

Annex 4. Opening Statement by the Representative of Ukraine
(V. G. Chernik)

Mr. Chairman, Distinguished Delegates.

In this opening statement I would like first of all to express our deep thanks and appreciation to the NAFO Secretariat and the Government of Canada providing these fine arrangements and support for the session in such a beautiful and pleasant city as Halifax. We are happy to meet our colleagues from other delegations at this session. Thank you all for your warm greetings.

Last month Ukraine acceded to the NAFO Convention and it is a great honor for my country to join NAFO – the advanced regional fisheries organization. Ukraine places special importance on cooperation in the fisheries. We are looking forward to integrating into the NAFO "family".

As the new member-state Ukraine will do its best to develop joint efforts in moving towards our common goal promoting international fisheries law and ensuring that fishing in the Convention Area is conducted in a rational, sustainable and responsible manner. We believe that long-term distant fishing traditions and considerable experience of our fishermen and scientists will be useful for NAFO as well.

Being dependent upon the exploitation of living resources of other regions and sub-regions, due to poor stocks in the waters under Ukrainian jurisdiction, modern fishing industry of Ukraine is based to a great extent on distant fishing. Ukrainian shipowners such as "Atlantyka", "Autarktyka", "Yugrefrans Flot", "Kerchrybprom", "Yugrybpoisk" are well known among international fisheries community.

According to the FAO statistics in 1990 Ukraine fished about 1 200 thousand tons, 80 percent of which was the outcomes of distant fishing. Along with the other regions of the World ocean Ukrainian fishing vessels as a part of the USSR fishing fleet worked for many years in the Northwest Atlantic waters having acquired appropriate experience. Our specialists always paid a due attention to the fishing conditions of the area and strictly followed its conservation and management measures in spite of the fact that last years they had to fish under the NAFO Contracting Parties flags.

Adequate supplies for the nutrition purposes of Ukrainian 50 million population makes us further cooperative in establishing equitable multilateral management. Ukraine traditionally supports the efforts of international community aimed at conserving and sustainable exploiting of the World Ocean living resources.

To confirm its intention to cooperate in this field in accordance with internationally established legal regime, Ukraine signed the UN Fish Stock Agreement, recently became a Party to the UN Convention on the Law of the Sea, and, finally, acceded to the NAFO Convention. Using the NAFO experience and traditions as one of the most advanced international fisheries organization, Ukraine also takes an active part in establishing and developing such organization and instruments as Commission for the Conservation of Antarctic Marine Living Resources, Draft Convention on Conservation of Marine Living Resources of the Black Sea and Draft Convention on Conservation of Marine Living Resources of the Southeast Atlantica. Our faithful conduct is proved by the fact that Ukraine has never allowed unauthorized fishing or any other illegal activities in the NAFO Convention Area.

Mr. Chairman,

It is from the above-mentioned standpoint that we are here to work and to cooperate. Our delegation would like to be a good and helpful partner for others and expects that Ukraine's position will find due understanding and support by the NAFO Contracting Parties.

We wish everybody fruitful and productive work during the session. Thank you, Mr. Chairman.

Annex 5. Opening Statement by the Representative of the United States of America (A. Rosenberg)

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen.

The United States is very pleased to take part in this 21st Annual Meeting of NAFO and welcomes the Ukraine as the newest member of NAFO. We would also like to introduce the newest United States Commissioner, Mr. James O'Malley, to the membership. Mr. O'Malley is the Executive Director of the East Coast Fisheries Federation and has been a U.S. delegation member to NAFO meetings since 1996.

NAFO has embarked on several new and important initiatives in recent years, including: transparency, dispute settlement, precautionary approach, and quota allocation. All of these issues are elements of the UN Fish Stocks Agreement and the United States urges our fellow Contracting Parties in this organization to continue to address them. I hope that we can come to closure on transparency and make real progress in each of the other areas at this meeting. We would also like to congratulate the governments of Canada and the Ukraine for recently ratifying the UN Agreement.

The United States would like to note the important work of the FAO over the past two years where international plans of action have been developed for the management of fishing capacity, reductions in bycatch of seabirds and the conservation and management of sharks. The United States is strongly supportive of the role of regional organizations such as NAFO in implementing these international initiatives.

Finally, Mr. Chairman, our perspective is that, while NAFO may not currently be setting quotas for a large amount of fish, this organization has taken on the responsibility of managing a very important and productive area of the world's oceans. Thus, we must adhere conservatively to the best scientific advice available for all stocks and we must be precautionary in our management of new, existing and recovering stocks.

Mr. Chairman, the United States looks forward to working with all our fellow members of NAFO to meet our resource conservation and management goals.

Thank you very much.

**Annex 6. Opening Statement by the Representative of the
Russian Federation (V. Izmailov)**

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen,

The Russian Delegation welcomes all the Participants of the 21st NAFO Annual Meeting. We are also happy to express our welcome to the Ukrainian Delegation, which country had recently acceded to the NAFO Convention. *The Russian Delegation hopes that, as Russians say, "the walls in our native house"*, NAFO Headquarters, in the city of Dartmouth, would help us to carry out productive work, and the Russian delegation is looking for the same.

Russia supports the UN idea which calls for responsible fishing and precautionary approach in the management of fish stocks. And as it was already mentioned here that the fish stocks in the NAFO Regulatory Area are at low level, the Russian Delegation believes that our decisions on the management of stocks should be based on the best scientific evidence. The Russian delegation appeals to all Contracting Parties of NAFO to apply as much as possible means for the scientific research and unification of those methods in the Regulatory Area.

Russia also welcomes the NAFO idea with respect to transparency of NAFO work and its proceedings. And Russia also would like to consider this prudently on a precautionary basis that our decisions would not harm any Party.

The Russian side pays a lot of attention to reliability of fishing data and control of fishing in the NAFO Regulatory Area. I would like to inform the Meeting that the Russian Federation has adopted the law committing the Russian fishing industry to install satellite tracking devices on all Russian fishing vessels beginning 1 January 2000.

Mr. Chairman, on behalf of the Russian delegation, I wish all delegations present very productive work and accomplishments during this Annual Meeting.

Thank you!

**Annex 7. Opening Statement by the Representative of France
(in respect of St. Pierre et Miquelon) (G. Grignon)**

Mr. Chairman, Dear Colleagues,

We wish to extend a warm welcome to Ukraine who has joined this year. We also wish to thank our Canadian friends for their hospitality. I am sorry that I was not able to attend the meeting hosted by the American delegation last night where I was nevertheless ably represented by my colleague, Mr. Daniel Silvestre.

This is now the fourth meeting France on behalf of Saint Pierre et Miquelon has attended since it joined NAFO. In many ways, we feel more established in our role within the Organization even though it has only been 4 years.

As a small community located in the area for centuries, Saint Pierre has always been highly dependent on fisheries resources.

Because of this high dependency, we have paid a lot of attention to the rules and concepts introduced during the last decade, through UN or FAO agreements or recommendations.

Concepts of sustainable development, control, transparency, allocations, as well as the needs of small coastal communities, and international cooperation, are now being introduced either by new regional fisheries organizations which are being set-up, or through rules edicted by existing organizations.

NAFO plays a very important role in this respect. A lot of work has already been done, although we have still to deal with a number of constructive proposals.

For its part, France in respect of Saint Pierre et Miquelon has tabled proposals which take into consideration the concerns expressed by NAFO members.

We look forward to NAFO's comments on our proposals, such as the one arising from the Working Group on Allocation and Chartering.

The needs of Saint Pierre are modest, but access to the resource is essential for its development and existence, and we are ready to cooperate in a spirit of constructive dialog within NAFO, as we have done during the last four years.

Thank-you Mr. Chairman.

Annex 8. 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
 - c) Reports from Contracting Parties on their communication with Bulgaria and Romania
7. Transparency in the NAFO decision-making process (participation of inter-governmental and non-governmental organizations)
8. Administrative Report
9. Election of Chairman and Vice-Chairman

III. Coordination of External Relations

10. Communication with the United Nations (Resolution 52/28 - 26 Nov 97)
11. NAFO Participation at other International Organizations
 - a) FAO Consultation on the Management of Fishing Capacity, Shark Fisheries and Incidental Catch of Seabirds in Longline Fisheries, 1999
 - b) Meeting FAO and Regional Fisheries Bodies, 1999
 - c) ICES Dialogue Meeting, 1999
 - d) NAMMCO Annual Meeting, 1999
 - e) CWP-FAO Meeting, 1999

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

12. Consideration of Non-Contracting Parties activities in the NAFO Regulatory Area and agreement on the task of STACFAC at the current meeting
13. Report of STACFAC at the Annual Meeting and decisions on actions
14. Report of the Working Group on Dispute Settlement Procedures (DSP)

15. Report of the Working Group on the Allocation of Fishing Rights and Chartering of Vessels

V. Finance

16. Report of STACFAD at the Annual Meeting
17. Adoption of the Budget and STACFAD recommendations for 2000

VI. Closing Procedure

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

**Annex 9. Recommendation for Rules for Granting Observer
Status at NAFO Meetings
(GC Working Paper 99/10)**

Delete Rule 1.2 of the Rules of Procedure for both the General Council and the Fisheries Commission. Add Rule 9 and 10 respectively as follows:

Observers

(General Council)

Rule 9

- 9.1 The Executive Secretary shall invite:
- Intergovernmental organizations that have regular contacts with NAFO as regards fisheries matters or whose work is of interest to NAFO or vice-versa.
 - Non-Contracting Parties identified as harvesting fishery resources in the Regulatory Area.
- 9.2 All non-governmental organizations (NGOs) that support the general objectives of NAFO and with a demonstrated interest in the species under the purview of NAFO should be eligible to participate as an observer in all plenary meetings of the General Council, except meetings held in executive session or meetings of Heads of Delegations.
- 9.3 Any NGO desiring to participate as an observer in a meeting of the General Council shall notify the Secretariat of its desire to participate at least 100 days in advance of the meeting. This application must include:
- Name, address, telephone, fax number of the organization and the person(s) proposed to represent the organization;
 - Address of all its national/regional offices;
 - Aims and purposes of the organization and a statement that the NGO generally supports the objectives of NAFO, i.e., optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area;
 - Information on the organization's total number of members, its decision-making process and its funding;
 - A brief history of the organization and a description of its activities;
 - Representative papers or other similar resources produced by or for the organization on the conservation, management, or science of fishery resources to which the Convention applies;
 - A history of NAFO observer status granted/revoked;
 - Information or input that the organization plans to present at the meeting in question and that it would wish to be circulated by the Secretariat for review by Contracting Parties prior to the meeting, supplied in sufficient quantity for such distribution.
- 9.4 The Executive Secretary shall review applications received within the prescribed time, and, at least 90 days before the meeting for which the application was received, shall notify the Contracting Parties of the names and qualifications of NGOs having fulfilled the requirements stipulated in Rule 9.3. With respect to the plenary meetings of the General Council, if one or more of the Contracting Parties object giving in writing its reasons within 30 days, the matter will be put to a vote by written procedure.

Applications will then be considered as accepted in accordance with the procedures laid down in Article V para 2 of the Convention at least 30 days prior to the meeting. The Executive Secretary shall also circulate any reasons given in a preliminary objection as well as any comments that Contracting Parties may include with their vote on this matter.

9.5 Any NGO admitted to a meeting of the General Council may:

- Attend meetings, as set forth above, but may not vote;
- Make oral statements during the meeting upon the invitation of the chairman;
- Distribute documents at meetings through the Secretariat;
- Engage in other activities as appropriate and as approved by the chairman.

Any NGO admitted to a meeting of the General Council may not use films, videos, tape-recording devices etc. to record meeting proceedings.

9.6 Observers will be required to pay a fee, which will cover the additional expenses generated by their participation, as determined annually by the Executive Secretary.

9.7 The Executive Secretary will determine whether, due to conference room capacity, seating limitations require that a limited number of observers per NGO may be present at any meetings. The Executive Secretary will transmit any such determination in the conditions of participation.

9.8 All observers admitted to a meeting shall be sent or otherwise receive the same documentation generally available to Contracting Parties and their delegations, except those documents deemed confidential by a Contracting Party or the Executive Secretary.

9.9 All observers admitted to a meeting shall comply with all rules and procedures applicable to other participants in the meeting. Failure to conform to these rules or any other rules that NAFO may adopt for the conduct of observers may result in removal from the meeting by the presiding officer and revocation of observer status.

9.10 These rules shall be subject to review and revision, as appropriate, at or after the 23rd Annual Meeting (2001), where the Secretariat will prepare a report on the Observers' participation. If any Contracting Party so requests, the adequacy of these rules shall be reviewed and assessed and, if necessary amendments shall be adopted in the light of the need of NAFO to function effectively when conducting its business.

Observers

(Fisheries Commission)

Rule 10

10.1 The Executive Secretary shall invite:

- Intergovernmental organizations that have regular contacts with NAFO as regards fisheries matters or whose work is of interest to NAFO or vice-versa.
- Non-Contracting Parties identified as harvesting fishery resources in the Regulatory Area.

- 10.2 All non-governmental organizations (NGOs) that support the general objectives of NAFO and with a demonstrated interest in the species under the purview of NAFO should be eligible to participate as an observer in all plenary meetings of the Fisheries Commission, except meetings held in executive session or meetings of Heads of Delegations.
- 10.3 Any NGO desiring to participate as an observer in a meeting of the Fisheries Commission shall notify the Secretariat of its desire to participate at least 100 days in advance of the meeting. This application must include:
- Name, address, telephone, fax number of the organization and the person(s) proposed to represent the Organization;
 - Address of all its national/regional offices;
 - Aims and purposes of the organization and a statement that the NGO generally supports the objectives of NAFO, i.e., optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area;
 - Information on the organization's total number of members, its decision-making process and its funding;
 - A brief history of the organization and a description of its activities;
 - Representative papers or other similar resources produced by or for the organization on the conservation, management, or science of fishery resources to which the Convention applies;
 - A history of NAFO observer status granted/revoked;
 - Information or input that the organization plans to present at the meeting in question and that it would wish to be circulated by the Secretariat for review by Contracting Parties prior to the meeting, supplied in sufficient quantity for such distribution.
- 10.4 The Executive Secretary shall review applications received within the prescribed time, and, at least 90 days before the meeting for which the application was received, shall notify the Contracting Parties of the names and qualifications of NGOs having fulfilled the requirements stipulated in Rule 10.3. With respect to the plenary meetings of the Fisheries Commission, if one or more of the Contracting Parties objects giving in writing its reasons within 30 days, the matter will be put to a vote by written procedure. Applications will then be considered as accepted in accordance with the provisions laid down in Article XIV para 2 of the Convention at least 30 days prior to the meeting. The Executive Secretary shall also circulate any reasons given in a preliminary objection as well as any comments that Contracting Parties may include with their vote on this matter.
- 10.5 Any NGO admitted to a meeting of the Fisheries Commission may:
- Attend meetings, as set forth above, but may not vote;
 - Make oral statements during the meeting upon the invitation of the chairman;
 - Distribute documents at meetings through the Secretariat;
 - Engage in other activities as appropriate and as approved by the chairman.
- Any NGO admitted to a meeting of the Fisheries Commission may not use films, videos, tape-recording devices etc. to record meeting proceedings.
- 10.6 Observers will be required to pay a fee, which will cover the additional expenses generated by their participation, as determined annually by the Executive Secretary.

- 10.7 The Executive Secretary will determine whether, due to conference room capacity, seating limitations require that a limited number of observers per NGO may be present at any meetings. The Executive Secretary will transmit any such determination in the conditions of participation.
- 10.8 All observers admitted to a meeting shall be sent or otherwise receive the same documentation generally available to Contracting Parties and their delegations, except those documents deemed confidential by a Contracting Party or the Executive Secretary.
- 10.9 All observers admitted to a meeting shall comply with all rules and procedures applicable to other participants in the meeting. Failure to conform to these rules or any other rules that NAFO may adopt for the conduct of observers may result in removal from the meeting by the presiding officer and revocation of observer status.
- 10.10 These rules shall be subject to review and revision, as appropriate, at or after the 23rd Annual Meeting (2001), when the Secretariat will prepare a Report on the observers' participation. If any Contracting Party so requests, the adequacy of these rules shall be reviewed and assessed and, if necessary amendments shall be adopted in the light of the need of NAFO to function effectively when conducting its business.

**Annex 10. The FAO International Plans of Action on the Management
of Fishing Capacity, Shark Fisheries and Incidental Catch of
Seabirds in Longline Fisheries and NAFO**
(GC Working Paper 99/9, Revised)

The FAO Committee on Fisheries, meeting in February 1999, endorsed International Plans of Action (IPOAs) on the Management of Fishing Capacity, the Conservation and Management of Sharks and Reducing Incidental Catch of Seabirds in Longline Fisheries. These Plans of Action are expected to be adopted by the FAO Conference in November 1999 and are described below.

Each of the three IPOAs expressly call for States to cooperate internationally, including through regional fisheries organizations like NAFO, to achieve their objectives. Although the attainment of these objectives is substantially in the hands of States, and it is too early to define precisely what NAFO's role may be in these activities, it is clear that NAFO can make important contributions.

In light of these developments at the global level, the United States proposes that:

Overall

1. NAFO Contracting Parties who will be reporting on their implementation of the three IPOAs to FAO also submit that information to NAFO;

Capacity

2. the Fisheries Commission designate an observer to the November 1999 meeting in Mexico on refining the measurement of fishing capacity;
3. NAFO Contracting Parties are requested to report on their progress in evaluating fishing capacity as it may impact fisheries in the NAFO Regulatory Area for the 22nd Annual Meeting in 2000;

Sharks

4. the Fisheries Commission request the Scientific Council to summarize all available information from the Convention Area on catches of elasmobranchs by species, by NAFO Division; and
5. the Fisheries Commission request the Scientific Council to review available information on elasmobranch relative biomass, by species, from research vessel surveys and to quantify the extent of exploitation and initiate work to develop precautionary reference points.

Background

1. International Plan of Action for the Management of Fishing Capacity (IPOA-CAPACITY)
 - a) In the context of the Code of Conduct for Responsible Fisheries and its overall objective of sustainable fisheries, the issues of excess fishing capacity in world fisheries is an increasing concern. Excessive fishing capacity is a problem that, among others, contributes substantially to overfishing, the degradation of marine fisheries resources, the decline of food production potential, and significant economic waste.

The Code of Conduct provides that States should take measures to prevent or eliminate excess fishing capacity and should ensure that levels of fishing effort are commensurate with sustainable use of fishery resources.

- b) The IPOA-CAPACITY is voluntary. It has been elaborated within the framework of the Code of Conduct for Responsible Fisheries as envisaged by Article 2(d). The provisions of Article 3 of the Code apply to the interpretation and application of this IPOA and its relationship with other international instruments.

This document is in furtherance of the commitment of all States to implement the Code of Conduct. States and regional fisheries organizations should apply this document consistently with international law and within the framework of the respective competencies of the organizations concerned.

- c) The immediate objective of the IPOA-CAPACITY is for States and regional fisheries organizations, to achieve world-wide by 2003, but not later than 2005, an efficient, equitable and transparent management of fishing capacity. The management of fishing capacity on the basis of national and regional plans should be achieved through the following three phases: assessment and diagnosis (preliminary analysis to be completed by the end of 2000), adoption of management measures (preliminary steps to be adopted by the end of 2002) and periodic adjustment of such assessment and diagnosed measures, as appropriate. States and regional fisheries organizations should complete these steps and progressively implement by 2005 the complementary measures specified in the IPOA-CAPACITY. *Inter alia*, States and regional fisheries organizations confronted with an overcapacity problem, where capacity is undermining achievement of long-term sustainability outcomes, should endeavour initially to limit at present level and progressively reduce the fishing capacity applied to affected fisheries. Where long-term sustainability outcomes are being achieved, States and regional fisheries organizations nevertheless need to exercise caution to avoid growth in capacity undermining long-term sustainability objectives.

This objective may be achieved through a series of actions related to four major strategies:

- i. the conduct of national, regional and global assessments of capacity and improvement of the capability for monitoring fishing capacity;
- ii. the preparation and implementation of national plans to effectively manage fishing capacity and of immediate actions for coastal fisheries requiring urgent measures;
- iii. the strengthening of regional fisheries organizations and related mechanisms for improved management of fishing capacity at regional and global levels;
- iv. immediate actions for major transboundary, straddling, highly migratory and high seas fisheries requiring urgent measures.

These strategies may be implemented through complementary mechanisms to promote implementation of the IPOA-CAPACITY: awareness building and education, technical co-operation at the international level, and co-ordination.

The management of fishing capacity should be based on the Code of Conduct for Responsible Fisheries and take into consideration in the following major principles and approaches: participation, phased implementation, holistic approach, conservation priorities, new technologies, mobility, transparency.

2. International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks)

- a) For centuries artisanal fishermen have conducted fishing for sharks sustainably in coastal waters, and some still do. However, during recent decades modern technology in combination with access to distant markets have caused an increase in effort and yield of shark catches, as well as an expansion of the areas fished.

There is concern over the increase of shark catches and the consequences which this has for the populations of some shark species in several areas of the world's oceans. This is because sharks often have a close stock-recruitment relationship, long recovery times in response to over-fishing (low biological productivity because of late sexual maturity; few off-spring, albeit with low natural mortality) and complex spatial structures (size/sex segregation and seasonal migration).

- b) The IPOA-SHARKS is voluntary. It has been elaborated within the framework of the Code of Conduct for Responsible Fisheries as envisaged by Article 2(d). The provisions of Article 3 of the Code of Conduct apply to the interpretation and application of this document and its relationship with other international instruments. All concerned States are encouraged to implement it.

For the purposes of this document, the term "shark" is taken to include all species of sharks, skates, rays and chimaeras (Class *Chondrichthyes*), and the term "shark catch" is taken to include directed, bycatch, commercial, recreational and other forms of taking sharks.

- c) The IPOA-SHARKS applies to States in the waters of which sharks are caught by their own or foreign vessels and to States the vessels of which catch sharks on the high seas.

States should adopt a national plan of action for conservation and management of shark stocks (*Shark-plan*) if their vessels conduct directed fisheries for sharks or if their vessels regularly catch sharks in non-directed fisheries. When developing a *Shark-plan*, experience of subregional and regional fisheries management organizations should be taken into account, as appropriate.

States, within the framework of their respective competencies and consistent with international law, should strive to cooperate through regional and subregional fisheries organizations or arrangements, and other forms of cooperation, with a view to ensuring the sustainability of shark stocks, including, where appropriate, the development of subregional or regional shark plans.

The *Shark-plan* should contain a description of the prevailing state of:

- Shark stocks, populations;
- Associated fisheries; and,
- Management framework and its enforcement.

3. International Plan of Action for reducing incidental catch of Seabirds in longline fisheries (IPOA-Seabirds)

- a) Seabirds are being incidentally caught in various commercial longline fisheries in the world, and concerns are arising about the impacts of this incidental catch. Incidental catch of seabirds may also have an adverse impact on fishing productivity and profitability. Governments, non-governmental organizations, and commercial fishery associations are petitioning for measures to reduce the mortality of seabirds in longline fisheries in which seabirds are incidentally taken.

Key longline fisheries in which incidental catch of seabirds are known to occur are: tuna, swordfish and billfish in some particular parts of oceans; Patagonian toothfish in the Southern Ocean, and halibut, black cod, Pacific cod, Greenland halibut, cod, haddock, tusk and ling in the northern oceans (Pacific and Atlantic). The species of seabirds most frequently taken are albatrosses and petrels in the Southern Ocean, northern fulmars in the North Atlantic and albatrosses, gulls and fulmars in the North Pacific fisheries.

- b) IPOA-SEABIRDS is voluntary. It has been elaborated within the framework of the Code of Conduct for Responsible Fisheries as envisaged by Article 2(d). The provisions of Article 3 of the Code of Conduct apply to the interpretation and application of this document and its relationship with other international instruments. All concerned States are encouraged to implement it.

The IPOA-SEABIRDS applies to States in the waters of which longline fisheries are being conducted by their own or foreign vessels and to States that conduct longline fisheries on the high seas and in the exclusive economic zones (EEZ) of other States.

- c) In implementing the IPOA-SEABIRDS States should carry out a set of activities. This should be done as appropriate in conjunction with relevant international organizations. The exact configuration of this set of activities will be based on assessment of the incidental catch of seabirds in longline fisheries.

States with longline fisheries should conduct an assessment of these fisheries to determine if a problem exists with respect to incidental catch of seabirds. If a problem exists, States should adopt a National Plan of Action (NPOA-SEABIRDS) for reducing the incidental catch of seabirds in longline fisheries.

States which determine that an NPOA-SEABIRDS is not necessary should review that decision on a regular basis, particularly taking into account changes in their fisheries, such as the expansion of existing fisheries and/or the development of new longline fisheries. If, based on a subsequent assessment, States determine that a problem exists, they should follow the procedures outlined in the above paragraph, and implement an NPOA-SEABIRDS within two years.

States should start the implementation of the NPOA-SEABIRDS no later than the COFI Session in 2001.

In implementing their NPOA-SEABIRDS States should regularly, at least every four years, assess their implementation for the purpose of identifying cost-effective strategies for increasing the effectiveness of the NPOA-SEABIRDS.

**Annex 11. Terms of Reference for the Working Group
on Dispute Settlement Procedures (DSP)**
(GC Working Paper 99/12)

Proposed re-formulation of the mandate for the Working Group on Dispute Settlement Procedures:

- (a) examine the desirability and, as appropriate, the development of procedures for the settlement of disputes between NAFO Contracting Parties
 - by implementing in a NAFO context the 1995 UN Agreement and UNCLOS dispute settlement procedures, and
 - by including additional measures if needed;
- (b) report on the results of its work and its recommendations at the next annual meeting of NAFO.

**Annex 12. Statement by the Representative of the Republic of Korea
on Quota Allocation Practices
(Mr. G. Lee)**

I first would like to thank Mr. Koster and his Working Group colleagues for their hard work. As Korea was not present at the April meeting, I would like to take this opportunity to state Korea's basic positions with respect to point 7 of the report, specifically regarding the idea of reallocation of underutilized quotas.

1. Korea can understand the reasoning for which the idea of reallocation of unused and underutilized fishing quotas has been raised. However, I have to say that this kind of across-the-board approach risks creating unintended disadvantages to certain countries. Korea would be a good example.
2. We have been unable to use the allocated quotas ever since Korea joined the NAFO in 1993. The reason is quite simple and most of you already know it. The allocated quotas have been simply too small and not considered commercially profitable by the Korean enterprises. For example, Korea's quota for 3M redfish for this year is just 69 tons while it fished more than 9,000 tons on average before joining this organization. It is self-evident that any government would not be in a position to urge its fishing industry to operate in the red.
3. Korea, as a responsible Party, fully understands the need to limit the TACs and is quite committed to NAFO's Conservation and Enforcement Measures, which it has faithfully implemented. But, at the same time, and given its own experience with the allocated quotas, Korea strongly feels that we first have to look into what has caused each relevant country to not use or under-utilize them and what should be done to address these problems including eventual adjustment in the current quota table. Otherwise, this kind of discussion, without all the facts, would worsen the situation for countries like Korea and I believe it would not be in overall interests of this Organization.
4. Finally, any decision-making with respect to transfers of fishing quota should be made on a consensus basis. Otherwise, it would be totally unacceptable to the Contracting Party concerned and further weaken the domestic support for its government's participation in this Organization, which is already fragile.

**Annex 13. Resolution to Guide the Expectations of Future New Members
with Regard to Fishing Opportunities in the NAFO Regulatory Area
(GC Working Paper 99/8)**

The Contracting Parties,

NOTING that in accordance with relevant principles of international law, the Northwest Atlantic Fisheries Organization (NAFO) is the competent regional fishery management organization, and in accordance with the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (hereafter, the "Convention"), it has implemented conservation and management measures for particular stocks in the Convention Area;

NOTING Article XI(4) of the Convention;

NOTING Article 11 of the UN Agreement for the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks; and

DESIRING to guide the expectations of future new members with regard to fishing opportunities in the NAFO Regulatory Area;

HAVE AGREED to the following guidance:

1. NAFO is an open organization. Non-members may join the Organization by depositing an *instrument of accession* in accordance with Article XXII of the Convention. In accordance with Article IV of the Convention, all Contracting Parties are members of the General Council.
2. Should any new member of NAFO obtain membership in the Fisheries Commission, in accordance with Article XIII (1) of the Convention, such new members should be aware that presently and for the foreseeable future, stocks managed by NAFO are fully allocated, and fishing opportunities for new members are likely to be limited, for instance, to new fisheries (stocks not currently allocated by TAC/quota or effort control), and the "Others" category under the NAFO Quota Allocation Table.

Annex 14. Working Group Calendar 2000
(GC Working Paper 99/11)

<u>Working Group</u>	<u>Date</u>	<u>Place</u>
1) Precautionary Approach	29 February, 1-2 March	Brussels
2) Quota } 3) Shrimp }	27-30 March	Washington, DC
4) Dispute Settlement Procedures	29-31 May	Copenhagen
5) STACTIC } 6) STACTIC on Juveniles } 7) Technical WG on Communication }	26-30 June	Dartmouth

Annex 15. Press Release

1. The 21st Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO) was held in Dartmouth, Nova Scotia, Canada, during 07-17 September 1999, under the chairmanship of Alexander Rodin (Russia), President of NAFO. The NAFO constituent bodies - General Council, Fisheries Commission and Scientific Council convened their sessions at the Holiday Inn, Dartmouth.
2. The meeting was attended by 200 participants from sixteen Contracting Parties - Canada, Cuba, Denmark (in respect of Faroe Islands and Greenland), Estonia, European Union, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, Russia, Ukraine and United States of America.
3. Prior to the 21st Annual Meeting, the following NAFO meetings were held during 1999: (1) Working Group on Dispute Settlement Procedures (DSP) (Bergen, Norway, February 1999); (2) Working Group on Transparency and participation of observers (Dartmouth, Canada, March 1999); (3) Working Group on Allocation of Fishing Rights and Chartering of Vessels (Halifax, April 1999); (4) Scientific Council Meeting on Precautionary Approach (San Sebastian, Spain, April 1999); (5) Joint Scientific Council/Fisheries Commission Working Group on Precautionary Approach (San Sebastian, Spain, May 1999); (6) Scientific Council Meeting (Dartmouth, Canada, June 1999); (7) Symposium on Pandalid Shrimp (Dartmouth, Canada, September 1999).
4. The Scientific Council, under the chairmanship of H.-P. Cornus (EU-Germany), reviewed and assessed the status of 25 fish stocks in the NAFO Regulatory and Convention Areas. The scientific advice and recommendations from the Scientific Council were presented to the *Fisheries Commission with a special emphasis* that major groundfish stocks are at low abundance and should be placed under moratoria in 2000. The Scientific Council noted a steady increase of biomass of Greenland halibut in Divisions 2J+3KL and Yellowtail flounder in Div. 3LNO. The Scientific Council studied a precautionary approach (PA) to NAFO-managed stocks and recommended PA to several model stocks – Cod in Div. 3NO; Yellowtail flounder in Div. 3LNO; Shrimp in Div. 3M.

A joint Scientific Council and Fisheries Commission Working Group on Precautionary Approach will meet in 2000 to elaborate concepts, management plans and implementation of PA to other NAFO stocks.

5. The Fisheries Commission, under the chairmanship of P. Gullestad (Norway), considered the Scientific Council recommendations and agreed on joint international measures and actions for the conservation and utilization of the fishery resources in the Regulatory Area.

The Commission agreed to impose moratoria in 2000 on the following stocks: Cod in Divisions 3M and 3L (that portion within the Regulatory Area) and 3NO, Redfish in Div. 3LN, American plaice in Divisions 3M and 3LNO, Witch flounder in Div. 3NO and 3L (that portion within the Regulatory Area) and Capelin in 3NO. The Quota Table for 2000 was adopted (Attachment 1).

With regard to management measures for Cod in 2J3KL, Contracting Parties other than Canada expressed their serious concern that management measures for the stock may not be consistent throughout its range in the Convention Area in the year 2000.

New conservation and enforcement measures were agreed as follows:

- Regulation of incidental catch limits including basic requirements that vessels shall not conduct direct fisheries for species for which incidental catch limits apply;
- Concerning the shrimp fishery on the Flemish Cap in Division 3M, it was decided that the existing effort allocation Scheme in the shrimp fishery would continue, and that the fishing days should be 90% of maximum number of those observed by Contracting Parties for their vessels in one of the years during 1993-1995.
- A new shrimp fishery was established in Division 3L with a TAC of 6,000 mt for 2000 and 2001. The fishery will be undertaken with strict management measures: fishing area restrictions, gear restrictions, by-catch rules and 100% observer coverage.
- Regulatory measures for chartering vessels between Contracting Parties. The chartering of vessels will be restricted to one vessel per year to any Contracting Party interested.

On the subject of the precautionary approach, the Fisheries Commission adopted a Resolution to Guide Implementation of the Precautionary Approach within NAFO (Attachment 2). However, the process for implementing a precautionary approach to fisheries will continue, and it has been agreed to hold a joint meeting between Fisheries Commission and Scientific Council in 2000.

6. The General Council, under the chairmanship of A. Rodin (Russia), deliberated several outstanding issues regarding internal and external NAFO policy and resolved the following:
 - For improving transparency in NAFO proceedings and decisions, the agreement was reached to adopt provisional Rules of Procedure for admitting observers of NGOs to General Council and Fisheries Commission meetings.
 - The Working Group on Dispute Settlement Procedures will continue its work under new terms of reference during 2000.
 - The Working Group on Allocation of Fishing Rights will be convened in USA in 2000.
 - The President of NAFO signed diplomatic démarches to the Non-Contracting Party flag-States whose vessels fished in the NAFO Regulatory Area in 1998/1999, namely Belize, Honduras, Sao Tome & Principe and Sierra Leone.
 - The General Council adopted a Resolution to guide expectations of any new Contracting Party with regards to Quota Allocations (Attachment 3).
7. The following elections of NAFO officers took place:

Chairman of the General Council	-	E. Oltuski (Cuba)
Vice-Chairman of the General Council	-	P. Chamut (Canada)
Chairman of the Fisheries Commission	-	P. Gullestad (Norway)
Vice-Chairman of the Fisheries Commission	-	D. Swanson (USA)
Chairman of Standing Committee on International Control (STACTIC)	-	D. Bevan (Canada)

Chairman of Standing Committee on Finance and Administration (STACFAD)	-	G. F. Kingston (EU)
Vice-Chairman of Standing Committee on Finance and Administration (STACFAD)	-	J.-P. Plé (USA)
Chairman of the Scientific Council	-	W. Brodie (Canada)
Vice-Chairman of the Scientific Council	-	R. Mayo (USA)
Chairman of the Standing Committee on Publications (STACPUB)	-	O. A. Jørgensen (Denmark/Greenland)
Chairman of the Standing Committee on Fishery Science (STACFIS)	-	H.-J. Rätz (EU-Germany)
Chairman of the Standing Committee on Research Coordination (STACREC)	-	R. Mayo (USA)

NAFO General Council
17 September 1999

NAFO Secretariat
Dartmouth, N.S., Canada

Attachment 1
(Press Release)

QUOTA TABLE. Total allowable catches (TACs) and quotas (metric tons) for 2000 of particular stocks in Subareas 3 and 4 of the NAFO Convention Area. The values listed include quantities to be taken both inside and outside the 200-mile fishing zone, where applicable.

Contracting Party	Cod		Redfish		American plaice		Yellowtail		Witch		Capelin		G. halibut		Squid (Illex) ^{2,3}		Shrimp
	Div. 3M	Div. 3NO*	Div. 3M	Div. 3LN*	Div. 3M*	Div. 3LNO*	Div. 3LNO	Div. 3NO*	Div. 3NO*	Div. 3MNO	Div. 3MNO	Div. 3NO*	Div. 3MNO	Subareas 3+4	Subareas 3+4	Div. 3L	
1. Canada	0	0	500	0	0	0	9750 ⁷	0	0	3 890	N.S. ⁴	0	0	5 000	5 000	67	
2. Cuba	0	-	1750	0	-	-	-	-	-	-	-	-	-	510	-	-	
3. Denmark (Faroe Islands and Greenland)	0	-	69	-	-	-	-	-	-	-	-	-	-	-	-	67	
4. European Union	0	0	3100	0	0	0	200 ⁷	-	0	14 355	N.S. ⁴	0	-	67	67	-	
5. France (St. Pierre et Miquelon)	-	-	69	-	-	-	-	-	-	-	-	-	-	453	-	67	
6. Iceland	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	67	
7. Japan	-	-	400	-	-	-	-	-	0	2 658	-	0	-	510	-	67	
8. Korea	-	-	69	-	-	-	-	-	-	-	-	-	-	453	-	67	
9. Norway	0	-	-	-	-	-	-	-	0	-	-	0	-	-	-	67	
10. Poland	0	-	-	-	-	-	-	-	0	-	-	0	-	227	-	67	
11. Estonia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	67	
12. Latvia	0	0	13 850 ¹	0	0	0	-	0	0	-	-	0	-	1 133 ¹	-	67	
13. Lithuania	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	67	
14. Russia	-	-	-	-	-	-	-	-	-	3 307	-	-	-	-	-	67	
15. Ukraine	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	67	
16. United States of America	-	-	69*	-	-	-	-	-	-	-	-	-	-	453	-	67	
17. Others	0	0	124	0	0	0	50 ⁷	0	0	1 725 ⁵	-	-	-	794	-	0	
Total Allowable Catch	-	-	5 000 ⁶	-	-	-	10 000 ⁶	-	-	25 935	-	-	-	34 000	-	6 000	

¹ Quotas to be fished by vessels from Estonia, Latvia, Lithuania and the Russian Federation. The provisions of Part 1, 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 Of which no more than 40% (690 t) may be fished before 1 May 2000 and no more than 80% (1380 t) may be fished before 1 October 2000.

⁶ Each Contracting Party shall notify the Executive Secretary bi-weekly of catches taken by its vessels from this stock. Not more than 2500 tons may be fished before July 1, 2000. The Executive Secretary shall notify without delay all Contracting Parties of the date on which, for this stock, accumulated reported catch taken by vessels of the Contracting Parties is estimated to equal 50 and then 100 percent of the TAC for that stock.

⁷ Contracting Parties shall inform the NAFO Executive Secretary before 1 December 1999 of the measures to be taken to meet the advice of the NAFO Scientific Council.

⁸ The provisions of Part 1, Section A.5c) of NAFO Conservation and Enforcement Measures shall apply.

⁹ No directed fishing - The provisions of Part 1, Section A.3a and c of NAFO Conservation and Enforcement Measures shall apply.

Attachment 2
(Press Release)

RESOLUTION
to Guide Implementation
of the Precautionary Approach within NAFO

The Fisheries Commission,

NOTING that considerable work and progress have occurred toward implementation of the precautionary approach within the NAFO context;

NOTING 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 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks;

NOTING the provisions of Article 7.5 of the FAO Code of Conduct for Responsible Fisheries;

NOTING the Roles and Responsibilities of Scientists and Managers outlined in Annex 3 to the Report of the Working Group on Precautionary Approach (NAFO/FC Doc. 98/2);

DESIRING to further harmonize terminology and application of the precautionary approach within relevant fisheries organizations;

FURTHER DESIRING to be precautionary in its management of stocks within the NAFO Regulatory Area;

RESOLVES to apply a precautionary approach widely for stocks under NAFO purview and to achieve this goal agree:

1. To determine precautionary reference points for stocks where sufficient information exists.
2. For all other stocks, to determine provisional precautionary reference point, whenever possible, and a precautionary approach otherwise.
3. To provide mechanisms to fill in data gaps.
4. To implement precautionary management strategies (*harvest control rules*), consistent with 1. and 2. above.
5. To consider additional supportive management measures to complement the application of the precautionary approach.
6. To define and adopt precautionary strategies for the re-opening of fisheries and for new and developing fisheries.
7. To harmonize terminology and concepts for the application of the precautionary approach within relevant fisheries organizations.

RESOLUTION**to Guide the Expectations
of Future New Members with Regard to Fishing Opportunities
in the NAFO Regulatory Area**

The Contracting Parties,

NOTING that in accordance with relevant principles of international law, the Northwest Atlantic Fisheries Organization (NAFO) is the competent regional fishery management organization, and in accordance with the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (hereafter, the "Convention"), it has implemented conservation and management measures for particular stocks in the Convention Area;

NOTING Article XI(4) of the Convention;

NOTING Article 11 of the UN Agreement for the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks; and

DESIRING to guide the expectations of future new members with regard to fishing opportunities in the NAFO Regulatory Area;

HAVE AGREED to the following guidance:

3. NAFO is an open organization. Non-members may join the Organization by depositing an instrument of accession in accordance with Article XXII of the Convention. In accordance with Article IV of the Convention, all Contracting Parties are members of the General Council.
4. Should any new member of NAFO obtain membership in the Fisheries Commission, in accordance with Article XIII (1) of the Convention, such new members should be aware that presently and for the foreseeable future, stocks managed by NAFO are fully allocated, and fishing opportunities for new members are likely to be limited, for instance, to new fisheries (stocks not currently allocated by TAC/quota or effort control), and the "Others" category under the NAFO Quota Allocation Table.

**Annex 16. List of Decisions and Actions by the General Council
(21st Annual Meeting, 13-17 September 1999)**

Substantive issue	Decision/Action (GC Doc. 99/9, Part I: item)
1. Membership of Ukraine	Acceded to the NAFO Convention on 30 August 1999 Admitted to the Fisheries Commission on 13 September 1999
2. Transparency of NAFO Activities and Decisions: - Rules for Granting Observer Status at NAFO Meetings	Discussed: items 2.4-2.5 Adopted: item 2.5
3. Report of STACFAC - New Diplomatic Demarches to Belize, Honduras, São Tomé e Príncipe, Sierra Leone	Discussed: items 4.1-4.6 Agreed/signed: item 4.6
4. Working Group on Dispute Settlement Procedures (DSP) - New Terms of Reference - Working Group Meeting, Copenhagen, Denmark, 29-31 May 2000	Discussed: items 4.7-4.8 Adopted: item 4.8 Agreed: item 4.8
5. Working Group on Allocation of Fishing Rights - Resolution to Guide the Expectations of Future New Members with Regard to Fishing Opportunities in the NAFO Regulatory Area - Working Group Meeting, Washington, D.C., USA, 27-30 March 2000	Discussed: items 4.9-4.12 Adopted: item 4.11 Agreed: item 4.12
6. Election of Officers: - Chairman of the General Council - Vice-Chairman of the General Council	Enrique Oltuski (Cuba) Patrick Chamut (Canada)
7. Budget for 2000 - hail report computer system	Adopted: \$1,157,000 Cdn, item 5.2 - \$35,000 Cdn

PART II

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

1. Opening by the Chairman

The first session of the Standing Committee on Finance and Administration (STACFAD) was opened by Mr. G.F. Kingston (European Union) at 1015 hrs on 13 September 1999.

The Chairman welcomed all delegates and in his opening remarks noted that the agenda had a number of issues which have financial implications for the Organization. Delegates from the following Contracting Parties were present: Canada, Cuba, Denmark (in respect of Faroe Islands and Greenland), European Union, France (in respect of St. Pierre et Miquelon), Japan, Latvia, Norway, Russian Federation, and United States of America. The NAFO Secretariat was represented by Dr. Chepel, F. Keating and S. Goodick (Annex 1).

2. Appointment of Rapporteur

B. Steinbock (Canada) and S. Goodick (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 1998

The Executive Secretary presented the Auditors' Report and Financial Statements of the Northwest Atlantic Fisheries Organization for the Year Ended 31 December 1998. The Executive Secretary indicated that the Auditors' Report, signed by Deloitte & Touche, was circulated to the Heads of Delegation on 25 March 1999.

The Canadian representative referred to Note 11 of the Auditors' Report entitled "Uncertainty Due to the Year 2000 Issue" and sought clarification whether the Y2K audit had been completed as authorized by the 1998 budget. The Executive Secretary confirmed that \$4000 of the \$5000 authorized was expended and that the audit confirmed that the NAFO Secretariat computers are Year 2000 compliant. A copy of the Y2K Audit Report was provided to the Committee (Annex 10).

Note 10 of the Auditors' Report concerns a proposed change to the recording of capital assets for non-profit organizations as required by the Canadian Institute of Chartered Accountants. Due to this requirement, this change to the Organization's accounting policy will be reflected in the financial statements for the 1999 fiscal year. Capital assets have previously been expensed on acquisition. As of January 1, 1999, the Organization will begin to capitalize all capital assets (over \$500) and amortize them accordingly.

As stated in Note 4 of the Auditors' Report entitled "Provision for Employee Termination Benefits", the Committee noted the Organization's practice of funding this liability at the rate of \$10,000 per annum as approved by the General Council at the 19th Annual Meeting in 1997.

STACFAD recommended to the General Council that the 1998 Auditors' Report be adopted.

5. Meeting of the Pension Society

The International Fisheries Commissions Pension Society (IFCPS) administers the pension plans and benefits for employees of NAFO and other international fisheries commissions based in North America. The annual meeting was held during 19-22 April 1999 in Ottawa, Ontario, Canada. The next annual meeting of the IFCPS is scheduled to take place in Seattle, Washington, USA during 26-28 April 2000.

The Executive Secretary presented STACFAD Working Paper 99/2 summarizing the annual meeting, which was attended by the NAFO Secretariat staff F. Keating and S. Goodick. The following items were noted:

- a) The IFCPS signed a contract with Eckler Partners Limited during 1998 to provide pension consulting, actuarial and administrative services. The Society and representatives from the Commissions have been pleased with the services provided by Eckler Partners Limited and NAFO's annual share of the contract has substantially diminished from \$6,800 to approximately \$1,700.
- b) The IFCPS is continuing to review the premium rates for Group Life Insurance and Long Term Disability Insurance in an effort to reduce costs.
- c) A new set of investment guidelines for an improved asset mix of the Canadian Pension Plan Funds was established. The new guidelines see a switch from 100% Guaranteed Investment Certificates (GIC's) to an asset mix of 50% stocks and 50% bonds. The new asset mix will provide a more stable investment base and return on investment.

6. Review of Cost Implications of the Hail and Satellite Tracking Systems at the NAFO Secretariat

STACFAD Working Paper 99/1 (Annex 3) and Addendum 1 to STACTIC Working Paper 99/2 were distributed and reviewed by the Committee.

The Executive Secretary noted that the computer system to handle reports has been upgraded in stages over the previous years. In 1998, NAFO Headquarters installed a network and server, which could provide opportunities to handle the hail system. The cost for the system upgrade is being covered within the annual operating expense budget.

The General Council, at the 20th Annual Meeting of NAFO, allocated \$35,000 to the 1999 budget for the automation of the hail system. In 1999, the NAFO Secretariat signed a Contract with Software Kinetic Company (of Halifax) to undertake research and to find a solution to the automated system along the guidelines of multinational compatibility/accessibility and of cost-effectiveness. The proposal, including cost implications, is outlined in the attached working paper. The cost incurred for this contract was \$2,600. As only \$2,600 of the 1999 budgeted amount of \$35,000 for the automation of the hail system has been expended, the remaining \$32,400 will be returned to the Accumulated Surplus.

It is anticipated that a STACTIC Working Group will meet before the next Annual Meeting to review the technical feasibility of this proposal.

STACFAD recommended that \$35,000 be allocated to the 2000 budget as a contingency to cover possible recommendations of the STACTIC Working Group on this matter.

7. Administrative and Financial Statements for 1999 (July)

The Executive Secretary presented the Administrative Report and Financial Statements (NAFO GC Doc. 99/5 and GF/99-485).

The Committee reviewed the financial statements in detail and noted, in particular, the following:

- the total 1999 projected expense obligations are \$1,129,000, which is \$37,000 over the approved budget of \$1,092,000.
- salaries are projected to be \$35,500 over budget. NAFO follows the salary scale of the Public Service of Canada. Salary levels were updated pursuant to contracts ratified by the Treasury Board of Canada and the Public Service Alliance of Canada. The contracts were for the period June 1997 to June 1999 and salary increases were retroactive to June 1997.
- Termination benefits are projected to be \$18,000 over budget and are calculated based upon current salary levels that were retroactive to 1997.
- The costs of the Scientific Council Meeting are projected to be \$19,000 over budget. A change in venue for the June Scientific Council resulted in increased meeting space costs. Also the implementation of a Local Area Network at the Scientific Council meeting increased costs by approximately \$5,000.
- Computer Services is projected to be \$32,400 under budget. Only \$2,600 of the \$35,000 allocated for the automation of the hail system was expended during the year.

The financial statements were prepared as of 31 July 1999 and Contributions Receivable from Contracting Parties were at \$106,514. Subsequent to the preparation of these financial statements, payments have been received from Denmark (in respect of Faroe Islands)(\$16,763.94), Republic of Korea (\$16,763.94) and the Russian Federation (\$20,471.49). The representative from Cuba informed participants that a payment in the amount of \$17,930.78 (1998 contribution) was in the process of being issued. Outstanding contributions are due from Cuba (\$17,374.09) and Estonia (\$17,705.95).

It was also noted that contributions were not received from Bulgaria and Romania. The Executive Secretary noted that attempts to contact Bulgaria and Romania by the NAFO Secretariat have not been successful. As in prior years, **the Committee deemed these contributions uncollectible and recommended that these amounts be applied against the Accumulated Surplus.**

A schedule of outstanding contributions detailing the total amounts due from Bulgaria and Romania was distributed. (Annex 4).

The Committee discussed attempts by Contracting Parties to contact Bulgaria and Romania with respect to outstanding contributions and their intentions to participate in NAFO. Both Canada and the USA had forwarded démarches to the Governments of Bulgaria and Romania with no positive information on their intentions. **The Committee recommended that Contracting Parties continue attempts to contact Bulgaria and Romania in order to ascertain whether they intend to participate in NAFO and to inform them of their outstanding contributions. The Committee further recommended that Contracting Parties exchange information about such contacts through the NAFO Secretariat.**

The Executive Secretary reported the conclusions of the Summary of International Organizations' rules regarding payment of contributions and participation to deal with situations similar to NAFO's experience with Bulgaria and Romania (Addendum 1 – Item 6 – Itemized Memorandum to GC Agenda). The Committee noted that the NAFO rules and provisions were consistent with international practice and that the expulsion of those members with outstanding contributions was not part of current practice.

In GC Working Paper 99/5 the Chairman of the Scientific Council referred two recommendations with cost implications. The Scientific Council considered NAFO representation at international meetings as valuable for the Council and recommended that NAFO be represented by the Executive Secretary or the Assistant Executive Secretary at the 30 November – 3 December 1999 Advisory Committee on Fisheries Research (ACFR) Meeting of the Food and Agriculture Organization in Rome.

STACFAD recommended to the General Council that NAFO be represented by the Executive Secretary or the Assistant Executive Secretary at the ACFR meeting 30 November – 3 December 1999 and that funds be allocated from the 1999 accumulated surplus.

The Committee noted that fishery statistics (STATLANT 21A & 21B) were outstanding from a number of Contracting parties and recommended that General Council urge Contracting Parties to submit their reports to the NAFO Secretariat on time to ensure the ongoing integrity of the NAFO Statistical database.

8. Review of the Accumulated Surplus Account

The Executive Secretary reviewed the accumulated surplus account and it was noted that the year-end balance is estimated to be \$196,736 provided that all outstanding member contributions (excluding Bulgaria/Romania) are received.

As in past years, STACFAD recommended that \$75,000 be maintained as a minimum balance in this account in order to fulfill NAFO's financial obligations in early 2000 until contributions are received.

The remaining estimated accumulated surplus balance (\$121,736) at the end of 1999 would be used to reduce contributions due from Contracting Parties in 2000.

9. Preliminary Budget Estimate for 2000

The Executive Secretary presented the preliminary budget estimate for 2000 (Annex 5).

The Committee reviewed the preliminary budget estimate in detail and noted:

- salary levels include a 2% cost of living adjustment (COLA), as NAFO follows the scale of the Public Service of Canada. Current contracts have expired as of June 1999 and no COLA salary increases will be given until an agreement is finalized between the Treasury Board of Canada and the Public Service Alliance of Canada .
- computer services include \$35,000 for automation of the hail system;
- the meeting account has been itemized to reflect budget estimates for the various meetings scheduled during 2000. At least five inter-sessional meetings are scheduled for 2000 including the following: WG on Quota Allocations, Inter-sessional WG on the

Precautionary Approach and an inter-sessional STACTIC WG, WG on DSP and WG on Shrimp;

- the preliminary budget estimate for 2000 is \$1,157,000;
- the preliminary calculation of the 2000 billing is \$1,035,264 (Annex 6).

STACFAD recommended to the General Council that the budget of \$1,157,000 be adopted for 2000.

10. Preliminary Budget Forecast for 2001

STACFAD noted the preliminary budget forecast for 2001 (Annex 7) would be reviewed in detail during the 22nd Annual Meeting.

STACFAD Working Paper 99/3 (Annex 8) on the publication of NAFO century book – Northwest Atlantic Fisheries in the 20th Century” was presented by the Executive Secretary. The Committee agreed in principle with the proposal and **recommended that the Executive Secretary proceed on this basis.**

The Canadian representative emphasized that cost recovery be encouraged through the sale of the majority of the expected print run. The Committee also requested that the Executive Secretary review the anticipated demand for this publication and report to STACFAD at the next annual meeting.

STACFAD Working Paper 99/6 (Annex 9) on NAFO’s financial contribution to a joint ICES/NAFO Symposium, 2001 was presented for review. The Committee had concerns with the amount of the contribution considering NAFO’s emphasis on budget restraints. There were also concerns with the appropriateness of NAFO funding the transportation of artwork to the Symposium. STACFAD is not opposed to providing a contribution to the joint ICES/NAFO Symposium in August 2001 and requested that the Scientific Council review its request in light of the foregoing concerns for reference back to STACFAD at the next Annual Meeting.

11. Time and Place of 2001-2002 Annual Meeting

The location of the Annual Meeting for 2000 is scheduled for Boston, Massachusetts, USA and an invitation has been extended by Cuba to host the Annual Meeting in Havana for 2001. The 2002 Annual Meeting will be held in Halifax, Nova Scotia, Canada, unless an invitation to host the Annual Meeting is extended by a Contracting Party and accepted by the Organization.

The representative from the United States of America stated that their Contracting Party is uncomfortable with the location of the 2001 Annual Meeting.

The dates of the next Annual Meetings are as follows:

2000	-	Scientific Council	-	13-22 September
	-	General Council	-	18-22 September
	-	Fisheries Commission	-	18-22 September
2001	-	Scientific Council	-	12-21 September
	-	General Council	-	17-21 September
	-	Fisheries Commission	-	17-21 September

STACFAD recommended that the dates of the 2002 Annual Meeting be as follows:

2002	-	Scientific Council	-	11-20 September
	-	General Council	-	16-20 September
	-	Fisheries Commission	-	16-20 September

12. Other issues including any questions referred from the General Council during the current Annual Meeting

1) Year 2000 Preparedness:

The Canadian representative reiterated the need, as a matter of due diligence, for the Organization to be prepared with contingency plans to address the year 2000 (Y2K) computer challenge. The Executive Secretary again noted that the Y2K audit conducted during 1999 provided assurances that NAFO computers were year 2000 compliant. A copy of the Y2K Audit Report (STACFAD Working Paper 98/3) was provided to the Committee (Annex 10).

2) Access to NAFO Documents via the Internet:

The Committee recommended that the Secretariat provide a report not later than the next Annual Meeting regarding improved electronic access to NAFO documents, including those that are for restricted or limited distribution.

13. Election of Chairman and Vice-Chairman

STACFAD elected F. Kingston, of the European Union, for the position of Chairman and J.-P. Plé, of the United States of America, for the position of Vice-Chairman.

14. Adjournment

The final session of the STACFAD meeting adjourned on 15 September 1999 at 1730 hrs.

Annex 1. List of Participants

<u>Name</u>	<u>Contracting Party</u>
B. Steinbock	Canada
V. Sarda	Cuba
J.H. Toftum	Denmark (in respect of Faroe Islands and Greenland)
G.F. Kingston	European Union
M. Stein	European Union
G. Grignon	France (in respect of St. Pierre et Miquelon)
H. Nakayama	Japan
R. Derkacs	Latvia
K. Dørum	Norway
M.G. Botvinko	Russian Federation
G.V. Goussev	Russian Federation
D. Warner-Kramer	USA
L.I. Chepel	NAFO Secretariat
S.M. Goodick	NAFO Secretariat
F.D. Keating	NAFO Secretariat

Annex 2. Agenda

1. Opening by the Chairman, G.F. Kingston (EU)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Auditor's Report
5. Meeting of the Pension Society
6. Review of Cost Implications of the Hail and Satellite Tracking Systems in the Regulatory Area
7. Administrative and Financial Statements for 1999 (July)
8. Review of Accumulated Surplus Account
9. Preliminary Budget Estimate for 2000
10. Preliminary Budget Forecast for 2001
11. Time and Place of 2001-2002 Annual Meeting
12. Other issues including any questions referred from the General Council during the current Annual Meeting
13. Election of Chairman and Vice-Chairman
14. Adjournment

Annex 3. Cost Implications of the Hail and Satellite Tracking Systems at the NAFO Secretariat

The provisions of the Hail and Satellite Tracking Systems are spelled-out in the NAFO Conservation and Enforcement Measures (FC Doc. 98/1, Part III.E and FC Doc. 99/1, Part VI).

Pursuant to these provisions, the Secretariat is responsible for the receipt, verification and transmittal of the hail/satellite reports to the Contracting Party with inspection presence in the NAFO Regulatory Area (RA). In 1999, there were two (2) Contracting Parties with inspection vessels/aircraft in the RA - Canada and the European Union.

During previous years, 1995-1997, there were several stages of upgrades of the NAFO Secretariat computer system to accommodate specifically the hail system. A new database, Microsoft Access 7.0, and an X.25 Connection were introduced enabling the hail reports communication from the NAFO Secretariat to Contracting Parties with inspection presence (Canada and EU).

For the last years, it became evident that we were actually facing two reporting systems – hail and satellite tracking, which require ultimate computer automation and management through one consolidated technical system. The basis for this approach was established by the Fisheries Commission, which adopted standardized formats for hail transfer by electronic means.

In 1998, the NAFO Secretariat established a complete computer network system at its Headquarters, which includes:

high speed cabling of 100 MB/sec; Central Server of 128 MB of RAM and 4 gigabyte harddrives (2); separate E-mail address-connection.

Those costs were \$10,095 Cdn and reported to STACFAD at the 20th Annual Meeting.

In 1999, the NAFO Secretariat signed a Contract with the Software Kinetic Company (of Halifax) pursuing the goal to undertake research and find a solution to the automated system along the guidelines of multinational compatibility/accessibility and its cost-effectiveness.

The recommendation of the Software Company are attached in Addendum I. The total costs projected are as follows:

- Hardware, up to \$11,080 Cdn (one time)
- Software Kinetic fees-labour - \$35,000 Cdn (one time)
- Annual communication-internet fees – in the range of \$300-400 Cdn/month.

The actual annual cost of hail transmissions by the NAFO Secretariat was in the range projected in the budget - \$4,300 or at the level of 1997 and 1998.

Addendum 1
(to Annex 3)

Proposed Solution for NAFO Automotive Reporting System
(by Software Kinetic Company)

1. Hail/Satellite Message Processing System

A PC workstation/server is the proposed hardware platform. This hardware platform would be a typical name brand Pentium PC (including 17" monitor, keyboard, mouse, graphics card, and 200W power supply, CD-ROM) with a 3 year warranty and include:

- 2 hard drives (at least 2 Gb each) to allow mirroring of data,
- Tape backup device
- Uninterruptable Power Supply (UPS), and
- Appropriate hardware for Internet connectivity (this may be supplied by the ISP depending upon the type of Internet access selected).
- A permanent Internet connection is preferred to allow real-time handling of Hail Messages and to ensure the availability of Forward Hail Messages to the inspection organizations. A high speed Internet connection is not required, as the actual amounts of data being transferred are very small.

The software needed to run on the proposed hardware platform would include:

- Microsoft NT Server
- Microsoft Office Pro (includes Microsoft Word, PowerPoint, Excel, Access)
- InterMail Post Office (mail server software)
- PGP (e-mail encryption and digital signature software)

Custom application software would be developed for the following processing tasks:

- Decrypting and verifying digital signatures using PGP
- Validating received Hail Messages
- Generating Forward and Return Hail Messages
- Entering validated Hail Message information into the database
- Encrypting and digitally signing outgoing e-mail messages
- Porting existing Access database to new Access database

2. Security Recommendation – Firewall

Additionally, the use of a firewall would improve security. Software Kinetics recommends that the NAFO Secretariat consider including a firewall as part of the solution. The firewall would be a commercially available software application that would run on a dedicated PC host running Unix or NT. The advantages of using a commercially available firewall are that the product is technically supported and easy to setup and maintain.

A packet filtering firewall should be sufficient for the NAFO Secretariat's needs. The packet filtering firewall is the easiest and least expensive implementation of a commercially available firewall. The amount and type of traffic to be checked is minimal and thus the packet filtering firewall is preferred over a proxy filter firewall.

3. Additional Firewall Considerations

A low-end solution would be to use a router and implement a router control list. The Internet Service Provider typically controls the routers. This most likely mean that the NAFO Secretariat would have little or no control of or access to the router configuration. In addition, routers provide little or no customization capabilities.

A medium-end solution would be to procure a PC running Linux with a free-ware packet filter software application. This would allow the NAFO Secretariat to implement a cost effective method to implement a firewall but this solution adds additional manual maintenance support requirements over the long term.

4. Cost Estimates

All prices noted in this section are estimates and are not be considered as a quote. These cost estimates are provided for discussion purposes only. A firm fixed price will be quoted at a later date following discussions with the NAFO Directorate regarding their preferences. These cost estimates do not include applicable taxes.

The following table provides cost estiamtes for the hardware and software components of the system.

ITEM	ESTIMATED COST
Basic Pentium PC (including Windows NT Server OS and 3 year warranty)	\$4000
UPS	\$500
Printer	\$500
Microsoft Office Professional	\$800
InterMail Post.Office	\$1500 (see NOTE 1)
PGP software (encryption, digital signatures)	\$200
Internet connection (on-demand 28.8 communication line)	\$1000 (see NOTE 2)
Firewall Hardware (basic Pentium PC)	\$2500
Firewall Software (Linux - Red Hat)	\$80 (see NOTE 3)
TOTAL:	\$11,080.00

NOTE 1: This includes a license for > 10 mail accounts and software support and maintenance.

NOTE 2: Unlimited on-demand access to the Internet through an Internet Service Provider (ISP) requires the use of a normal business phone line (supplied by the phone company) and a router (supplied by the ISP). The cost of the router and its set-up are included in the estimated cost noted in the table. The business phone line charges are not included in the cost estimate noted in the table. There is an ongoing service charge paid on a monthly basis for the unlimited access connection. Other communication options exist including ISDN and ASKL. This solution assumes that e-mail sent to the Inspection Organizations does not need to be stored locally on the NAFO mail server for pickup - the e-mail will be immediately delivered to the Inspection Organizations mailbox (wherever they chose to host their mail server).

NOTE 3: Linux is a Unix like operating system that includes firewall software suitable for this application.

On going charges will apply for such items as the business phone line (approximately \$60/month) and ISP unlimited on-demand service charges (approximately \$200/month). These on-going charges have not been included in the cost estimates noted in the table above. These on-going costs must be considered for future expenditure considerations.

Software Kinetics has assumed that the proposed system hardware and operating system software will be order by the NAFO Directorate and delivered to Software Kinetics. The installation, development and configuration of application software will occur at Software Kinetics using the procured system as a development platform. Once the complete system has been build and fully tested (i.e., a Factory Acceptance Test), it will then be installed and configured for use at the NAFO Directorate.

The following tasks will be performed:

- System configuration (system assembled at Software Kinetics site for testing and development purposes),
- Security Implementation (NT, mail accounts, user accounts, etc.),
- Design, develop and test the Hail Message handling application software,
- Perform Factory Acceptance Test, Site Acceptance Test (including development of test procedures),
- Port existing Access database to new platform,
- Create System User Manual,
- System installation at NAFO Directorate,
- Project Management,
- Firewall configuration, set up and installation, and
- User training.

Software Kinetics estimates that these tasks will involve a Project Manager, up to 2 Software Specialists and a Systems Management specialist. The Project Manager would be responsible for managing the entire effort and ensuring Customer satisfaction. The Software Specialists would design, develop and test the application, port the existing Access database to the new platform, and create the user documentation. The Systems Management Specialist would set-up and configure the computer hardware, the operating systems and the firewall. One of the Software specialists would provide the user training.

User training will be a day in duration and will be performed on the NAFO site.

The estimated labour cost to perform the work noted above is **\$35,000.00**.

The estimated schedule to complete this work would be 3 months after receipt of order.

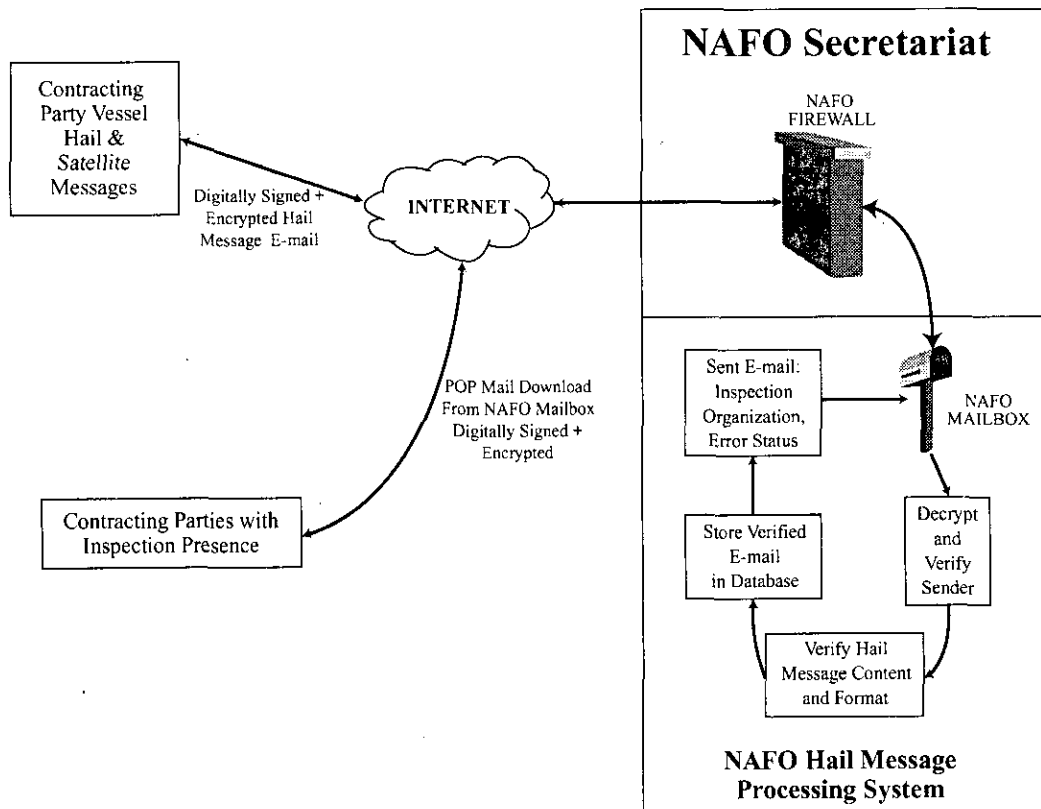


Figure 1. Graphical Representation of the Proposed System

In addition to the capabilities noted above, the automated system would also have to satisfy the following requirements:

1. All Hail Message e-mails shall be protected against unauthorized modification or access.
2. Hail Messages transmitted via a public medium (e.g. the Internet) shall be encrypted to ensure confidentiality and authenticity.
3. Only Hail Messages that are complete and have validated data shall be entered into the Hail Message database.
4. Only Hail Messages that are complete and have validated data shall be transmitted to the appropriate inspection organizations.
5. Hail message sending parties shall be notified via e-mail regarding invalid Hail Messages.
6. The system hosting the database and processing the Hail messages shall aim to meet the criteria of a C-2-level trusted system.
7. The Hail message database shall be capable of producing reports from the collected data (the three reports currently being produced by the NAFO Secretariat shall be continued).
8. Hail Messages electronically received shall be processed automatically by the system.
9. Forward Hail Messages generated for the third party inspection organizations shall be accumulated on the system for later retrieval by those *third party inspection organizations*.
10. Return Hail Messages for electronically received Hail Messages shall be sent to the appropriate return address.

Annex 4. Schedule of Outstanding Contributions from Bulgaria and Romania

The following is a summary 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	15,944.93	15,944.93
1 January – 31 December 1997	15,002.75	15,002.76
1 January – 31 December 1998	16,121.90	16,121.89
1 January – 31 December 1999	16,267.88	16,267.87
	\$112,953.96	\$264,694.51

Annex 5. Budget Estimate for 2000

NORTHWEST ATLANTIC FISHERIES ORGANIZATION

Budget Estimate for 2000

(Canadian Dollars)

	Approved Budget for 1999	Projected Expenditures for 1999	Preliminary Budget Forecast for 2000	Budget Estimate for 2000
1. Personal Services				
a) Salaries	\$ 632,000	\$ 667,500	\$644,000	\$677,500 ^a
b) Superannuation and Annuities	77,000	78,000	50,000	73,500
c) Additional Help	1,000	1,000	1,000	1,000
d) Group Medical and Insurance Plans	47,000	49,500	48,000	52,000
e) Termination Benefits	23,000	41,000	20,000	23,000 ^b
f) Accrued Vacation Pay	1,000	1,000	1,000	1,000
g) Termination Benefits Liability	10,000	10,000	10,000	10,000
2. Travel	8,000	6,400	20,000	20,000 ^c
3. Transportation	1,000	1,000	1,000	1,000
4. Communications	63,000	56,000	64,000	60,000
5. Publications	27,000	27,000	27,000	28,000
6. Other Contractual Services	42,000	42,000	35,000	43,000
7. Materials and Supplies	30,000	30,000	30,000	30,000
8. Equipment	5,000	5,000	5,000	5,000
9. Meetings				
Annual General Meeting and Scientific Council Meeting	42,000	61,000	50,000	62,000 ^d
Inter-sessional Meetings	23,000	25,000	20,000	20,000
10. Computer Services	60,000	27,600	15,000	50,000 ^e
	\$1,092,000	\$1,129,000	\$1,041,000	\$1,157,000

^a The current contract between the Treasury Board of Canada and the Public Service Alliance of Canada expired in June 1999. The budget includes a 2% Cost of Living Adjustment (COLA) increase, although, no COLA's will be given until an agreement is finalized.

^b This figure is for 2000 credits and conforms with NAFO Staff Rule 10.4(a).

^c Travel costs for 2000 includes the home leave to Ukraine for the Executive Secretary and family; the Assistant Executive Secretary's attendance at the intersessional meeting of the Co-ordinating Working Party on Fishery Statistics (CWP) of Food and Agriculture Organization of the United Nations (FAO), and two persons to the meeting of Directors and Executive Secretaries of the seven International Commissions located in North America re discussion of pension scheme for employees, April 2000, Seattle, USA.

^d This figure includes the cost for Annual Meeting, September 2000, Boston, USA and the Scientific Council Meeting, June 2000, Halifax, N.S., Canada.

^e This figure includes \$35,000 for the automation of the hail system.

Annex 6. Preliminary Calculation of Billing for 2000

Preliminary calculation of billing for Contracting Parties
against the proposed estimate of \$1,157,000 for the 2000
financial year (based on 18 Contracting Parties to NAFO)
(Canadian Dollars)

Budget Estimate.....	\$1,157,000.00
Deduct: Amount from Accumulated Surplus Account.....	<u>121,736.00</u>
Funds required to meet 2000 Administrative Budget.....	<u>\$1,035,264.00</u>

60% of funds required = \$621,158.40

30% of funds required = 310,579.20

10% of funds required = 103,526.40

Contracting Parties	Nominal Catches for 1997	% of Total Catch in the Convention Area	10%	30%	60%	Deduct 1999 Billing Adjustment ³	Amount Billed
Bulgaria	-	-	-	\$17,254.40	-	(\$301.26)	\$ 16,953.14
Canada ¹	427,200	55.92	\$61,373.07	17,254.40	\$347,351.78	(301.26)	425,677.99
Cuba ¹	750	.10	-	17,254.40	621.16	(301.26)	17,574.30
Denmark (Faroes & Greenland) ^{1,2}	93,637	12.26	13,452.22	17,254.40	76,154.02	(301.26)	106,559.38
Estonia	3,239	0.42	-	17,254.40	2,608.87	(301.26)	19,562.01
European Union	21,646	2.83	-	17,254.40	17,578.78	(301.26)	34,531.92
France (St. Pierre et Miquelon)	2,500	0.33	359.16	17,254.40	2,049.82	(301.26)	19,362.12
Iceland ¹	7,197	0.94	-	17,254.40	5,838.89	(301.26)	22,792.03
Japan	2,494	0.33	-	17,254.40	2,049.82	(301.26)	19,002.96
Republic of Korea	-	-	-	17,254.40	-	(301.26)	16,953.14
Latvia	997	0.13	-	17,254.40	807.51	(301.26)	17,760.65
Lithuania ¹	1,785	0.23	-	17,254.40	1,428.66	(301.26)	18,381.80
Norway ¹	3,705	0.49	-	17,254.40	3,043.68	(301.25)	19,996.83
Poland	-	-	-	17,254.40	-	(301.25)	16,953.15
Romania	-	-	-	17,254.40	-	(301.25)	16,953.15
Russian Federation	1,465	0.19	-	17,254.40	1,180.20	(301.25)	18,133.35
Ukraine	-	-	-	17,254.40	-	-	17,254.40
United States of America ¹	197,280	25.83	28,341.95	17,254.40	160,445.21	(301.25)	205,740.31
	763,895	100.00	\$103,526.40	\$310,579.20	\$621,158.40	(\$5,121.37)	\$1,030,142.63
Add: Advanced Payments							<u>5,121.37</u>
Funds required to meet 1 January - 31 December 2000 Administrative Budget							<u>\$1,035,264.00</u>

¹ Provisional Statistics used when calculating 1997 nominal catches due to outstanding reports from some Contracting Parties.

² Faroe Islands = 8,345 metric tons
Greenland = 85,292 metric tons

³ Ukraine's contribution for September to December 1999 (Article XVI.8 of the Convention).

Annex 7. Preliminary Budget Forecast for 2001
(Canadian Dollars)

NORTHWEST ATLANTIC FISHERIES ORGANIZATION

1.	Personal Services	
	a) Salaries	\$ 691,000
	b) Superannuation and Annuities	74,000
	c) Additional Help	1,000
	d) Group Medical and Insurance Plans	52,000
	e) Termination Benefits	21,500 ^a
	f) Accrued Vacation Pay	1,000
	g) Termination Benefits Liability	10,000
2.	Travel	10,000 ^b
3.	Transportation	1,000
4.	Communications	60,000
5.	Publications	37,000 ^c
6.	Other Contractual Services	43,000
7.	Materials and Supplies	30,000
8.	Equipment	5,000
9.	Meetings	
	Annual General Meeting and Scientific Council Meeting	61,000 ^d
	Inter-sessional Meetings	20,000
10.	Computer Services	<u>15,000</u>
		\$1,132,500

^a This figure is for 2001 credits and conforms with NAFO Staff Rule 10.4(a).

^b Travel costs for 2001 include 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, April 2001 and the Assistant Executive Secretary's attendance at a sessional meeting of the Co-ordinating Working Party on Fishery Statistics (CWP) of Food and Agriculture Organization of the United Nations (FAO).

^c This figure includes \$9,000 for NAFO 20th Century Book.

^d This figure includes the cost for Annual Meeting, September 2001 and the Scientific Council Meeting, June 2001, in Halifax, N.S., Canada.

**Annex 8. Publication of NAFO century book –
"Northwest Atlantic Fisheries in the 20th Century"**

This idea was presented to Contracting Parties by the NAFO Secretariat (GF/99-384 of 11 June 1999).

The general structure/format of the book would be similar to the "NAFO Meeting Proceedings" published in 1993 (compilation of NAFO history through 1979-1992). In addition, there should be ICNAF chapter and one more important feature – a special part of contributions-essays from Contracting Parties of NAFO to address open-minded thoughts and visions about the past (XX century) and future (XXI century) of the Northwest Atlantic Fisheries.

In general, there would be the following structure of the book:

Introduction/Preface	2 pages
Contributions by Contracting Parties	30 pages
Vol. I – ICNAF Period (1949-1979):	
Part I – Convention	35 pages
Part II – ICNAF Activities and Major Decisions	120 pages
Part III – Index, Abbreviations, People-Chairmen	10 pages
Vol. II – NAFO Period (1979-2000)	
Part I – Convention	40 pages
Part II – NAFO Activities and Major Decisions	350 pages
Part III – NAFO Proposals & Resolutions, Quota Proposals	40 pages
Part IV – Index, People, Abbreviations Photographs, etc.	12 pages 30 pages
Total	669 pages (approx.)

The volume of this publication is expected to be 600-700 books. The book will be supplied to all Contracting Parties (approximately 250 books), major international fisheries organizations and libraries that maintain contacts with NAFO (30-40 books). The residue will be stored at the NAFO Secretariat for expected retail sale to interested parties. We expect that the price should be in the range of \$50-60 CAD per book.

Our estimates of the cost implications to NAFO budget 2001 are in the range of \$8806 CAD (Addendum 1).

Addendum 1
(to Annex 8)

NAFO
20th Century Book
Cost Analysis

Cost Estimate to Print 20th Century Book:

<u>Printing Costs</u>		<u>Cost per Page</u>	<u>Cost per Book</u>	<u># of Books</u>	<u>Total Printing Cost</u>
Black Pages	649	\$0.0108	\$ 7.01		
Colour Pages	<u>20</u>	\$0.1500	<u>\$ 3.00</u>		
Total	669		\$10.01	600	\$6,006

		<u>Cost per Book</u>		<u>Total Binding Cost</u>
<u>Binding</u>				
Soft Cover		\$ 4.00	500	\$2,000
Hard Cover		\$ 8.00	<u>100</u>	<u>\$ 800</u>
			600	\$2,800

TOTAL PUBLICATION COSTS \$8,806

Annex 9. NAFO's Financial Contribution to the Joint ICES/NAFO Symposium, 2001

ICES/NAFO Symposium on Hydrobiological Variability

In 1998, STACFEN recommended that NAFO co-sponsor, along with ICES, the planned symposium on *Hydrobiological Variability During the 1990s* to be held in 2001 in Edinburgh. The co-convenors are to be Jens Meincke (Germany) and Bob Dickson (UK). The ICES Hydrography Working Group has supported the joint sponsorship with NAFO. The Chairman of STACFEN, M. Stein, was appointed to the Steering Committee for the symposium and K. Drinkwater to the editorial board for publication of the symposium proceedings. Given that both NAFO and ICES would be proposing to hold similar symposia on a review of the 1990s early in the next decade, a single symposium was felt to be more efficient. In addition to allowing the traditional regional focus that separate symposium would foster, the joint meeting will provide the opportunity to place both the ICES and NAFO areas into a larger-scale perspective through comparisons of different areas around the North Atlantic.

The Executive Secretary of NAFO received a letter from the General Secretary of ICES regarding the possible financial contribution of NAFO. He noted that the Symposium coincides with the 70th anniversary of the Continuous Plankton Recorder (CPR) in Edinburgh where the Symposium will be held. They would like to mark this occasion by including as part of the Symposium, an art exhibition of approximately 100 water colours of marine organisms painted by the inventor of the CPR, Sir Alister Hardy. However, such an exhibition is feasible only if a donation can be secured to cover the costs of collecting, mounting, transporting and insuring the collection, which the Sir Alister Hardy Foundation of Ocean Science estimated at GBP 3 500 (approximately CDN \$8 000).

STACFEN **recommended** that *NAFO's financial contribution to the Joint ICES/NAFO Symposium, August 2001, include the equivalent of GBP 3 500 (approximately CDN \$ 8 000) to cover the cost of the art exhibition.*

The **recommendation** made by STACFEN for the work of the Scientific Council as endorsed by the Council is as follows:

1. *NAFO's financial contribution to the Joint ICES/NAFO Symposium, August 2001, should include the equivalent of GBP 3,500 (approximately CDN \$8 000) to cover the cost of the art exhibition.*

Annex 10. Report on the Year 2000 Audit of the NAFO Secretariat Computer Requirements and Upgrades (Y2K)

All networked workstations were tested for compliance on three levels. First, the hardware itself was tested to see if it complied with NSTL (National Standards Testing Laboratories) published testing standards. Second, the operating system was tested for compliance and finally individual applications were catalogued and researched for compliance.

One computer failed the hardware test while all others passed. The nature of the failure of the one computer is such that it may be possible to manually roll the date over to January 1, 2000 when the time comes and have the computer function normally. It is a professional recommendation however, that the mother board and processor be replaced well in advance of that date for a few reasons: 1) the computer requires more processing power than most other computers on a daily basis but it is presently the slowest at NAFO; 2) the computer processes the mission-critical database application and disruption of this application by problems in January of 2000 should be avoided if possible. The cost of such an upgrade would not exceed CDN \$600.00.

The second stage of our testing involved installing an upgrade to the Windows '95 operating system on all workstations to bring those machines' operating systems up to compliance with Y2K standards.

The final stage of our testing is the most time consuming and critical to the overall preparedness of the NAFO Secretariat for the year 2000. Because of the age, and manufacturer's difficulties, of some software in use, it will be impossible to state with 100% accuracy, of the compliance of some software.

There have been three owners of the WordPerfect name in very recent history. Because of this, it has been difficult finding a definitive answer as to Y2K compliance of versions prior to V7.0. It is our opinion that the software should continue to work with the following possible exceptions: the ability to sort files by date, inserting today's date in a document, mail-merge type functions that use dates. This is by no means a comprehensive list and it is possible that the software will not function at all.

dBase III+ (V1.1) appears to be fully compliant once told to store dates as four digits as opposed to two.

Here is an excerpt from the dBase web site:

"For all versions of dBase from version III+ to the current Visual dBase for Windows 5.5, date fields are stored as a string in the format YYYYMMDD. In dBase III+ a new SET CENTURY command was added for the approaching 21st century. SET CENTURY ON allows display and editing of the 4 digit year. SET CENTURY OFF limits display and entry of the year to 2 digits. All calculations and storage involving date fields handle the year correctly regardless of the state of SET CENTURY. With SET CENTURY OFF, the command, STORE {01/012000} TO MYDATE, will display the year as 00 even though it is stored correctly in memory as the string 20000101. The command REPLACE mydatefld with {01/01/2000} will sort the correct date to disk. Note that the YEAR function always returns a 4 digit year."

Lotus 123 is fully compliant, as is Quattro Pro for windows.

AccPac V6.1 is fully year 2000 compliant.

There is an issue with Microsoft Access but there is a patch available and once thoroughly tested we will be installing it on any computer currently running Access.

There are a number of miscellaneous applications where we have not been able to confirm Y2K compliance. These applications include Quick Tax Deluxe, and Payday 1.2A. Given the nature of Quick Tax and Payday (they require annual updates) it is difficult to imagine these products not being Y2K compliant by January of 2000. We will continue to seek definitive answers on all of these products.

Finally, the most serious issue facing NAFO's efforts to become fully Y2K ready is the database and associated front-end applications. We will soon be conducting testing on the database to determine the ease with which we can convert the date fields to four digits. The other issue is with the front-end applications that are currently being used to update, and get information from, the database. These applications, forms, queries, etc. will have to be re-written to adjust for the four digit dates. We will not be able to advise as to the cost of these adjustments until we have had more time to conduct testing. We expect to be able to offer a better opinion by early September. We anticipate the worst scenario would cost in the neighborhood of CDN \$2,500 - \$4,000.

PART III

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

1. Opening by the Chairman

The meeting was called to order by the Chairman, Dr. Jean-Pierre Plé (USA) at 10.15 on 13 September 1999. The following Contracting Parties were present: Canada, Denmark (in respect of the Faroe Islands and Greenland), European Community (EC), France (in respect of St-Pierre et Miquelon), Iceland, Japan, Norway, Russian Federation, Ukraine and the United States of America (USA) (Annex 1). The Chairman particularly welcomed the delegate from the Ukraine whose country was attending the meeting for the first time.

2. Appointment of Rapporteur

Mr. Andrew Thomson (EC) was appointed rapporteur.

3. Adoption of the Agenda

The agenda was adopted (Annex 2).

4. Review of 1999 information on the activities of non-Contracting Party vessels in the Regulatory Area

The Canadian Representative referred to two papers concerning the activities of non-Contracting Party (NCP) vessels in the NAFO Regulatory Area (NRA). This information together with information from other Contracting Parties was circulated to all Contracting Parties in various letters from the NAFO Secretariat during 1999 and are now compiled in GC Doc. 99/7. The Canadian information covered the period 1 January to 31 December 1998 (STACFAC WP 99/3) and the period 1 January to 31 August 1999 (STACFAC WP 99/4). The paper for 1999 indicated, that compared to 1998's sightings of four vessels, only two vessels, the "Austral" and the "High Sierra" were sighted fishing in the NAFO Regulatory Area in 1999. Upon request, Canada explained that although the total number of hours of aerial surveillance decreased during 1998 compared to 1997, Canada continued to operate at least two surveillance flights per week.

No other Contracting Party present indicated any sightings of other non-Contracting Party vessels in the Regulatory Area. It was suggested that one explanation might be due to the success of the "NAFO Scheme to Promote Compliance by non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO" agreed in 1997. Non-Contracting Party vessels appeared to be encountering more difficulty in finding appropriate flag-States.

A worrying development appeared to be that with the successful deterrent effect of the NAFO Scheme, non-Contracting Party vessels were now moving to other regions of the world. Both the "High Sierra" and the "Austral" have been sighted in the NEAFC Regulatory Area, the former being re-named the "Albri II" and now allegedly registered in Belize. Reference was also made to the letter from the European Commission of 27 July 1999 informing that over a brief period of time, the "High Sierra" / "Albri II" claimed to be registered in Belize and Honduras and that the "Austral" has also changed name to the "Australia" and reregistered in São Tomé e Príncipe. The Chairman prepared a summary of information of nationality of the "High Sierra" and the "Austral" — Annex 3.

The Parties agreed that there is a clear need for greater inter-regional co-operation between relevant regional fishery organisations. Further discussion on this point took place under agenda item 8.

5. Review of 1999 information on landings and transshipments of fish caught by non-Contracting Party vessels in the Regulatory Area

No Contracting Party reported information on landings and transshipments of fish caught by non-Contracting Party vessels in the Regulatory Area. The European Community and Denmark (in respect of Faroe Islands and Greenland), reported on attempted landings by non-Contracting Party vessels in the Faroe Islands. The Chairman thanked the port officials of the Faroe Islands for their efforts in implementing the Scheme, which resulted in the denial of landings of fish from the "High Sierra" / "Albri II" and the "Austral" / "Australia".

6. Review of information on imports of species regulated by NAFO from non-Contracting Parties whose vessels have fished in the Regulatory Area

No new information was presented at this meeting.

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

In accordance with the decisions taken by the General Council, diplomatic démarches were delivered to the non-Contracting Party Governments whose vessels were sighted fishing in the Regulatory Area in 1998. Four such démarches were delivered on behalf of the NAFO General Council to Honduras and Panama (delivered by Canada), to Belize (delivered by the USA) and to Sierra Leone (delivered by both Canada and the United States). Canada indicated that they had also delivered a démarche to São Tomé e Príncipe as regards the "Austral" / "Australia", but without reply at this stage. The European Community noted that normal protocol does not demand a reply to such démarches. It was actions by those non-Contracting Parties, which were more important.

On a positive note, the Chairman noted that Panama had recently acceded to ICCAT with the implications that Panama may be more willing to co-operate with regional fisheries organisations including NAFO. Furthermore, letters of démarche to the Governments of Sierra Leone, São Tomé e Príncipe, Belize and Honduras were prepared by the Chairman and are attached to this report as Annexes to .

8. Review of the performance of the NAFO Scheme to deal with non-Contracting Parties fishing in the NAFO Regulatory Area

The report of the Executive Secretary, as called for in paragraph 14 of the Scheme, was presented as NAFO/GC Doc. 99/1 and covers the period 1 January to 31 December 1998 (Annex 4). Norway, who wanted to initiate a discussion on an additional measure in the Scheme, suggested that vessels prohibited from landing and transshipping fish be denied a licence to fish in the waters of the Contracting Parties. Their proposal is set out in STACFAC WP 99/7 (Annex 5). There was no agreement by the Parties on the use of such additions to the existing measures in the Scheme. In particular, other Parties considered that the aim of the Scheme was not to stop vessels from fishing, but to encourage them to fish in compliance with international conservation and management measures.

STACFAC considered ways to improve international co-operation with other international fishery organisations, and in particular with NEAFC. The NEAFC Secretariat has already started to inform NAFO of sightings of non-Contracting Party vessels in the NEAFC Regulatory Area. It was agreed that as a starting point, the NAFO Executive Secretary should be instructed to share GF 98/1 and GF 99/1, which provide summary information under the Scheme, with the Secretariats of NEAFC, NASCO, ICCAT, IBSFC and CCAMLR. This would initially cover the periods 1997 and 1998. The Executive Secretary should be instructed to share similar summary data for 1999 when this report is prepared in April 2000.

STACFAC also agreed to the need for all Contracting Parties to report to the next Annual Meeting on how they have implemented the Scheme, both in legal, administrative and practical terms.

9. Review of information on the vessels Austral, High Sierra, Porto Santo, and Santa Princesa, which were fishing in the Regulatory Area under the flag of Sierra Leone

As a result of the démarche made to Sierra Leone, that country withdrew registration for the "Austral", the "High Sierra", the "Porto Santo" and the "Santa Princesa" as of 4 January 1999. Since the Government of Sierra Leone took this action, STACFAC has no information regarding the new names or nationality of the "Santa Princesa" and the "Porto Santo". STACFAC reviewed evidence that the "High Sierra" has claimed, on separate occasions, to be registered in Belize or Honduras under the name "Albri II". However, in June 1999, the United States received information from the Director of Belize's International Merchant Marine Registry (IMMARBE) that the "Albri II" is not registered in Belize. In addition, in July 1999, the United States received information that the "High Sierra" is not registered in Honduras. As a result of conflicting information regarding nationality, there are reasonable grounds for suspecting that the "Albri II" is a vessel without nationality.

In addition, STACFAC reviewed information that the "Austral" now claims to be registered in São Tomé e Príncipe under the name "Australia". However, STACFAC also reviewed other evidence that in August 1999, while fishing on the high seas of the Northeast Atlantic Ocean, the "Australia" asserted that it was in fact the "Austral" and claimed to be registered in Sierra Leone. Again, as a result of conflicting information regarding nationality, there are reasonable grounds for suspecting that the "Australia" is a vessel without nationality.

10. NAFO response to stateless vessels operating in the NAFO Regulatory Area

In direct relation to the above point, STACFAC examined the way in which NAFO should respond to stateless vessels operating in the NAFO Regulatory Area and the legal implications of taking action against such vessels. The Chairman referred to Article 92 of the 1982 UN Convention on the Law of the Sea (UNCLOS), which refers to the status of ships: "1. Ships shall sail under the flag of one State only and, save in exceptional cases expressly provided for in international treaties or in this Convention, shall be subject to its exclusive jurisdiction on the high seas. A ship may not change its flag during a voyage or while in a port of call, save in the case of a real transfer of ownership or change of registry. 2. A ship which sails under the flags of two or more States, using them according to convenience, may not claim any of the nationalities in question with respect to any other State, and may be assimilated to a ship without nationality."

The European Community referred to Article 91 of UNCLOS, which empowers States to fix the conditions for granting nationality to a ship, as well as to Article 110 of the same Convention, which refers to the rights to interfere with foreign ships on the high seas. In particular, he referred

to paragraph (1)(d) of that Article, which concerns ships without nationality. He also referred to Article 21(17) of the 1995 UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks. The UNCLOS reference was to action taken where there are reasonable grounds for suspecting that a vessel is without nationality. Under customary international law, such a vessel may be treated by the boarding State as its own vessel. He also referred to the Judgement of 1 July 1999 in the M/V Saiga Case of the International Tribunal for the Law of the Sea, which gave important elements concerning the obligation of States to verify and ascertain the registration of foreign vessels.

The question remained as to what action was possible if a vessel did indeed prove to be stateless. The Chairman explained that under US law, such a vessel could be assimilated and considered to be subject to US jurisdiction. Further action against the vessel would have to be consistent with domestic law. Canada also indicated that they had domestic legislation in place in respect of vessels fishing without a nationality.

Denmark (in respect of Faroe Islands and Greenland) was unsure as to the customary international law in the case of stateless vessels. In particular, they expressed their opinion that the existing legal framework unfortunately does not give authority for the arrest of a stateless vessel while fishing on the high seas. The European Community held that Article 110 of UNCLOS gave powers under international law but that certain States might need to adopt appropriate domestic measures to deal with those vessels.

The Parties agreed that the Scheme as it stands should apply to vessels without nationality. To this end, the Chairman prepared a recommendation to the General Council, to clarify the applicability of the Scheme to such vessels (Annex 6) and which calls upon the Contracting Parties to examine their ability to take other appropriate measures against stateless vessels.

11. Exchange of views on the FAO Committee on Fisheries (COFI) initiative on Illegal, Unregulated and Unreported Fishing

The Parties had a fruitful exchange of views on the recent initiative of the FAO Committee on Fisheries (COFI) on Illegal, Unregulated and Unreported Fishing (IUU). They particularly focused on the Australian paper on IUU Fishing prepared for the 1999 Session of COFI "A proposal to develop a global plan of action to curb illegal, unregulated and unreported fishing". The purpose of Australia's proposal is to develop a global plan of action to curb such fishing comprising a core of practical management and enforcement options covering fisheries production and trade. Their initiative was aimed at having compatibility between measures in both national and high seas waters.

After extensive discussion, the Parties were able to agree that no action needs to be taken at this time by NAFO. However, it was recommended that the Parties should reflect on any ideas there may be to improve on the NAFO Scheme and to share their ideas with the other NAFO Contracting Parties. A broader reflection on the problem was desirable. In the event of a plan of action being adopted, NAFO Contracting Parties would have to decide on what further action should be taken.

12. Report and recommendations to the General Council

STACFAC recommends to the General Council that:

1. — démarches, in the form of letters signed by the President of NAFO, be made to the flag States of non-Contracting Party vessels which were sighted fishing in the NAFO Regulatory Area in 1999 in an effort to discourage vessels from these countries from fishing in the NAFO Regulatory Area, and other flag States to confirm registry of other non-Contracting Party vessels sighted fishing in the NAFO Regulatory Area in 1999 or in previous years (Annexes 7 to 10);
2. — the Executive Secretary circulate to all NAFO Contracting Parties information on non-Contracting Party activity reported to him by other regional fishery organisations;
3. — the Executive Secretary circulate GF 98/1 and GF 99/1 to the Secretariats of ICCAT, NASCO, NEAFC, IBSFC and CCAMLR, and the Executive Secretary circulate to these regional fishery organisations the report he will prepare pursuant to paragraph 14 of the Scheme;
4. — the Contracting Parties submit a report at the next Annual Meeting on what legal, administrative and practical action they have taken to implement the Scheme;
5. — the Contracting Parties submit annual reports under paragraph 13 of the Scheme, including negative reports if appropriate;
6. — the Contracting Parties adopt the statement that the term "non-Contracting Party vessel" as used in the Scheme shall include vessels for which there are reasonable grounds for suspecting them to be without nationality;
7. — where there are reasonable grounds for suspecting that a vessel which has been sighted engaging in fishing activities in the NAFO Regulatory Area is without nationality, a NAFO Contracting Party may board and inspect the vessel. Where evidence so warrants, the NAFO Contracting Party may take such action as may be appropriate in accordance with international law. Contracting Parties are encouraged to examine the appropriateness of domestic measures to exercise jurisdiction over such vessels; and
8. — the Contracting Parties share with other NAFO Contracting Parties any reports that they prepare for consideration by the FAO with respect to the FAO initiative on Illegal, Unregulated and Unreported Fishing.

13. Other matters

No other matters were discussed.

14. Adjournment

The formal session of STACFAC adjourned at 14.12 on Wednesday 15 September 1999.

Annex 1. List of Participants

<u>Name of Participant</u>	<u>Contracting Party</u>
Anne Frenette	Canada
Louis Simard	"
Einar Lemche	Denmark (in respect of Faroe Islands and Greenland)
Henrik Fischer	" " " "
Friedrich Wieland	European Community
Andrew Thomson	" " "
Rolf Åkeson	" " "
Helena Figueiredo	" " "
Lars Erik Svensson	" " "
Ignacio Ybáñez	" " "
Gerard Grignon	France (in respect of St-Pierre et Miquelon)
Daniel Silvestre	" " " "
Kolbeinn Árnason	Iceland
Akinori Tajima	Japan
Kengo Tanaka	"
Stein Owe	Norway
Kjell Dørum	"
Gennady Goussev	Russian Federation
Valentin Litvinov	Ukraine
Victor Kachurenko	"
Gene Martin	United States of America
Jean-Pierre Plé	" " " "

Annex 2. Agenda

1. Opening by the Chairman, Mr. Jean-Pierre Plé (USA)
2. Appointment of the Rapporteur
3. Adoption of the Agenda
4. Review of 1999 information on activities of non-Contracting Party vessels in the Regulatory Area
5. Review of 1999 information on landings and transshipments of fish caught by non-Contracting Party vessels in the Regulatory Area
6. Review of information on imports of species regulated by NAFO from non-Contracting Parties whose vessels have fished in the NAFO Regulatory Area
7. Reports by Contracting Parties on diplomatic contacts with non-Contracting Party Governments concerning fishing in the Regulatory Area
8. Review of the performance of the NAFO Scheme to deal with non-Contracting Parties fishing in the NAFO Regulatory Area
9. Review of information on the vessels Austral, High Sierra, Porto Santo and Santa Princesa, which were fishing in the Regulatory Area under the flag of Sierra Leone
10. NAFO response to stateless fishing vessels operating in the NAFO Regulatory Area
11. Exchange of views on the FAO Committee on Fisheries (COFI) Initiative on Illegal, Unregulated and Unreported Fishing
12. Report and Recommendations to the General Council
13. Other Matters
14. Adjournment

Annex 3. Summary of Information of Nationality of the High Sierra and Austral
(STACFAC Working Paper 99/6)

January 4, 1999 Sierra Leone revokes
registration of High Sierra and Austral
(STACFAC W.P. 99/1)

High Sierra

<u>Date</u>	<u>Information</u>	<u>Reporting Source</u>
1/24/99	High Sierra registered in Sierra Leone	GF/99-148
2/9/99	High Sierra renamed Albri II and registered in Honduras	STACFAC W.P. 99/1
2/12/99	High Sierra renamed Albri II and registered in Belize (Belize registry valid 5/27/94 to 5/26/99)	GF/99-126
6/16/99	U.S. informed by Belize that Albri II is not registered in Belize	STACFAC W.P. 99/1
8/7/99 & 8/17/99	Albri II observed claiming registry in Belize	STACFAC W.P. 99/2

Austral

<u>Date</u>	<u>Information</u>	<u>Reporting Source</u>
3/11/99	Austral observed in NRA; claiming registry in Sierra Leone (unconfirmed)	GF/99-217
3/25/99	Austral observed claiming registry in Sierra Leone	GF/99-235
4/4/99	Austral observed claiming registry in Sierra Leone	GF/99-267
6/7/99	Austral renamed Australia and registered in São Tomé & Príncipe (São Tomé and Príncipe registry valid 2/19/99 to 2/19/00)	GF/99-370
8/7/99	Austral observed claiming registry in Sierra Leone	STACFAC W.P. 99/2
8/10/99	Austral observed claiming registry in Sierra Leone	GF/99-470
8/17/99	Austral observed claiming registry in Sierra Leone	STACFAC W.P. 99/2

Annex 4. Report – 1998 on the Scheme to Promote Compliance by non-Contracting Party Vessels with the Conservation and Enforcement Measures
(GC Doc. 99/1)

REPORT - 1998

on

the Scheme to Promote Compliance by non-Contracting Party Vessels with the Conservation and Enforcement Measures (GC Doc. 97/6)

"Under the Scheme, NAFO Contracting Parties shall report to the NAFO Secretariat all information regarding sightings, fishing, port entries, landing/transshipment by Non-Contracting Party vessels which have been sighted fishing in the NAFO Regulatory Area. The NAFO Secretariat will prepare its summary report by 01 April for the previous year."

Contracting Parties (reported)	Reports on: (with brief comments)					Information from NAFO Secretariat to Contracting Parties
	Sightings of NCP vessels	Fishing activity	Boarding (by NAFO inspector)	Port entries	Landings/ Transshipments, Fish on board	
Canada	"High Sierra" – Sierra Leone 02.12.98	Div. 3M Cod, Redfish, Shrimp	02.12.98	Torshavn, Faroe Islands	Fish on board: Shrimp - 3.0mt Redfish – 1.5mt Others - 0.2mt	GF/98-618 04 Dec 98
European Union	"Porto Santo" – Nationality not identified 26.01.98	Div. 3M Cod	Radio contact	N/A	Fish on board: Cod 35-40mt	GF/98-052 26 Jan 98
	"High Sierra" – Sierra Leone 20.11.98	Div. 3M	Radio contact	N/A	Cod – 0.04mt Others – 0.02mt	GF/98-593 20.11.98

(Annex 4 con'td)

Reports

by Contracting Parties relevant to the Scheme to Promote Compliance Non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO

Canada

NAFO diplomatic demarches signed by the NAFO President (A. Rodin) were delivered to the Governments of Honduras and Panama.

In accordance with the Scheme, non-Contracting Party vessels did not land or discharge in Canadian ports during 1998.

Estonia

Estonian inspection forces did not conduct inspections under the Scheme in Estonian ports in 1998.

Lithuania

In accordance with the Scheme, non-Contracting Party vessels did not land fish in the Lithuanian port of Klaipeda in 1998.

United States of America

NAFO diplomatic demarches signed by the NAFO President (A. Rodin) were delivered to the Governments of Belize and Sierra Leone.

In accordance with the Scheme (paragraph 13i) there were no inspections of non-Contracting Party vessels in U.S. ports in 1998. Paragraph 13ii) on landings and/or transshipment is not applicable.

The following additional information is provided regarding the steps taken by the United States to ensure compliance with the Scheme.

Under U.S. law (46 U.S.C. Sec. 251) foreign-flag vessels are generally prohibited from landing in a U.S. port fish caught on the high seas, and as a result, foreign-flag fishing vessels do not call on U.S. ports. Nonetheless, to ensure compliance with the Scheme, upon receipt of notification of a NCP sighting report from the NAFO Secretariat, this information is shared with fisheries law enforcement officials of the National Marine Fisheries Service and with the U.S. Coast Guard. Both agencies place the name of the sighted NCP vessel on a "watch list". If the sighted NCP vessel then enters a U.S. port, the vessel would be boarded and inspected in accordance with the Scheme.

**Annex 5. Unregulated Fisheries in the NAFO Regulatory Area on Stocks
regulated by NAFO. Additional measures to counteract activities by
Non-Contracting Parties.
(STACFAC Working Paper 99/7)**

Introduction

NAFO has for a number of years been in the lead in an attempt to counteract unregulated fisheries on the high seas. It was a great achievement when NAFO at the annual meeting in 1997 agreed to adopt a Scheme to promote Compliance by Non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO. That scheme has inspired other regional fisheries management organisations such as CCAMLR (Commission for the Conservation of Antarctic Marine Living Resources) and NEAFC (North East Atlantic Fisheries Commission) to adopt similar measures.

Norway would like NAFO to start a discussion on the inclusion of a new element in this Scheme to add to the incentives not to fish unregulated in the NAFO Regulatory Area.

The Norwegian experience

Norway has for a number of years been working seriously in dealing with unregulated fisheries on the high seas. Norway has experienced such a fishery on stocks regulated i.a. in Norwegian waters just outside the 200-mile zones in the Barents Sea. The initiatives taken by Norway in this regard have been inspired by recent developments in the international arena, like the adoption of the UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks, the FAO Agreement to Promote Compliance with International Conservation and Management measures by Fishing Vessels on the High Seas and the FAO Code of Conduct for Responsible Fishing. Measures similar to those incorporated in Norwegian legislation, like denial of landings, are found in the present NAFO Scheme.

In an attempt to further discourage unregulated fisheries on the high seas Norway has established a regulation stating that an application for a licence to fish in Norwegian waters may be denied if the vessel or the vessel's owner has taken part in an unregulated fishery in international waters on a fish stock subject to regulations in waters under Norwegian fisheries jurisdiction. The Norwegian regulation reads:

«Even if other requirements are satisfied, the licence may be refused if, in areas under Norwegian fishery jurisdiction, the vessel's owner, master or crew have contravened the provisions relating to fishing and hunting operations or the conditions prescribed in a licence granted, or if the vessel has been used in connection with such contravention. The same applies if the vessel or owner of the vessel has either taken part in fishing outside quota arrangements in international waters for a stock which is subject to regulation in waters under Norwegian fisheries jurisdiction or taken part in fishing operations that contravene regulatory measures laid down by regional or subregional fisheries management organisations or arrangements.

A licence which has been granted may be withdrawn at any time on the same grounds as set out in the preceding paragraph.»

This provision i.a. implies that a given vessel may be denied a fishing licence in Norwegian waters also if it is operated by others than those who participated in the unregulated fishery. Vessels which previously have taken part in the unregulated fishery in the «Loophole» in the Barents Sea, have been denied a license in Norwegian waters even after being flagged to another state. It

should be noted that such vessels would also be denied a licence to fish in Norwegian waters under Norwegian flag.

After a more recent amendment the legislation now also targets unregulated fishery on stocks regulated by a regional or sub-regional fisheries management organisation (i.e. CCAMLR, NEAFC, NAFO etc.).

Of course it is not without difficulties to track fishing vessels when they change their flag. This is due to the fact that they do not only get another flag, but also a new name, side number and radio call sign. However, Norway has gained some experience in tracking vessels that have been engaged in unregulated fisheries on the high seas. It may for instance be suitable to request information about «the history» of all vessels applying for a fishing licence before granting such a licence. A copy of the licence application form used in Norway is enclosed (./.).

The Norwegian experience so far, is that these new measures and the publicity following the introduction and the follow-up of the measures, have lead to vessel owners thinking twice before engaging in unregulated fisheries on the high seas. Some of the owners have already experienced that the second hand value of their vessels have dropped dramatically as the market for these vessels in the North East Atlantic has almost disappeared. This is due to the fact that ship brokers are aware of these vessels and advice potential buyers.

It should be mentioned that following an agreement to end most of the unregulated fishery in the Barents Sea the number of vessels that would have been denied a licence in Norwegian waters is greatly reduced.

A new NAFO measure

To add to the disincentives already contained in the NAFO Scheme, not least economic in nature, Norway would suggest that NAFO adopts a measure along the following lines:

«A licence to fish in areas under the fisheries jurisdiction of Contracting Parties shall be denied, if the fishing vessel in question has been prohibited to land and transship fish pursuant to paragraph 10 of the Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Enforcement Measures by NAFO.

This measure does not affect the exercise by NAFO Contracting Parties of their sovereignty within their exclusive economic zones.»

Such a provision would build on the existing mechanisms in the Scheme and not affect the possibility of stricter measures in the EEZs of Contracting Parties.

**APPLICATION FOR LICENSE
FOR FISHING WITHIN WATERS OF NAFO CONTRACTING PARTIES**

Flag state	
Name of vessel	
External registration number	
International radio call signal	
Target species	
Fishing area(s)	
Time period	
Owner's name and address	
Charterer's name and address	
Tonnage (OC and LC)	
Length in meters (overall and between perpendiculars)	
Horse power (kilowatts and horsepower total installed engine power)	
Previous flag state(s) since ¹	
Previous name(s) since ¹	
Previous radio call signal(s) since ¹	
Previous owner's(owners) name(s) and address(es) since ¹	

Date

Signature:

¹The date of entry into force.

**Annex 6. Draft Recommendation by STACFAC to the General Council
concerning vessels for which there are reasonable grounds for
suspecting them to be without nationality
(STACFAC Working Paper 99/8)**

During 1999, several vessels for which there are reasonable grounds for suspecting them to be without nationality were observed engaging in fishing activities in the NAFO Regulatory Area.

In order to further the effectiveness of the Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO ("Scheme") and to clarify the Scheme's applicability to vessels suspected to be without nationality, STACFAC recommends that the General Council adopt the following statement:

"The term non-Contracting Party vessel as used in the Scheme shall include vessels for which there are reasonable grounds for suspecting them to be without nationality."

Where there are reasonable grounds for suspecting that a vessel, which has been sighted engaging in fishing activities in the NAFO Regulatory Area, is without nationality, a NAFO Contracting Party may board and inspect the vessel. Where evidence so warrants, the NAFO Contracting Party may take such action as may be appropriate in accordance with international law. Contracting Parties are encouraged to examine the appropriateness of domestic measures to exercise jurisdiction over such vessels.

Annex 7. Proposed letter to the Government of Belize

The Honorable
Minister of Foreign Affairs
Belize

Dear Mr. Minister:

I have been instructed by all members of the Northwest Atlantic Fisheries Organization (NAFO) present at its 21st Annual Meeting to note that NAFO is encouraged that no new vessels registered in Belize have thus far been observed fishing in the NAFO Regulatory Area during 1999. However, I have also been instructed to express concern and to ask for your assistance regarding a vessel formerly registered in Sierra Leone that has claimed to be registered in Belize.

The NAFO Contracting Parties are deeply concerned that Non-Contracting Parties which allow vessels flying their flags to fish in the NAFO Regulatory Area do not comply with their obligations to cooperate with international conservation and management measures. Such vessels have continued to be present in the NAFO Regulatory Area fishing on resources which are at historically depleted and critical levels.

For several years, NAFO Contracting Parties urged the Government of Sierra Leone to withdraw vessels flying its flag from the NAFO Regulatory Area. As of January 4, 1999, the Government of Sierra Leone revoked the registration of the "Austral", "High Sierra", "Porto Santo" and "Santa Princesa", all of which had previously been identified by NAFO as flying the flag of Sierra Leone while fishing in the NAFO Regulatory Area to the detriment of NAFO's Conservation and Enforcement Measures.

Since the Government of Sierra Leone took this action, NAFO has evidence that the "High Sierra" has claimed, on separate occasions, to be registered in Belize or Honduras under the name "Albri II". However, in June 1999, a NAFO Contracting Party received information from the Director of Belize's International Merchant Marine Registry (IMMARBE) that the "Albri II" is not registered in Belize. In addition, in July 1999, a NAFO Contracting Party received information that the "High Sierra" is not registered in Honduras. As a result of conflicting information regarding the vessel's nationality, there are reasonable grounds for suspecting that the "Albri II" is a vessel without nationality. NAFO Contracting Parties request that the Government of Belize confirm that the "High Sierra" and the "Albri II" are not registered in Belize.

On behalf of the Contracting Parties to NAFO present at its 21st 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, Ukraine and the United States of America.

(DATE)

A. Rodin
President and
Chairman of General Council

Annex 8. Proposed letter to the Government of Honduras

The Honorable
Minister of External Relations
Honduras

Dear Mr. Minister:

I have been instructed by all members of the Northwest Atlantic Fisheries Organization (NAFO) present at its 21st Annual Meeting to note that NAFO is encouraged that no new vessels registered in Honduras have thus far been observed fishing in the NAFO Regulatory Area during 1999. However, I have also been instructed to express concern and to ask for your assistance regarding a vessel formerly registered in Sierra Leone that has claimed to be registered in Honduras.

The NAFO Contracting Parties are deeply concerned that Non-Contracting Parties which allow vessels flying their flags to fish in the NAFO Regulatory Area do not comply with their obligations to cooperate with international conservation and management measures. Such vessels have continued to be present in the NAFO Regulatory Area fishing on resources which are at historically depleted and critical levels.

For several years, NAFO Contracting Parties urged the Government of Sierra Leone to withdraw vessels flying its flag from the NAFO Regulatory Area. As of January 4, 1999, the Government of Sierra Leone revoked the registration of the "Austral", "High Sierra", "Porto Santo" and "Santa Princesa", all of which had previously been identified by NAFO as flying the flag of Sierra Leone while fishing in the NAFO Regulatory Area to the detriment of NAFO's Conservation and Enforcement Measures.

Since the Government of Sierra Leone took this action, NAFO has evidence that the "High Sierra" has claimed, on separate occasions, to be registered either in Belize or Honduras under the name "Albri II". However, in June 1999, a NAFO Contracting Party received information from the Director of Belize's International Merchant Marine Registry (IMMARBE) that the "Albri II" is not registered in Belize. In addition, in July 1999, a NAFO Contracting Party received information from your government that the "High Sierra" is not registered in Honduras. As a result of conflicting information regarding the vessel's nationality, there are reasonable grounds for suspecting that the "Albri II" is a vessel without nationality. NAFO Contracting Parties request that the Government of Honduras to confirm that the "High Sierra" and "Albri II" are not registered in Honduras.

On behalf of the Contracting Parties to NAFO present at its 21st 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, Ukraine and the United States of America.

(DATE)

A. Rodin
President and
Chairman of General Council

Annex 9. Proposed letter to the Government of São Tomé e Príncipe

The Honorable
Secretary of State
São Tomé e Príncipe

Dear Mr. Minister:

I have been instructed by all members of the Northwest Atlantic Fisheries Organization (NAFO) present at its 21st Annual Meeting to raise at the highest level their concern about the fishing activity by a vessel flying your flag in the NAFO Regulatory Area.

The NAFO Contracting Parties are deeply concerned that Non-Contracting Parties which allow vessels flying their flags to fish in the NAFO Regulatory Area do not comply with their obligations to cooperate with international conservation and management measures. Such vessels have continued to be present in the NAFO Regulatory Area fishing on resources which are at historically depleted and critical levels. The "Australia", registered in Sao Tome and Principe, but previously named the "Austral" while registered in Sierra Leone, has been observed fishing in the NAFO Regulatory Area to the detriment of critical resources.

For several years, the "Austral" was observed fishing in the NAFO Regulatory Area to the detriment of NAFO's Conservation and Enforcement Measures. After repeated urgings by the NAFO Contracting Parties, the Government of Sierra Leone revoked the registration of the "Austral" as of January 4, 1999. Subsequently, the owners of this vessel changed its name to "Australia" and registered the vessel in your country. However, NAFO Contracting Parties have other evidence that in August 1999, while fishing on the high seas of the Northeast Atlantic Ocean, the "Australia" asserted that it was in fact the "Austral" and claimed to be registered in Sierra Leone. As a result of conflicting information regarding the vessel's nationality, there are reasonable grounds for suspecting that the "Australia" is a vessel without nationality.

NAFO requests the Government of Sao Tome and Principe to confirm whether the "Australia" is registered in Sao Tome and Principe. If this vessel is registered in Sao Tome and Principe, NAFO urges the Government of Sao Tome and Principe to withdraw the "Australia" from the NAFO Regulatory Area and to take effective measures to prevent its return.

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, including most recently Sierra Leone as described above.

The Contracting Parties draw attention of the Government of Sao Tome and Principe to the Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO, which was adopted by the Contracting Parties to NAFO in 1997, and which calls for measures to be taken against Non-Contracting Party vessels sighted fishing in the NAFO Regulatory Area. At its 21st Annual Meeting, the NAFO Contracting Parties agreed that the Scheme also applies to vessels for which there are reasonable grounds for suspecting them to be without nationality. A copy of the Scheme is attached.

On behalf of the Contracting Parties to NAFO present at its 21st 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, Ukraine and the United States of America.

(DATE)

A. Rodin
President and
Chairman of General Council

Annex 10. Proposed letter to the Government of Sierra Leone

The Honorable
Secretary of State
Sierra Leone

Dear Mr. Minister:

Further to my letter of September 1998, I have been instructed by all members of the Northwest Atlantic Fisheries Organization (NAFO) present at its 21st Annual Meeting to express appreciation for the action taken by the Government of Sierra Leone to revoke the registration of the "Austral", "High Sierra", "Porto Santo" and "Santa Princesa" as of January 4, 1999. Each of these vessels had for many years fished in the NAFO Regulatory Area while flying the flag of Sierra Leone.

As noted in previous letters to your government, the NAFO Contracting Parties are deeply concerned that Non-Contracting Parties which allow vessels flying their flags to fish in the NAFO Regulatory Area do not comply with their obligations to cooperate with international conservation and management measures. Such vessels have continued to be present in the NAFO Regulatory Area fishing on resources which are at historically depleted and critical levels. The "Austral", "High Sierra", "Porto Santo" and "Santa Princesa", flew the flag of Sierra Leone as a means to circumvent the agreed Conservation and Enforcement Measures adopted by NAFO. Through your action, these vessels are no longer authorized to fly the flag of Sierra Leone as a means to undermine NAFO measures.

To date, the NAFO Contracting Parties have no information as to the new names or nationalities of the "Porto Santo" and the "Santa Princesa". The NAFO Contracting Parties have evidence that the "High Sierra" has been renamed the "Albri II" and is registered in Belize. However, in June 1999, a NAFO Contracting Party received information from the Director of Belize's International Merchant Marine Registry (IMMARBE) that the "Albri II" is not registered in Belize. Furthermore, the "Albri II" has also claimed to be registered in Honduras. In addition, the NAFO Contracting Parties have information that the "Austral" has been renamed the "Australia" and claims to be registered in Sao Tome and Principe. However in recent months this vessel has also claimed to be registered in Sierra Leone as the "Austral". As a result of conflicting information concerning the vessels' nationality, there are reasonable grounds for suspecting that the "High Sierra"/"Albri II" and the "Austral"/"Australia" are vessels without nationality.

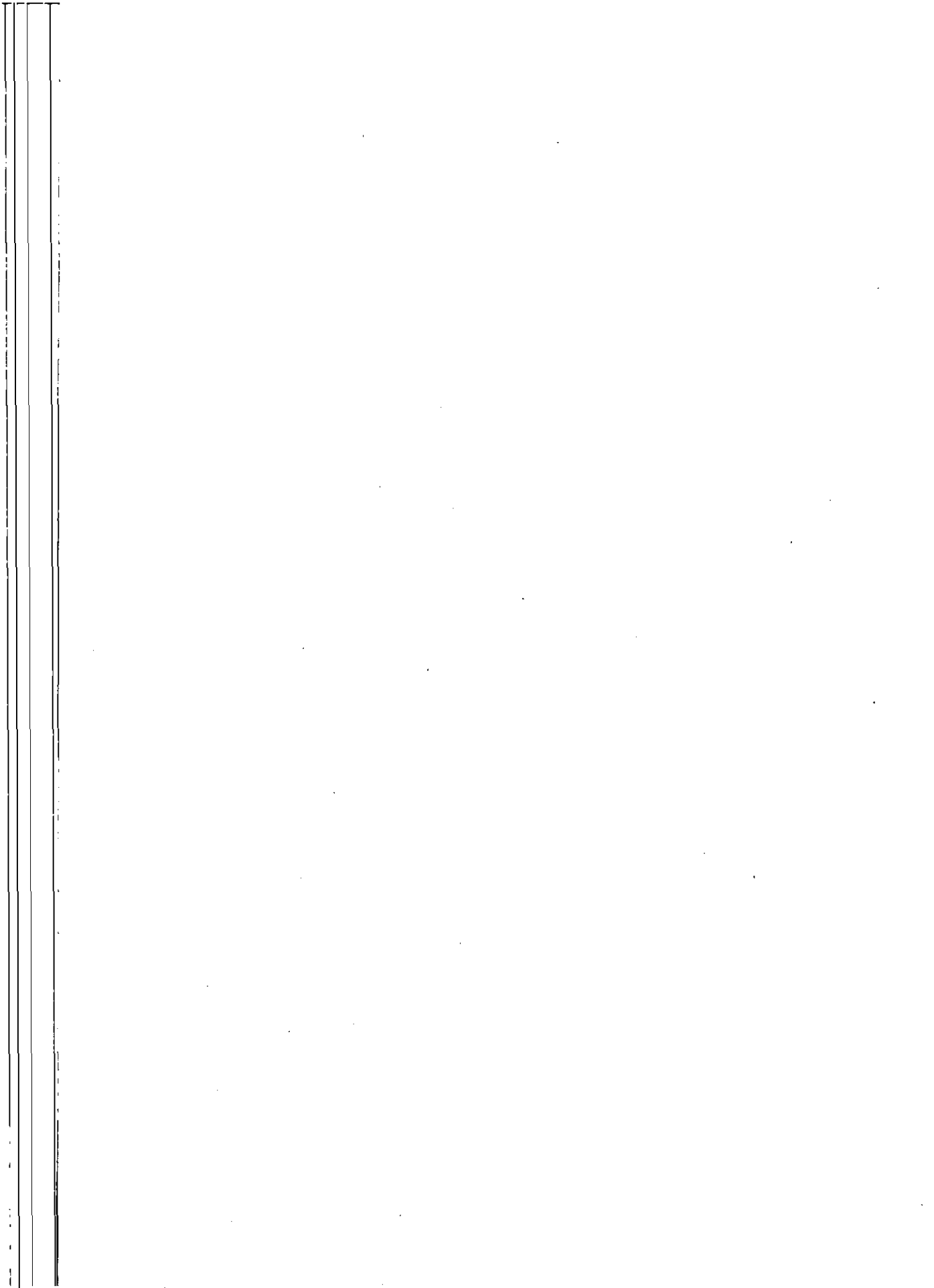
NAFO requests the Government of Sierra Leone to confirm that the "Austral" is no longer registered in Sierra Leone. In addition, NAFO requests any information on the disposition of the "Porto Santo" and the "Santa Princesa" following the revoking of their registration in Sierra Leone.

On behalf of the Contracting Parties to NAFO present at its 21st 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, Ukraine and the United States of America.

(DATE)

A. Rodin
President and
Chairman of General Council

cc: His Excellency, Ambassador John E. Leigh, Ambassador to the United States and High Commissioner to Canada, Republic of Sierra Leone



SECTION VI
(pages 201 to 260)

**Report of the Fisheries Commission and its Subsidiary Body
(STACTIC), 21st Annual Meeting
13-17 September 1999
Dartmouth, N.S., Canada**

PART I. Report of the Fisheries Commission.....	203
1. Opening Procedures.....	203
2. Administrative	203
3. Conservation and Enforcement Measures.....	204
4. Conservation of Fish Stocks in the Regulatory Area	210
5. Closing Procedures	224
Annex 1. List of Participants	225
Annex 2. Agenda	234
Annex 3. Proposal to Amend the NAFO Conservation and Enforcement Measures Regarding Incidental Catch Limits	236
Annex 4. Paper on Chartering	237
Annex 5. Paper on Notification of Vessels Temporarily Flying the Flag of a Contracting Party (bare-boat charters)	238
Annex 6. Management Measures for Shrimp in Div. 3M for 2000.....	239
Annex 7. 3M Shrimp	241
Annex 8. Shrimp Fishery in Div. 3L	242
Annex 9. Quota Table for 2000.....	244
Annex 10. Management Measures for Cod in Div. 2J3KL for 2000.....	245
Annex 11. Fisheries Commission's Request for Scientific Advice on Management in 2001 of Certain Stocks in Subareas 3 and 4, including supplementary questions on Division 3M shrimp for 2000	246
Annex 12. List of Decisions and Actions by the Fisheries Commission.....	250
PART II. Report of the Standing Committee on International Control (STACTIC).....	252
1. Opening of the Meeting	252
2. Appointment of Rapporteur	252
3. Adoption of Agenda.....	252
4. Review of Annual Returns of Infringements	252
5. Review of Surveillance and Inspection Reports	254
6. Review of Operation of the Hail System	254
7. (a) Compatibility and Applicability of Discard/Retention Rules for Conservation and Utilization of Fishery Resources	255
(b) Interpretation of Conservation and Enforcement Measures	256
(c) Incidental Catch Limits	256
8. Draft Resolution Concerning the Chartering of Vessels Flying the Flag of a Contracting Party in the Regulatory Area.....	257
9. NAFO Observer Program Issues.....	258
10. Election of Chairman	259

11. Adoption of Report.....	259
12. Adjournment.....	259
Annex 1. Agenda.....	260

PART I

Report of the Fisheries Commission Meeting

(FC Doc. 99/15)

21st Annual Meeting, 13-17 September 1999

Dartmouth, Nova Scotia, Canada

1. Opening Procedures (Agenda Items 1-5)

- 1.1. The meeting was called to order by the Chairman, Mr. P. Gullestad (Norway) at 0915 hrs. on 14 September 1999. 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, Ukraine and the United States of America consistent with the previous decision of the General Council (Annex 1).
- 1.2. Mr. Jeremy Conway (Canada) was appointed Rapporteur.
- 1.3. The provisional agenda was reviewed with an additional item proposed by the EU with respect to Canadian Management Measures for 2J3KL Cod in 1999. This item was identified as a new item 13 on the agenda and the subsequent items were renumbered. The agenda was **adopted** as amended (Annex 2).
- 1.4. ICES and NAMMCO were recognised as observers to the Fisheries Commission consistent with the previous acknowledgement in the General Council.
- 1.5. It was agreed that the normal NAFO practice regarding publicity should be followed and that no statements would be made to the media until after the conclusion of the meeting when the NAFO Secretariat would issue a press release.

2. Administrative (Agenda Items 6-8)

- 2.1. With respect to Agenda item 6, Review of Commission Membership, the review of the Commission membership was discussed at the opening session of the General Council (under provisions of Article XIII.1 of the NAFO Convention). The Chairman welcomed Ukraine to the Fisheries Commission as the 16th member of the Fisheries Commission. In response to questions, the Representative of Ukraine stated that Ukraine intended to commence fishing for shrimp in Division 3M during the latter part of 1999 and in 2000. He stated that Ukraine did not intend to prejudice the fishing interests of other Contracting Parties and did not have any other fishing plans for the Regulatory Area. He also indicated that Ukraine will likely make a statement on this issue in the future and requested that the Commission take into account Ukraine's position.
- 2.2. Representatives of Latvia, Estonia and Lithuania responded to the question asked to the Ukraine by the EU and expressed their respective concerns about revisiting the history of block quotas and that each Party looked forward to receiving their own national quota by dividing block quotas only between the Parties which over last years fall under such alloca-

tion. The Representative of the Russian Federation stated that new members should be entitled to all the rights and privileges enjoyed by other NAFO members.

- 2.3. With respect to Agenda item 7, Transparency of NAFO decision-making process (participation of inter-governmental and non-governmental organizations), it **was agreed** that the Fisheries Commission will adopt rules of procedure consistent with the set of rules which are currently being elaborated by the General Council and that the corresponding rules are deemed to be adopted in the event that the General Council should so decide at this year's session."
- 2.4. With respect to Agenda item 8, Election of Chairman and Vice-Chairman, the present Chairman, P. Gullestad (Norway) and Vice-Chairman, D.E. Swanson (United States) were **re-elected** for two-year terms commencing at the conclusion of this annual meeting.

3. Conservation and Enforcement Measures (Agenda Items 9-13)

- 3.1. With respect to Agenda item 9, Report of STACTIC at the Annual Meeting, the Chairman of STACTIC, Mr D. Bevan (Canada) reported the results of the meeting. He noted that STACTIC's agenda had been modified to include items raised by Norway concerning the hiring and deployment of observers.
- 3.2. With respect to the review of annual infringements, two Contracting Parties (Poland and Russia) had not yet reported information on the disposition of 1998 infringements and were encouraged to meet this requirement prior to the adjournment of the NAFO meetings on September 17. STACTIC noted that specific fines are not currently being reported in the manner required by NAFO and recommended that Contracting Parties include this level of detail in future reports.
- 3.3. STACTIC drew attention to the current inconsistency in the application of the requirement for 100% observer coverage as some Contracting Parties allow fishing activities to take place for short periods of time without an observer which is inconsistent with the NAFO Conservation and Enforcement Measures. In addition STACTIC also flagged the issue of poorly maintained boarding ladders, which was a safety concern for NAFO inspectors. STACTIC recommended that Contracting Parties be reminded to inspect their fishing vessels to ensure that boarding ladders are in good condition.
- 3.4. With respect to the Review of Surveillance and Inspection reports (STACTIC WP 99/19), Norway suggested that a special reporting format be developed for reporting on activities of non-Contracting Party vessels. Such a reporting format was developed last year and is described in FC Doc 99/1.
- 3.5. With respect to operation of the Hail system, STACTIC recommended that a STACTIC working group of technical experts meet intersessionally to consider a more effective hail system.
- 3.6. STACTIC considered the compatibility and applicability of discard retention rules for the conservation and utilisation of fisheries resources. STACTIC WP 99/3 and 99/3 (Addendum 1) provide information on discards. Mr. Bevan noted that Canada had presented a proposal for amendments to the NAFO measures to clarify that fishing masters must record discarded fish as part of their catch reports (STACTIC WP 99/11). He summarized the conclusion of the discussions— while there is no consensus on the Canadian

proposal, there is an existing requirement under the NAFO measures for fishing vessel masters to record discards. It was agreed that more accurate discard information is required and that this information should be made available to the Scientific Council so that it can be considered in the development of scientific advice. Contracting Parties also agreed to further examine possible improvements in the procedures for gathering discards information.

- 3.7. With respect to the interpretation to Conservation and Enforcement Measures, Denmark (in respect of Faroe Islands and Greenland) had requested clarification on two provisions. It was agreed that their intent was not clear and that there was a need for a comprehensive review of the Conservation and Enforcement Measures to clarify provisions such as these which were either unclear or no longer relevant. STACTIC advised that all proposed changes should be considered within the context of this overall review.
- 3.8. With respect to incidental catch limits, it was noted that Canada had submitted a proposal to amend the NAFO measures regarding incidental catch limits (STACTIC WP 99/10). It identified two components: 1) how to calculate the allowable or incidental catch limit, and 2) measures by which bycatch can be reduced. Contracting Parties agreed with the general principle and objective of the Canadian proposal and with the amendments dealing with the calculation of incidental catch limits. There was no agreement, however, on the proposed Part I.A.5(f). The amended Working Paper (STACTIC WP 99/10 (Revised)) was submitted to the Fisheries Commission and **adopted** to incorporate in the Conservation and Enforcement Measures (Annex 3). It was noted that Canada will do further work on the proposed Part I.A.5 (f) and will raise the issue again at the next annual STACTIC meeting.
- 3.9. With respect to Draft Resolution Concerning the Chartering of Vessels Flying the Flag of a Contracting Party in the Regulatory Area, STACTIC Working Papers 99/14 and 99/15 (Revision 2) were sent to the Heads of Delegation meeting. The decision on these items was reflected in FC W.P. 99/22 and WP 99/23 (Annexes 4 and 5). It was noted that the provisions pertaining to chartering operations (Annex 4) will apply as a pilot project only for the year 2000.
- 3.10. With respect to the NAFO Observer Program, the Scientific Council provided STACTIC with its scientific requirements for the observer program. The Scientific Council noted that the development of a comprehensive observer program database was necessary to provide timely access of the information to scientists. STACTIC recommends that an intersessional STACTIC meeting be held, with the participation of scientists, to begin work on this project.
- 3.11. With respect to an intervention from Norway on the impartiality of observers, it was agreed that NAFO observers are required to be independent and impartial and not crewmembers. There was no agreement that there was a need to change the existing Conservation and Enforcement Measures in this respect.
- 3.12. Mr Bevan informed the Commission that he had been **re-elected** for an additional two-year term as Chairman.
- 3.13. The Report of STACTIC was **adopted**.
- 3.14. With respect to Agenda item 10, Report of the San-Sebastian Working Group on the Precautionary Approach, Dr. H. -P. Cornus (EU) presented a summary of the joint Fisheries

Commission/Scientific Council Working Group meeting of 3-5 May 1999 in San-Sebastian, Spain on the Precautionary Approach (PA) (NAFO/FC Doc 99/2).

- 3.15. The Working Group evaluated appropriate management strategies for the three NAFO stocks - Cod in Div. 3NO, Yellowtail flounder in Div. 3LNO and Shrimp in Div. 3M and recommended that:
- Both the Scientific Council and the Fisheries Commission managers/experts consider the elements identified by the Working Group for the three model stocks in designing and formulating further action in respect to the implementation of the PA for the three stocks for the year 2000 and beyond.
 - Similar actions should be considered for other stocks with related characteristics, which were under NAFO purview.
- 3.16. Dr Cornus noted that mutual understanding had significantly increased between scientists and managers. He noted that the Working Group had brought NAFO a large step forward with respect to implementation of the Precautionary Approach in terms of the setting of TACs and management strategies. The report gives a good indication on how the Organisation can deal with these issues in the future. The Chairman noted that NAFO would have to deal with these on a stock by stock basis as there is no uniform solution to these issues.
- 3.17. The Representative of the EU re-stated attachment to the Precautionary Approach. He emphasized that it was imperative to work towards consistent and harmonised concepts and terminology with other regional fisheries organisations and, in particular, with ICES. Furthermore, he moved that the dialogue between scientists and managers should continue and that, therefore, the Joint Scientific Council/Fisheries Commission Working Group should reconvene in the year 2000.
- 3.18. The Representative of Canada also supported the continuation of the Joint Working Group discussions. He noted that the PA is more than the establishment of reference points and biological limits. He emphasized that an integral part of the PA must include measures to protect juveniles and spawning stock including closed area nurseries, gear restrictions, bycatch protection provisions, and monitoring, control and surveillance measures in order to give real meaning to the implementation of the PA.
- 3.19. The Representative of Canada presented a paper (FC Doc. 99/5) that described Canadian conservation measures for 3LNO Yellowtail flounder as an example of the application of the PA.
- 3.20. The Representative of Canada noted that the NAFO Conservation and Enforcement Measures should be reviewed in the context of the PA to ensure they provide the tools necessary to implement the PA in NAFO.
- 3.21. After considerable discussion, the Chairman summarised the conclusions - that there was support for continuing the Working Group, Canada would draft an agenda for the next meeting, the EU would present a working paper at the next meeting on harmonization of concepts and terminology on the PA, and the USA would prepare the text of a resolution on the implementation in NAFO of precautionary measures. He envisaged three issues: 1) application of the PA in the narrow sense, which has to do with biological reference and

limit points concerned with the exploitation rate; 2) the wider application of the PA which includes other management measures; and 3) both the exploitation rate and management measures as well as the monitoring, control and surveillance regime to ensure compliance with the management measures. The Fisheries Commission **adopted** the agenda in NAFO FC WP 99/8 (Revised) and the Resolution to Guide the Implementation of the Precautionary Approach within NAFO (FC WP 99/12 (Revised)).

- 3.22. With respect to Agenda item 11, Increase of inspection presence in the NAFO Regulatory Area, the Representative of the EU referred to its 1995 proposal that any Contracting Party having ten or more vessels fishing in NAFO should be required to have an enforcement/inspection presence in the NAFO Regulatory Area.
- 3.23. The Representative of Canada concurred with the EU proposal. He stated that enforcement costs need to be shared by all Parties that benefit from the resources in the NAFO Regulatory Area and that it is not equitable that only two Parties provide enforcement for the entire Organisation.
- 3.24. The Representative of the USA stated that he was prepared to support the proposal that any Contracting Party with ten or more vessels in the area should provide an inspection vessel.
- 3.25. The Representative of Iceland stated that Iceland could not entertain increasing the surveillance in this area. While Iceland has ten vessels fishing on the Flemish Cap, it does not have the means nor does it believe it is necessary to provide an inspection presence. He thought that the current 100% observer coverage requirement is more than is necessary and would like to see this level reduced.
- 3.26. The Representative of the EU asked Iceland to clarify its intervention and how this view could be reconciled in light of the stringent enforcement in Icelandic waters against EU fishing vessels. The Representative of Iceland responded that little danger of damage to other stocks existed in the shrimp fishery in Division 3M as it was a clean fishery with minimal bycatch between 1% and 4% however, the fisheries under Icelandic jurisdiction were far more sensitive and required observation.
- 3.27. The Representative of the EU proposed that this issue be kept open to allow additional bilateral consultations. He recalled that such a requirement was intended to be one of the cornerstones of the 1995 package of strengthened control and enforcement measures, and that, back in 1995, all Contracting Parties agreed to revert to the proposed requirement at an appropriate time. He reiterated that if the issue cannot be addressed this year, then it could be revisited next year during the review of the Observer Program. The Chairman concluded that this item would be included on next year's agenda.
- 3.28. With respect to Agenda item 12, Allocation of Fishing Rights and Chartering of Vessels, the Representative of the EU proposed that the chartering proposal described in paper GC Doc. 99/4 and W.G. Working Paper 99/6 be referred to STACTIC for advice. The Chairman noted that this item would also be addressed at the Heads of Delegations meeting. He noted that while this was normally a General Council issue, Papers FC WP 99/22 and FC WP 99/23 dealing with chartering and bare boat charters were referred to the Fisheries Commission to consider amendments to the Conservation and Enforcement Measures.

- 3.29. The Representative of Denmark (in respect of the Faroe Islands and Greenland) referred to point two (2) of the paper and the limiting of transfers and suggested that the paper does not reflect the intent of the discussions. He suggested that this issue be reviewed and revised in the year 2000. The Representative of the EU concurred with Denmark and noted that since this is a pilot project, it will be reviewed in the year 2000. The proposals in FC WP 99/22 (Revised) and FC WP 99/23 were **adopted** (Annexes 4,5).
- 3.30. With respect to Agenda item 13, Canadian Management Measures for 2J3KL cod in 1999, FC WP 99/6 – Submitted by Canada entitled “2J3KL Cod – Canadian Management Measures for 1999” was brought to the attention of delegates.
- 3.31. The Representative of the EU reviewed the history of the management of the cod in Divisions 2J3KL noting that this fishery was a backbone of the economy in the NAFO Convention Area for many years. Much conflict emerged over the stock between various Contracting Parties. There was a Canada-EU bilateral agreement in 1992 which, in September 1996, resulted in the establishment of specific NAFO measures governing the setting of the TAC in the event that a decision allowing the resumption of fishing for 2J3KL cod in the NAFO Regulatory Area should be taken (see Part I.A.4 of the NAFO Conservation and Enforcement Measures). He noted that the EU could not agree with the conclusions in the paper submitted by Canada (FC WP 99/6). He noted that the 2J3KL cod stock is only one cod stock and is very depleted with weak year classes since the beginning of the 90's. He stated that there was no supporting data to the contrary. He noted that inshore cod comprises primarily juveniles and that any fishing on one portion of the stock could seriously impact on the recovery of the entire stock. There is also an increased effort on the shrimp fishery in Division 3L which could have a negative impact on the rebuilding of cod. He stated that there was no scientific basis for Canada to open this fishery.
- 3.32. The Representative of the EU referred to the NAFO decision for a moratorium on 2J3KL cod in the Regulatory Area in 1999 and the letter from Canada in September 1998 (FC WP 98/6) in which Canada confirmed its continuation of the moratorium on commercial fishing for 2J3KL cod in the Canadian zone. He noted that Canada's unilateral decision to open a commercial fishery for this stock contrary to its earlier announcement can be seen as a breach of confidence.
- 3.33. The Representative of the EU proposed the following two questions be posed to the Scientific Council: The Scientific Council is requested to evaluate the impact of catch in the range of 5,000-10,000t yearly on the recovery of cod in the 2J3KL cod unit. The Scientific Council is also requested to evaluate the impact of bycatches of cod in other fisheries inside the Canadian zone and the NRA.
- 3.34. The Representative of Canada confirmed that Canada had set a 9,000t TAC for the inshore cod fishery in 3KL and that this was transmitted to Contracting Parties by the Executive Secretary on July 16 with a supplementary letter sent on September 2 which explained the rationale for the fishery. Canada has maintained the moratorium for offshore cod. He stated that this was a limited fishery for a part of Canada's inshore fleet restricted to vessels mostly less than 35 feet (10m) and the fishery is restricted to within 12 miles from land. Canada has put in place strict management measures and controls on the fishery which include two seasons (July and mid-September to mid-October), limits have been put in place on the amount of gear permitted by each fisherman (6 gillnets of 50 fathoms or 2,000 hooks), there is no trawling, fishermen fish individual quotas with 100% dockside monitoring of all catches and a portion of the vessels are covered by observers. He stated

that there has been a moratorium on northern cod in the NAFO Regulatory Area for a number of years now and each year the Canadian domestic assessment process as well as the NAFO Scientific Council have come to the same conclusions - the offshore components of this stock are at all time lows and there are no signs of recovery in the offshore.

- 3.35. The Representative of Canada emphasised that the decision for this limited fishery was not made lightly and only took place after extensive scientific review. The role of the Fisheries Resource Conservation Council (FRCC) in providing advice to the Minister of Fisheries and Oceans was explained in the context of the opening of the fishery. The FRCC had expressed concern with the lack of data on the resource in inshore areas while at the same time acknowledging that there is evidence of a large abundance of cod in some of the inshore areas and bays. The FRCC recommended a limited inshore fishery in order to gather scientific information. The Representative of Canada stated that this limited cod fishery is being conducted in this context in order to improve confidence in management and rebuilding of the stock. Canada believes that this approach is consistent with the conservative management of this resource.
- 3.36. With respect to Canadian vessels fishing for shrimp in Division 3L, the Representative of Canada explained that three vessels (two inshore and one offshore) had undertaken research during 1999 with a view to obtaining information on the distribution and age structure of the shrimp stock. Research was conducted under a strict scientific protocol and all Contracting Parties were advised via the Executive Secretary. The research did not result in any particular threat to cod. The data collected was presented to the Scientific Council.
- 3.37. The Representative of the EU observed that the Scientific Council's work on 3NO cod indicates that a small increase in bycatch mortalities can lead to a much longer time for stock recovery. He used this example to underline his concern regarding the impact of bycatches on 2J3KL cod. He referred to the FRCC report of May 1999 (page ten) which suggests that the only proven method of determining stock abundance is acoustic surveys conducted during the pre spawning and spawning in winter and spring. The Representative of the EU referred to the Canadian Atlantic Quota Report which refers to 2J3KL cod as a commercial fishery and concluded this was not a fishery just for the collection of data. He believed that it would be difficult for Canada to discharge its obligations under the 1996 NAFO measures, UNCLOS and the 1995 UN Agreement, all of which contained provisions pertaining to compatible conservation measures both within areas under national fisheries jurisdiction and beyond. He concluded that NAFO should be really concerned about this situation.
- 3.38. The Representative of Canada reviewed the historical information for 2J3KL cod and the FRCC advice. There is a lack of knowledge from inshore areas but Canada is moving towards trying to address this gap. He explained the strategies to date to evaluate the resource in the inshore. He recalled that historical inshore catches averaged more than 100,000t annually. He reviewed the steps taken by Canada to monitor stocks through sentinel surveys. As a result the FRCC recommended a catch between 6,000- 9,000t to allow for a limited fishery including a sentinel fishery component for the inshore portions of 3KL to provide the necessary information to make informed decisions on this stock. Canada's decision was fully consistent with its rights and obligations. A moratorium remains on the offshore component of the stock and all trawling is prohibited. This is consistent with the need to continue the moratorium on the stock in the NAFO Regulatory Area.

- 3.39. The Representative of Canada stated that Canada had considered all available advice including that of the Scientific Council as a basis for establishing a limited TAC.
- 3.40. The Representative of Latvia expressed a need to be more cautious with stocks that are under moratorium and agreed with the point of view expressed by the EU. The Representatives of Denmark (in respect of the Faroe Islands and Greenland) and Estonia supported the EU proposal to pose the two questions to the Scientific Council. In response to a question from the USA, the Representative of Canada identified an independent assessment on northern cod which suggested a significantly higher harvest level than 9,000t. It was agreed to submit the two requests proposed by the EU in writing to the Scientific Council.

4. Conservation of Fish Stocks in the Regulatory Area (Agenda items 14-18)

- 4.1. With respect to item 14 of the Agenda, Summary of Scientific Advice, the Chairman of the Scientific Council, Dr. H.P Cornus (EU) presented a summary of NAFO SCS Doc 99/21 "Report of the Scientific Council, 3-16 June 1999" which provides the scientific advice for the management of stocks in the NAFO Regulatory Area for 2000 and 2001 and addresses special requests to the Scientific Council. He summarised this advice in the table below.

ADVICE FOR 2000

Redfish 3M	3,000-5,000t
Cod 3M	No directed fishery, lowest possible by-catch
American plaice 3M	No directed fishery, lowest possible by-catch
Yellowtail flounder 3LNO	10,000t
Witch flounder	No directed fishery, lowest possible by-catch
Greenland halibut 2+3KLMNO	Catch of about 30,000t should allow stock to increase
Squid (<i>Illex</i>) 3+4	19,000-34,000t

ADVICE FOR 2001

American plaice 3LNO	No directed fishery, lowest possible by-catch
Cod 3NO	No directed fishery, lowest possible by-catch
Redfish 3LN	No directed fishery, lowest possible by-catch

- 4.2. Special requests for advice were submitted for **Squid** in Subareas 3&4, **Witch flounder** in Div. 2J3KL. With respect to **3M shrimp**, Dr Cornus noted that the next assessment of shrimp would take place in November of 1999 together with the other shrimp stocks. It had been agreed that the Scientific Council monitor developments in this fishery and stock. This was done in 1999 and the Scientific Council has no new data that would change its advice and so the advice for 2000 is the same- TAC of 30,000t.
- 4.3. With respect to **3NO Capelin**, there had been no request to the Scientific Council for advice. The Council advised the Commission that there is no data to evaluate the stock.
- 4.4. Dr. Cornus reviewed the paper "Management Advice and Responses to Special Requests" NAFO FC Working Paper No. 99/6 in respect to shrimp in Div. 3LNO. The advice for shrimp in Div. 3LNO was presented and is contained in NAFO SCS Doc.99/21.

- 4.5. Dr. Cornus summarized the final request for the Scientific Council to "provide information on the types of fisheries research activities being conducted or that may be conducted in the future in the NAFO Regulatory Area. Further, the Scientific Council is requested to outline any guidelines and protocols that should be followed when conducting such research". (Page 27, SCS Doc 99/2).
- 4.6. Inquiries were made to the Chairman of the Scientific Council to clarify several questions regarding the scientific advice.
- 4.7. With respect to **3LNO American plaice**, the Representative of Canada queried why the Scientific Council had raised the natural mortality for American plaice from .2 to .6 and asked whether the Scientific Council expected to investigate this further in the future. Dr. Cornus responded that surveys indicate an increase in total mortality even in years when a moratorium is in place. This can only be attributed to natural mortality. With respect to future investigations, Dr. Cornus confirmed this would be the case as it would have an impact on the advice.
- 4.8. The Representative of Canada noted that the bycatch of **3LNO American plaice** has been in the order of 1600t while under moratorium. He asked in which fisheries this bycatch occurred and for an evaluation of the impact of this level of bycatch on the recovery of the stock. Dr. Cornus explained that the Greenland halibut and skate fisheries in 3LNO have a bycatch of American plaice. With respect to the impact of natural mortality rates, Dr. Cornus indicated that a bycatch would keep the natural mortality at a higher level than .2.
- 4.9. With respect to **3LNO yellowtail flounder**, the Representative of Canada noted that the Scientific Council is using a fishing mortality buffer of 0.13 which corresponds to an exploitation rate of 11% for yellowtail flounder. He asked how this reference point developed under the precautionary approach would relate to the more traditional FO.1 indicator that is used for other groundfish stocks. Dr. Cornus noted there are problems in the age determination of yellowtail flounder and that calculations based on FO.1 would be of less value.
- 4.10. With respect to **witch flounder in 2J3KL**, the Representative of Canada noted the Scientific Council does not anticipate any marked improvement for this stock in the next few years and asked whether this meant the Scientific Council would support continuation of the current moratorium in 2000 and 2001. Dr. Cornus concurred with this interpretation.
- 4.11. With respect to **3M redfish**, the Representative of Russia noted that while there are strong 1990 and 1991-year classes, fisheries statistics showed that catches were low during 1999. Given the Scientific Council's recommended catch reduction, he requested further clarification. Dr. Cornus responded that the stock is at very low levels compared to previous years. The Scientific Council feels that the current TAC is too high and may cause excessive exploitation. This would reduce the upcoming year class and any improvement of the spawning stock would be impacted detrimentally.
- 4.12. With respect to **3M shrimp**, the Representative of Denmark (in respect of the Faroe Islands and Greenland) noted some areas of shallower waters on the Flemish Cap should be closed for fishery during certain times of the year to prevent catch of young fish. Dr. Cornus indicated that he was not aware of this situation and that it should be made available for discussion during the shrimp meeting in November.

- 4.13. With respect to **shrimp in Div. 3L**, the Representative of Denmark (in respect of the Faroe Islands and Greenland) commented on Working Paper 99/6 in regard to 3L shrimp. He noted that the information is clear that a restricted fishery for 6,000t could be undertaken in this area.
- 4.14. The Representative of the USA asked for clarification of the comment in the "Special Request" last paragraph (pg.26) indicating that it does imply that within a particular year there is unlikely to be an impact. Dr. Cornus indicated that this was the correct interpretation of the paragraph in question.
- 4.15. The Representative of the USA noted the scientific information with respect to bycatch and the impact of bycatch on the recovery for **Greenland halibut**, the two cod stocks, the two plaice stocks, witch flounder, redfish, and grenadier. He asked whether the Scientific Council had attempted to provide better information on the potential impact that bycatch may be having on the recovery of depleted species. Dr. Cornus responded that most of the stocks are under moratoria and that any bycatch will reduce the immediate recovery of these stocks. The Scientific Council is unable to quantify the potential impact. Dr. Cornus suggested that Greenland halibut was a special case because the gear is harvesting mostly juveniles.
- 4.16. The Representative of the USA asked what would be required to obtain better estimates of the mortality impacts of **bycatch for those stocks under moratorium**. Dr. Cornus stated that for most of these stocks, the Scientific Council was unable to do an analytical assessment, which has been the case for several years. The Representative of the USA asked the Chairman to comment on the status of information on bycatch in general. He expressed great concern for this issue and suggested that the Fisheries Commission would need to consider mechanisms to control bycatches including those that are discarded. Dr. Cornus responded that the extent of bycatch information depends on the information records for the stocks - with some stocks this might be possible, while in other stocks there is no information at all. As a follow up, the Representative of the USA asked if the observer data was usable for scientific analysis. Dr. Cornus responded that observer data was not currently usable as the volume of paper and the time required for analysis limit its utility. He suggested that if the data were in an electronic format, it would be useful during the June Scientific Council meetings.
- 4.17. With respect to **2+3 Greenland halibut**, the Representative of the EU noted that there were good year classes in 1992-95 with the oldest now being recruited into the spawning stock biomass. He asked why the Scientific Council had recommended a TAC of 30,000t in 2000 in light of the apparent improvement in the stock biomass. He also asked whether there had been a negative impact on Greenland halibut caused by the Canadian shrimp fishery in Division 3K. Dr. Cornus advised that with respect to the recommended TAC of 30,000t, there is an apparent increase in 3L and 3M, but in 2J and 3K the total abundance and the biomass are decreasing and there are indications of increasing fishing mortality. Historically this level appears to be sustainable given the data. He stated that the Scientific Council has no data to evaluate the impact of the Canadian shrimp fishery in 3K.
- 4.18. The Representative of the EU requested clarification on the **advice on shrimp** under the Special Request section (page 2, para 1) noting that the information comes from late summer and autumn surveys. He asked whether this information referred to the partial surveys and whether it is possible to make an assessment as to the distribution of spawning stock biomass, knowing that shrimp are migrating during the season. Dr. Cornus responded

that the Canadian autumn survey was the only reliable information. Other surveys were only partial and could not be used as a basis for the advice.

- 4.19. With respect to **2+3 Greenland halibut**, the Representative of the EU requested clarification regarding item "f" (pages 3 and 4) and the Scientific Council's recommendation that fishing effort be distributed proportionally to the distribution of biomass. He suggested that as this required a management decision, it was inappropriate for the Scientific Council to make recommendations to the Fisheries Commission. Dr. Cornus responded that the Scientific Council is concerned if the fishing effort is not distributed proportionally to the biomass, independently of whether it is a mean value over the year or not. Dr. Cornus concurred that the Scientific Council was not intent on doing the Fisheries Commission's job.
- 4.20. With respect to **3LNO American plaice**, the Representative of the EU requested clarification in respect to the conclusion on American plaice (NAFO Doc SCR 99/69 - Pg. 4). Dr. Cornus indicated he was not in a position to comment on this issue and would be prepared to address it later. Further, Dr. Cornus indicated that this was a working paper and not a document generated by the Scientific Council. The Chairman suggested that other Contracting Parties should familiarize themselves with the document in order to participate in the discussion. The ensuing discussions on this paper determined that although of value, the Commission should not refer to working papers that are not peer reviewed and that the Commission should not be prescriptive on the methodology that the Scientific Council uses.
- 4.21. With respect to Agenda item 15, Management and Technical Measures for Fish Stocks in the Regulatory Area, 2000, with respect to **Cod in Div. 3M**, the Representative of Denmark (in respect of Faroe Islands and Greenland) suggested that the moratorium has had no significant effect and there are other ways to achieve recovery of fish stocks. He proposed a commercial fishery with a TAC of 2,000t annually for the next five years as this would provide much needed data. He proposed that for each Contracting Party with a 3M cod quota that no more than 40% could be fished before May 1 and no more than 80% fished before October. The Representative of Canada noted that the stock has collapsed, the biomass is the lowest on record and recruitment is expected to be poor in 1999 and 2000. He proposed that there be no directed fishery for cod in 3M in the year 2000 and that the bycatch of cod be kept at the lowest possible level.
- 4.22. With respect to **Redfish in Div. 3M**, the Representative of Russia noted that the stock was at a low level but also acknowledged the 1990-1991 year classes which were now part of the spawning stock. He drew attention to Working Paper 99/7 submitted by Russia which indicated that the TAC should be maintained at the same level as 1999. The Representative of Estonia supported the Russian proposal to maintain the 3M redfish fishery at the level of the 1999 TAC. The Representative of the USA proposed the advice from the Scientific Council be adopted. The Representative of Canada noted that the stock had declined considerably as a result of high catches during the late 1980's. Data shows that in 1990 the catch was 81,000t when the TAC was 50,000t. The low catches in the past are a consequence of a diminished abundance of 3M redfish. He supported the Scientific Council's advice that the TAC be reduced from 13,000t in 1999 to 5,000t in 2000. The Representatives of Latvia and Lithuania supported the Russian proposal given that no significant fishing effort has taken place on this stock and there were two good year classes being recruited to the fishery.

- 4.23. The Representative of Japan suggested that the catches for the fishery this year would not reach more than 5,000t. If there is no plan to substantially increase fishing effort by Contracting Parties, Japan could accept the TAC at the level suggested by Russia. If there are any doubts, then a TAC of 5,000t should be accepted and the fishery should be closed when the cumulative quota reaches that level. He proposed an arrangement similar to that adopted last year to allow the fishing interests of Parties having a small quota not to be affected substantially. With these considerations Japan would support the Scientific Council's recommendation.
- 4.24. The Representative of the EU suggested the scientific advice was unclear as to an improvement in the biomass. He proposed that in light of the uncertainties that a precautionary approach should be adopted.
- 4.25. With respect to **3M American plaice**, the Representative of the USA suggested that all stocks that the Scientific Council had recommended continuation of moratoria should be addressed as a whole. He also suggested that for these stocks, the Commission should investigate ways to reduce the bycatch of these stocks to enable their recovery.
- 4.26. The Representative of the EU recommended that that the database be improved for all stocks to provide the Scientific Council with all available data. The Representative of Canada strongly endorsed the EU proposal and encouraged Contracting Parties to provide observer data in an electronic format to the Scientific Council.
- 4.27. After extensive discussions, the Chairman noted **agreement was reached** as follows:

Cod 3M	No directed fishery
Redfish 3M	5,000t, f/n (6) no more than 2,500t to be fished before July 1
American plaice 3M	No directed fishery
Shrimp 3M	<p>FC W.P. 99/15 (Revised), continue the effort scheme for the year 2000 and the addition of point (f) in respect to the reporting of fishing days by Contracting Parties to the Secretariat.</p> <p>4(j) last item changed to reflect "fishing days are not transferable between Contracting Parties except under the conditions provided in 1(b)."</p> <p>FC W.P. 99/16 (Revised) Proposed closure for the shallow areas of the Flemish Cap. Sent to the Scientific Council.</p> <p>FC W.P. 99/17 (Revised). Setting out a procedure how the Scientific Council and the Contracting Parties will deal with the deliberations of the Scientific Council to adopt the proposed closure measures.</p>

The proposal for Management Measures for Shrimp in Div. 3M for 2000 (FC W.P. 99/15) was **adopted** (Annex 6). The following request was formulated (FC W.P. 99/17) to the Scientific Council:

Request from the Fisheries Commission on Management Measures for Shrimp in 3M:

The Scientific Council is requested at its November 11-17, 1999 meeting to evaluate, on the basis of the best data available, whether the provision for a 3M shrimp closure in FC Working Paper 99/16 would be a precautionary approach-based measure and if so, whether proposed area and timing of the closure are appropriate. The Executive Secretary should then distribute the response of the Scientific Council along with FC Working Paper 99/16 and a call for a vote on FC Working Paper 99/16 to all Contracting Parties consistent with rules 2.5-2.8 of the Rules of Procedure (Annex 7).

Note (from the NAFO Secretariat: This request was formally transmitted to the Scientific Council by the Executive Secretary on 04 October 1999 (GF/99-596).

- 4.28. The Representative of Iceland **stated for the record** that Icelandic fisheries for **3M shrimp** in the year 2000 will be outside the NAFO management decision and conducted in the same way as in 1999 with the **Icelandic quota to be decided unilaterally by Iceland**. He confirmed that Iceland would abide with any agreed closed area.
- 4.29. With respect to **3M Shrimp**, the Representative of Iceland expressed concern with the NAFO decision. He advised that a return to an effort limitation system is out of the question for Iceland, although a small portion of its fleet do fish on this basis which remains a concern to Iceland.
- 4.30. He advised that Iceland's position on a TAC and quota system for shrimp had not changed since its objection and will remain unchanged. He believed that recent Scientific Council advice supported this position. He proposed an amendment to the NAFO Conservation and Enforcement Measures, 1(f). Management Measures for Shrimp in Div. 3M to introduce TAC allocations of national catch quotas to Contracting Parties instead of the present allocation of maximum number of fishing days. He proposed a special Fisheries Commission meeting take place in November immediately after the Scientific Council meeting with a view to establishing a TAC and quota system.
- 4.31. The Representative of Denmark (in respect of the Faroe Islands and Greenland) stated that a satisfactory management regime was currently in place for **3M shrimp** and proposed its continuation. He proposed the continuation of a fishery on the western slope of the Flemish Cap (Shrimp Box) as agreed by the Commission for 1999. He expressed concern with respect to an ongoing fishery in 3M for small shrimp and proposed closed areas for periods of the year in order to protect juvenile shrimps. (NAFO Doc. FC 99/9 and addendum).
- 4.32. The Representative of Norway stated that the management of **3M shrimp** has been undermined by one Contracting Party through its objection and setting of a unilateral quota which increased from 6,800t to 9,300t for 1999. This unilateral quota is far beyond the level that could be seen as that Party's fair share. He also expressed concern, in particular with respect to 3M shrimp, regarding the practice of "flag hopping" - that is the process where Contracting Parties change vessel registration during the fishing season from one party to another to utilise the fishing opportunities allocated to the other Party. He suggested the consideration of measures to counteract this practice. With respect to Iceland's proposal for a special meeting, Norway would be prepared to enter such discussions but would reserve its rights until results of the process are seen. He stated that he was not in a position at this time to make a decision whether there should be a change in the shrimp management.

- 4.33. The Representative of the USA supported Norway's intervention and asked for clarification from Iceland regarding the proposed intentions until a new management system is adopted. He indicated that the U.S. is prepared to participate in a special meeting without committing to the final outcome.
- 4.34. The Representative of Latvia supported Denmark's position and stressed that all Parties, except one, had adopted the effort system. He suggested that the issue of possible change of effort system initially could be discussed through a working group before formal discussions begin.
- 4.35. The Representative of Estonia suggested it may be premature to change the existing regime but indicated his willingness to participate in further discussions if the issue is looked at from a broader perspective and new data is obtained from Scientific Council.
- 4.36. The Representative of the EU sought clarification from Denmark on its proposal for a prohibition of an area on the Flemish Cap and whether scientific data existed to support this. He expressed preparedness to contemplate changes in the current management system for 3M shrimp but suggested that Iceland should further elaborate on its proposals in order to facilitate forthcoming discussions.
- 4.37. The Representative of Canada noted that the effort regulations have not reduced the exploitation of **3M shrimp**. While catches have been reduced since 1997, this was primarily due to reduced catches by one Contracting Party as a result of its unilateral quota. It was noted that while there has been less fishing activity, the potential for much higher catch levels exists under the effort scheme given the way the fishery is prosecuted. At least four fishing vessels from one Contracting Party had been re-flagged to other Contracting Parties to fish their respective effort days. This transfer of effort is increasing fishing capacity in the shrimp fishery at a time when this increase is detrimental to the stocks. He suggested that an effective conservation based management scheme for 3M shrimp would be desirable for the year 2000.
- 4.38. The Representative of Norway noted the Scientific Council's recommendation for a 6,000t quota in **Div. 3L shrimp** that can be taken in part of the NAFO Regulatory Area. He suggested that similar management systems be reviewed for **shrimp in 3M and 3L**.
- 4.39. The Representative of Denmark (in respect of the Faroe Islands and Greenland) replied to the EU that its proposal (FC W.P. 99/16) for a closure in the shallow areas of 3M was based on data from the fishing industry which show catches of small shrimp (260/kilo) in the shallow areas compared to larger shrimp (150/kilo) in other areas.
- 4.40. The Representative of Iceland stated that he saw no point in pressing for a vote or a definite position in respect to its proposal for a meeting on **3M shrimp** and would withdraw the proposal. He suggested that the discussions continue. He noted Iceland's objection would remain.
- 4.41. With respect to Agenda item 16, Management and Technical measures for Fish Stocks Straddling National Fishing Limits, 2000:
- 4.42. The Chairman noted agreement had been reached with regards to the following stocks:

COD	Div. 3NO	No directed fishery
REDFISH	Div. 3LN	No directed fishery
AMERICAN PLAICE	Div. 3LNO	No directed fishery

- 4.43. It was agreed that the above moratoria would continue for the years 2000 and 2001 and, if new scientific information emerged, the decisions for 2001 would be revisited next year.
- 4.44. With respect to **3LNO Yellowtail Flounder**, the Representative of Canada noted the positive signs of recovery due to the moratorium during 1994 to 1997. He confirmed Canada's intention to continue the very strict controls for this fishery. Restrictions have been implemented to ensure that the quota is respected and that other potential problems associated with bycatch are controlled. The fishery has been conducted in 3NO and within 200 miles and conducted in such a way as to avoid nursery areas for stocks including *American plaice* and juvenile yellowtail. Bycatches of other species are kept at the lowest possible levels through the introduction of protocols to protect small fish and bycatch. Canada endorses the Scientific Council recommendation for the year 2000 that the TAC be set at 10,000t. The Canadian fishing fleet will be governed by the strict controls that have been in place since 1998. It was noted that the Scientific Council has recommended that *the fishery not be confined to 3NO as the stock may be expanding*.
- 4.45. The Representative of the EU reserved its position in regard to the way the Scientific Council had elaborated its advice for **Yellowtail flounder**, given that this advice reflects the Scientific Council's own peculiar concept of a precautionary approach, which, so far, the Fisheries Commission has neither reviewed nor formally endorsed.
- 4.46. The Chairman noted agreement had been reached with regards to the following stocks:
- | | | |
|---------------------|-----------|---------------------|
| YELLOWTAIL FLOUNDER | Div. 3LNO | 10,000t |
| WITCH FLOUNDER | Div. 3NO | No directed fishery |
| CAPELIN | Div. 3NO | No directed fishery |
- 4.47. With respect to **Squid (Illex)**, the Representative of the USA supported the Scientific Council advice of a TAC between 19,000 and 34,000t. The Representative of Canada stated indicated that he was prepared to accept this advice subject to the development of an appropriate management protocol that would allow managers to respond to changes in productivity that may occur in the fishing season. Canada had circulated a proposed protocol for determining the productivity of the short-finned squid resource using various resource indicators. He suggested that the protocol would remain in place until the Scientific Council could provide advice on the criteria which could be used to provide reliable forecasts. The Representative of the EU endorsed the Canadian proposal in principle subject to reviewing the proposal.
- 4.48. The Chairman noted agreement had been reached on **Squid (Illex)** for a TAC of 34,000t with the same distribution key as in previous years and subject to a protocol set out in FC WP 99/18 (Revised).
- 4.49. With respect to **Shrimp in Div. 3LNO**, the Representative from Denmark (in respect of the Faroe Islands and Greenland) noted that bycatches were estimated at .4% of the shrimp fishery. He stated that this level of bycatch would not harm the groundfish stocks. He therefore proposed a limited fishery for shrimp in Div. 3L with a continued moratorium in Div. 3N in the year 2000. He proposed a TAC of 6,000t in the NAFO Regulatory Area both

inside and outside Canada's zone with a limit of 200 days per Contracting Party which has a track record of fishing shrimp prior to 1994. He further stipulated that the fishery be limited to depths greater than 200 meters, sorting grids with a maximum spacing between the bars of 22 mm and a closure of the fishery once the TAC is attained. He recognised that allocations would need to be discussed between the Contracting Parties in regards to the coastal State.

- 4.50. The Representative of Canada noted the concerns with respect to bycatch of other species still under moratoria and the general lack of scientific advice with respect to distribution, abundance and potential impacts. He endorsed the Scientific Council recommendations and supported a fishery for **3L shrimp** predicated upon adequate controls to ensure proper conservation and regulation of any fishery in this area. He also stipulated that the fishery would need quota management as Canada would not accept the notion of a competitive fishery or one that is governed by effort limitation. Canada would want to ensure effective control over any fishery in this area, particularly given the different fishing practice for 3M shrimp, and assurances that the two management regimes, assuming they continue, do not negatively impact the fishery in 3L.
- 4.51. The Representative of the EU stated there is a considerable overlap between **3L shrimp** and other groundfish species and suggested there was inadequate scientific information on which to decide an opening of the fishery.
- 4.52. The Representative of the USA shared the EU concerns and was not prepared to endorse the proposal by Denmark and Canada as sufficient. He expressed concern on the determination of the allocation for a new fishery. He noted that in the absence of a specific proposal, he was not prepared to support a new fishery until the allocation had been developed.
- 4.53. The Representative of Canada asked that the Scientific Council be requested to provide advice whether there is any evidence for seasonal changes in **shrimp distribution in Div. 3L**. The Chairman asked that this question be provided in writing.
- 4.54. The Representative of Denmark (in respect of the Faroes and Greenland) indicated that the track record that he referred to earlier in his proposal were those Contracting Parties that fished shrimp prior to the moratorium for **3LNO shrimp** – which were Denmark (in respect of the Faroe Islands and Greenland) and Canada.
- 4.55. The Representative of Latvia indicated that as Latvia has participated in the 3M fishery, it looked forward to the possibility of also fishing shrimp in Div. 3L. The Representative of Lithuania indicated that Lithuania would want to participate in this fishery under the conditions of the Fisheries Commission. The Representative of Estonia indicated that if there was sufficient scientific justification, then Estonia would wish to participate in the fishery.
- 4.56. With respect to the management of 3M shrimp, the Chairman noted that this issue was to be referred to the Working Group on Quota Allocations which will hold an intersessional meeting to evaluate the 3M effort scheme, to develop a possible TAC/quota allocation scheme and a quota allocation scheme for 3L. The Chairman noted that these issues should be addressed in conjunction but separately from the discussions of the Working Group on Quota Allocations.

- 4.57. The Representative of Denmark (in respect of the Faroe Islands and Greenland) stated he did not accept an equal distribution of the **3L shrimp quota** outside the Canadian zone as Denmark was one of the two parties with a track record.
- 4.58. The Representative of the EU expressed grave concern about both the way in which the proposed management measures for **3L shrimp** have been developed, as well as the lack of sufficient scientific data to support any such measures at this juncture. He indicated that he could accept the proposed measures only as part of the package deal which has emerged in the course of this session and only with the proviso that this constituted no precedent for any necessary regulatory measures in the future and that, in any event, the measures at issue were subject to review in the year 2001. The paper FC W.P. 99/20 (Revised) with the amendment in new point (13) was **adopted** (Annex 8).

It was further agreed to hold a meeting to (1) evaluate the current management system for 3M shrimp and describe possible TAC-based, quota allocation systems and (2) describe possible quota allocation systems for 3L shrimp in the NAFO Regulatory Area. This meeting shall be held in conjunction with, but separately from, the Working Group on Allocation of Fishing Rights to Contracting Parties of NAFO and will be chaired by H. Koster (EU).

- 4.59. With respect to Greenland halibut in Div. 2+3KLMNO, the Representative of the EU noted that the stock situation is encouraging and still improving from the levels of 1990. The Scientific Council recommended a catch of about 30,000t would allow the stock to increase. He suggested that an increase from the present TAC level be identified without exceeding the catch level proposed by Scientific Council.
- 4.60. The Representative of Canada noted that according to the Scientific Council, the recovery of the stock was due to reduced levels of harvest together with improved recruitment prospects. The Scientific Council advised there is a significant catch of young immature fish which are several years less than sexual maturity and that such exploitation is forgoing significant potential yield. The Scientific Council recommended that measures be taken to reduce as much as possible the exploitation of juvenile Greenland halibut in all fisheries including the directed fishery. In light of these concerns, he proposed that a TAC of 27,000t would be appropriate and that any TAC above this level be considered only, if conservation measures are implemented to address the Scientific Council's recommendations to reduce the exploitation of juvenile Greenland halibut.
- 4.61. The Representative of Latvia supported the EU proposal for an increased TAC as this is consistent with the Scientific Council's advice which shows an increase in the stock.
- 4.62. The Representative of the USA supported the position put forward by Canada. He stated that it is essential that measures be implemented to shift the exploitation pattern away from young fish. Measures also have to be considered to reduce potential bycatches of stocks that are under moratorium. He said it was not appropriate to increase the TAC unless the exploitation pattern can be shifted and bycatch measures can be strengthened.
- 4.63. The Representative of Estonia supported the EU position providing that all necessary measures will be followed. The Representative of Russia noted that in light of the Scientific Council's recommendations, he believed it is appropriate to maintain the TAC at the 1999 level. As to gear selectivity and changes in mesh size, he indicated the need for experiments before making any decisions.

- 4.64. The Representative of France (in respect of St. Pierre et Miquelon) noted the Greenland halibut stocks are improving. St Pierre is interested in this stock as it intends to fish under "Others" quota. France supports the EU position for an increased TAC and at same time takes heed of Canada's suggestion to ensure no harm to juveniles.
- 4.65. The Representative of Japan stated that the TAC should be set in accordance with the Scientific Council advice.
- 4.66. The Representative of the EU asked the USA for clarification with respect to his comments on bycatches. He also expressed concern with respect to juvenile **Greenland halibut and redfish in Div. 3L** and the potential for these stocks to be impacted.
- 4.67. The Representative of the USA responded to the EU that he was referring to the recurring theme of keeping bycatch to the lowest possible level that appears in the Scientific Council report and suggested that it would also apply to the Greenland halibut fishery.
- 4.68. The Representative of the EU indicated that the U.S. reply did not altogether support this as there were differences in the fishery depending on what depth the fishery was conducted. The Representative of the USA expressed interest in receiving from the EU any observer information that would support this assumption. The Representative of Canada indicated that based on observer reports there are occasions of fairly significant bycatch among vessels harvesting Greenland halibut. He also noted that significant bycatches of American plaice and Greenland halibut occurred in the skate fishery as previously noted by the Chairman of the Scientific Council.
- 4.69. The Representative of Denmark (in respect of the Faroe Islands and Greenland) pointed out the Scientific Council report which indicates that bycatches have decreased in the **shrimp fishery in 3L** with the use of the sorting grid to 2.4 % of Greenland halibut and to 0.1% of other species. Based on this data, he indicated that one could not conclude that these bycatches harm the Greenland halibut stock
- 4.70. The Chairman summarized the proposed agreement for Greenland halibut:
- 1) A TAC for 2+3KLMNO of 35,000t which provides a TAC for 3LMNO of 25,935 t.
 - 2) The concern with respect to the catch of juvenile Greenland halibut which is being referred to the Scientific Council.
 - 3) The request to STACTIC that in light of the advice of the Scientific Council, STACTIC shall review all management options by which catches of juvenile fish can be reduced taking into account the various NAFO fisheries and elaborate and recommend feasible measures to be incorporated in the NAFO Conservation and Enforcement Measures.
- 4.71. The Representative of Canada reiterated his concerns regarding the proposed TAC of 35,000t in the absence of measures to reduce juvenile mortality, which reflected the scientific advice. Canada noted that this concern had been forwarded to the Scientific Council and to STACTIC to identify and evaluate means to try and address the issue of juvenile mortality. Canada wished to register that Canada is moving forward to look at ways in which juvenile mortality can be reduced. He indicated that Canada was prepared to

accept the proposal and is doing so to join the consensus that has emerged around a number of issues before the Fisheries Commission.

- 4.72. The Representative of the USA supported the position put forward by Canada concerning the bycatch of juvenile fish. The USA was prepared to accept the TAC of 35,000t in the expectation that there will be measures implemented next year to reduce the bycatch of juvenile Greenland halibut.
- 4.73. The Chairman noted **agreement was reached** as indicated above.
- 4.74. The Representative of Latvia reserved its position in respect to the Quota Table as it was in previous years especially in respect to the quotas noted in footnotes (1) and (5) and noted that Latvia's position would not be different than in previous years.
- 4.75. The Fisheries Commission then **adopted** the Quota Table for 2000 (Annex 9).
- 4.76. With respect to **Cod in Div. 2J3KL**, the Chairman reviewed two questions posed to the Scientific Council by the EU:
- 1) The Scientific Council is requested to evaluate the impact of catch in the range of 5,000 to 10,000t yearly on the recovery of cod 2J3KL; and
 - 2) The Scientific Council is also requested to evaluate the impact of the bycatches of cod in other fisheries inside the Canadian zone and in the NAFO Regulatory Area.

The Scientific Council's response follows:

As indicated in the June 1999 report of the Scientific Council an analytical assessment of **Div. 2J and 3K cod stock** was not attempted. The inability to reconcile reported catches and the research vessel index in the late 80's and early 90's has not been resolved. Perhaps more importantly the surveys do not cover the shallow coastal waters where good catch rates have been experienced in both the sentinel surveys and 1998 index fishery. The sizes and ages of cod taken in the offshore surveys do not represent the larger and older cod caught in the inshore. Because of this the Scientific Council is not in a position to provide risks associated with fishing at different levels comparable to those made available for **cod in Div. 3NO**. However it is clear the size of the stock as a whole remains at a very low level it is also clear that any removals including directed catch and bycatch in other fisheries will hamper recovery of the resource although the extent of this delay cannot be determined with available data.

- 4.77. The delegate of the EU noted that this response of the Scientific Council revealed two key elements:
- 1) The Scientific Council, which comprises a large number of Canadian scientists, is not in a position to provide risks associated with fishing of cod in Divisions 2J and 3KL.
 - 2) The stock is at lowest level ever and any removal from the stock will have adverse effects for its recovery.

In the light of this information, he expressed ever-growing concern with Canada's decision to set itself a TAC for 1999. He considered this decision to be inconsistent with the information received from the Scientific Council. He stressed that, in view of the uncertain-

ties involved, a precautionary approach should have been followed. He added that the response of the Scientific Council only underscored the European Union's misgivings.

- 4.78. The Representative of the USA noted that the scientific advice is clear that the size of the stock is at a very low level and that any removals, including directed catch and bycatch in other fisheries, will hamper recovery of the resource although the extent of this delay cannot be determined with available data. He suggested that the response indicated that a moratorium should be maintained in the Regulatory Area for **cod in 2J3KL as well as 2J3KL witch flounder**.
- 4.79. The Representative of Latvia expressed concerns raised by the Scientific Council. He stated that Latvia was opposed to any autonomous decision that endangers shared stocks and suggested that the advice of the Scientific Council should be followed.
- 4.80. The Representative of Canada stated that he did not agree with EU's interpretation of the Scientific Council's response. He acknowledged that there is a gap and a lack of good scientific data for the areas of shallow coastal waters where good catch rates have been experienced and have indicated that there is a need for better scientific data. He noted that the data being collected from the 1999 fishery will help in filling that gap and will help to give a better understanding and confidence that will allow for more reasoned and scientifically based decisions. The Scientific Council's response does reinforce the need for additional scientific information in this area. Canada agreed that the moratorium should be maintained in the Regulatory Area. With respect to the issue of shared stock, he suggested that the preponderance of interest resides with the coastal State noting that the allocation for **cod in 2J3KL** is 95% for Canada and 5% for other Contracting Parties.
- 4.81. The Chairman introduced FC WP 99/19 (Revised) which addresses the concerns and opinions raised on this issue and opened the floor to comment.
- 4.82. The Representative of the EU stated that **2J3KL cod** has been and continues to be one of the key fish stocks in the Northwest Atlantic. The stock has been close to collapse and has consequently been kept under moratorium for many years to protect the stock in its entirety. The EU therefore is extremely concerned that, due to Canada's recent decision, the stock has become the subject to conflicting conservation and management measures. There is neither scientific justification for the decision in question nor are there any indications of different stock components for the inshore and offshore. This situation is, therefore, contrary to both the consistency requirements laid down in Article XI (3) of the NAFO Convention and the Precautionary Approach. It also falls short of the conservation and compatibility standards reflected in the 1995 U.N. Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks. Due to the biological unity of the stock, there is a danger that efforts aimed at ensuring the long term sustainability of the stock are being undermined and that the recovery of the stock itself is in jeopardy. Canada is therefore strongly urged to adopt consistent conservation and management measures for the year 2000. He noted that this was a unilateral statement on behalf of the European Community.
- 4.83. The Representative of Latvia shared the EU opinion on this matter.
- 4.84. The Representative of Canada stated that Canada has operated in a manner which is consistent with its rights and obligations. Canada has the right to set a **TAC for 2J3KL cod** in Canadian waters and an obligation to inform NAFO of its decision which has been done. It is not NAFO's decision to approve or reject Canada's decision but rather to decide

whether they choose to set a TAC for this stock for the NAFO Regulatory Area. In reaching its decision, Canada followed the domestic process on these matters, advice was considered from the Scientific Council as well as the domestic scientific advice, in addition to consulting with stakeholders and individuals who have information about this particular stock. Canada's process involves the Fisheries Resource Conservation Council, an independent group which provides advice to the Minister of Fisheries and Oceans. This Council recommended a fishery from between 6,000 to 9,000t based on the above considerations. Canada decided to conduct an extremely limited inshore fishery with a TAC of 9,000t and was designed to provide information to ensure confidence with respect to the management of the stock. Canada recognises the interests of other Parties, however, it was emphasized that this stock is allocated 95% to Canada with the balance to other Parties. He indicated that Canada has managed the stock within its rights and has not put the sustainability of the stock at risk.

- 4.85. The Representative of Japan supported management measures for **Cod in Div. 2J3KL** but reserved the right on the interpretation of the existing international law and related conventions which might be in conflict with the views of the Canadian delegation.
- 4.86. The paper FC W.P. 99/19(Revised) was **adopted** with the statements duly noted (Annex 10).
- 4.87. With respect to **Witch Flounder in Div. 2J3KL**, it was agreed to continue the moratorium for the years 2000 and 2001.
- 4.88. With respect to Agenda item 17, Formulation of Request to the Scientific Council, NAFO FC Working Paper 99/24 was considered. The Scientific Council was requested at its November 11-17, 1999 meeting to evaluate, on the basis of the best data available, whether the provisions for a 3M shrimp closure in FC Working Paper 99/16 would be a precautionary approach-based measure and if so, whether the proposed area and timing of the closure are appropriate.
- 4.89. The Representative of Canada noted that in paragraph (1) of the Working paper that the Scientific Council is requested to provide advice on the stocks listed. He noted that **Cod in Div. 2J3KL** is identified. The delegate noted that up until 1987 the assessments of Cod were made in the Scientific Council, after that time the assessment of Northern Cod was transferred to the Canadian Management Authority and since then on an annual basis, Canada has asked the Scientific Council to review the assessment of **2J3KL cod** in its annual request to the Council. Canada wishes this practice to continue and requested that the Request be amended by deleting the reference to cod in Div. 2J3KL. In addition there is a similar situation for Witch flounder in 2J3KL. Canada does not concur, as the coastal State, to having these two stocks identified on the list in paragraph (1) and paragraph (2).
- 4.90. The Representative of the EU said that he had nothing against Canadian scientists making stock assessments but that he had misgivings about assessments being made after the adoption of management measures. He added that Canada in its capacity as a coastal State remained in principle free to request in its own right the Scientific Council to provide it with scientific advice. He asked, however, clarifications on how Canada intended to proceed in the event that it should not submit to the Scientific Council a request for advice on a stock which occurred both within waters under Canadian fisheries jurisdiction and in the Regulatory Area. This would allow for a more transparent situation and, as appropriate,

bring about good scientific advice, on the basis of which both the Fisheries Commission and Canada could operate.

- 4.91. The Representative of Canada stated that the normal process that is followed is to submit a request to the Scientific Council asking that the Council review the status of **Cod in 2J3KL** and provide estimates of the current size of the total and spawning stock biomass with a description of recent trends, and Canada intends to continue following this process.
- 4.92. The Representative of the EU noted that the practice described by Canada had not been consistent over the past years noting that Canada has asked the Scientific Council to provide advice in some years and Canadian scientists were providing their assessment in other years. He noted that the procedure is not transparent and would ask that reference be made in the Request that Canada undertake to submit a letter to NAFO outlining the procedure according to which the scientific analysis can be scrutinised by the NAFO Scientific Council.
- 4.93. The Representative of Canada stated that the procedure that has been normally undertaken would continue.
- 4.94. The Representative of the EU stated he was not totally satisfied with the situation and suggested that the issue should be revisited next year.
- 4.95. The amended Fisheries Commission's request for scientific advice as given in FC Working Paper 99/24 was **adopted** (Annex 11).
- 4.96. With respect to Agenda item 18, Transfer of Quotas between Contracting Parties, the Chairman referred the delegates to WP 99/3, which provides an overview of transfers since 1982. In recent years, Canada transferred 3M redfish to Japan in 1998 and 1999, and Cuba transferred 3M redfish to Japan in 1999.
- 4.97. The Representative of the Republic of Korea noted that there are countries that receive quotas that are small and not commercially viable. He suggested that where quotas are not being caught, they should be transferred to those countries that are in desperate need for such quotas. Korea would like to benefit from the benevolent acts of the countries having surplus quotas.
- 4.98. The Representative of France (in respect of St. Pierre et Miquelon) noted that the comments made by Korea are shared by France as they also have a small quota. He suggested that the transfer of quotas would be a long-term proposition.

5. Closing Procedures (Agenda Items 19-21)

- 5.1. Agenda item 19, Time and Place of Next Meeting, the Fisheries Commission's Annual Meeting in the year 2000 would be held in Boston, Massachusetts, United States of America from 18-22 September.
- 5.2. Agenda item 20, Other Business, there was no other business.
- 5.3. Agenda item 21, Adjournment, the Annual Meeting of the Fisheries Commission was adjourned at 1220 hours on Friday, 17 September 1999.

Annex 1. List of Participants

CANADA

Head of Delegation

P. S. Chamut, Assistant Deputy Minister, Dept. of Fisheries and Oceans, Fisheries Management, 200 Kent Street, Ottawa, Ontario K1A 0E6

Representative

P. Chamut (see address above)

Advisers

C. J. Allen, Resource Management, Dept. of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario K1A 0E6
 J. Angel, Canadian Association of Prawn Producers, P. O. Box 1C1, Head of St. Margarets Bay, N.S. B0J 1R0
 D. B. Atkinson, Northwest Atlantic Fisheries Centre, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
 J. W. Baird, Director, Resource Management Div., Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
 P. S. Best, Government of Nunavut, P. O. Box 2410, Iqaluit, Nunavut X0A 0H0
 D. Bevan, Dept. of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario K1A 0E6
 T. Blanchard, Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
 D. R. Bollivar, Seafreez Foods Inc., 32 Beckfoot Drive, Dartmouth, N.S. B2Y 4C8
 W. R. Bowering, Northwest Atlantic Fisheries Centre, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
 W. B. Brodie, Northwest Atlantic Fisheries Centre, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
 B. Chapman, 1388 River Road, Manotick, Ontario K1T 1B7
 J. Conway, Fisheries Advisor, Resource Management Br., Scotia-Fundy Fisheries, 176 Portland St., Dartmouth, N.S.
 R. Coombs, Dept. of Fish and Aquaculture, P. O. Box 8700, Govt. of Nfld. and Labrador, St. John's, Newfoundland A1B 4J6
 L. Dean, Dept. of Fish and Aquaculture, Government of Nfld. and Labrador, P. O. Box 8700, St. John's, Newfoundland A1B 4J6
 E. Dussault, Dept. of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario K1A 0E6
 W. Evans, Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
 W. Follett, Fisheries Management, Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
 A. Frenette, Dept. of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario K1A 0E6
 M. Gagne, Dept. of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario K1A 0E6
 G. Gregory, Fishery Products International Ltd., P. O. Box 550, Station A, St. John's, Newfoundland A1C 5L1
 N. Greig, P. O. Box 1058, Kuujuaq, Quebec J0M 1C0
 M. Hogan, ACOA, 644 Main Street, P. O. Box 6051, Moncton, New Brunswick E1C 9J8
 D. Jennings, Dept. of Fisheries and Oceans, Dartmouth, N.S.
 J. Kjolbro, P. O. Box 128, Mulgrave, N.S. B0E 2G0
 P. Koeller, Dept. of Fisheries and Oceans, Bedford Institute of Oceanography, P. O. Box 1006, Dartmouth, N.S., B2Y 4A2
 D. Kulka, Northwest Atlantic Fisheries Centre, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
 C. F. MacKinnon, Marine Advisor, Groundfish and Scaplanets, Nova Scotia Dept. of Fisheries, P. O. Box 2223, Halifax, N. S. B3J 3C4
 E. McCurdy, c/o FFAW/CAW, P. O. Box 10, St. John's, Newfoundland A1C 5H5
 P. McGuinness, Vice-President, Fisheries Council of Canada, 38 Antares Drive, Suite 110, Nepean, Ontario K2E 7V2
 B. J. McNamara, Newfoundland Resources Ltd., 90 O'Leary Avenue, St. John's, Nfld. A1B 3R9
 J. Mercer, Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
 A. Noseworthy, Deputy Minister, Intergovernmental Affairs, Government of Newfoundland and Labrador, P. O. Box 8700, St. John's, Newfoundland A1B 4J6

M. O'Connor, National Sea Products, 100 Battery Point, P. O. Box 910, Lunenburg, N.S. B0J 2C0
 A. O'Rielly, President, Fisheries Association of Nfld. and Labrador Ltd., P. O. Box 8900, St. John's, Newfoundland A1B 3R9
 D. Orr, Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
 F. G. Peacock, Director, Resource Mgmt. Br., Dept. of Fisheries and Oceans, P. O. Box 550, Halifax, Nova Scotia B3J 2S7
 D. Rivard, Fisheries Research Br., Fisheries and Oceans, 200 Kent St., Ottawa, Ontario K1A 0E6
 M. Short, Baine Johnston Bldg., Suite 801, St. John's, Newfoundland A1S 1C1
 M. Showell, Dept. of Fisheries and Oceans, BIO, P. O. Box 1006, Dartmouth, N.S. B2Y 4A2
 L. Simard, Dept. of Foreign Affairs and International Trade (JLO), 125 Sussex Drive, Ottawa, Ontario K1A 0G2
 C. Simms, Dept. of Fisheries and Oceans, P. O. Box 5667, St. John's, Newfoundland A1C 5X1
 P. Steele, Dept. of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario K1A 0E6
 R. Steinbock, International Directorate, Dept of Fisheries and Oceans, 200 Kent Street, Stn. 1452, Ottawa, Ontario K1A 0E6
 R. Stirling, SPANS, P. O. Box 991, Dartmouth, N. S. B2Y 3Z6
 E. Wiseman, Director-General, International Directorate Dept. of Fisheries and Oceans, International Directorate, 200 Kent Street, Stn. 1452, Ottawa, Ontario K1A 0E6
 F. Woodman, Chairman, Fisheries Resource Conservation Council, P. O. Box 2001, Station D, Ottawa, Ontario K1P 5W3

CUBA

Head of Delegation

J. Baisre Alvarez, Ministerio de la Industria Pesquera, Barlovento, Santa Fe 19 100, Playa la Habana

Representative

J. Baisre Alvarez (address above)

Advisers

V. Sarda Espinosa, 5th Ave. y 246, Barlovento
 R. Espinosa, Dragnets, Asociacion Pesport, Puerto Pesquero de la Habana, Ave la Pesquera y Atares, Habana Vieja, Ciudad de La Habana
 L. Albelo Leon, Cuban Fishing Fleet Representative, 1881 Brunswick St., Ph-B, Halifax, Nova Scotia, Canada B3J 3L8
 R. Matos Llago, Asociacion Pesport, Ave Pesquera y Atares, Habana Vieja, Ciudad de La Habana

DENMARK (in respect of Faroes and Greenland)

Head of Delegation

E. Lemche, Head of Representation, Gronlands Hjemmestyre, Pilestraede 52. Box 2151, Copenhagen, Denmark

Alternate

A. Kristiansen, Ministry of Fisheries, Yviri við Strond 17, P. O. Box 87, FO-110 Torshavn, Faroe Islands

Representatives

E. Lemche (see address above)
 A. Kristiansen (see address above)

Advisers

H. Fischer, Royal Danish Ministry of Foreign Affairs, 2 Asiatisk Plads, DK-1448 Copenhagen K, Denmark

J. E. Hansen, Bondaheygur 9, FR-100 Torshavn, Faroe Islands
 M. Kruse, Vaktar-og Bjargingartaenastan, Y viri Vid Strond 6, FO-100 Torshavn, Faroe Islands
 M. T. Nedergaard, Gronlands Fiskerilicenskontrol, Postbox 501, DK-3900 Nuuk, Greenland
 A. Nicolajsen, Fiskirannsoknarstovan, Noatun, P. O. Box 3051, FR-110 Torshavn, Faroe Islands
 P. M. Pedersen, P. O. Box 269, 3900 Nuuk, Greenland
 J. Persson, Greenland Home Rule, Dept. of Industry, Box 269, 3900 Nuuk, Greenland
 H. Siegstad, Greenland Institute of Natural Resources, Box 570, 3900 Nuuk, Greenland
 J. H. Toftum, Ministry of Fisheries, P. O. Box 64, FO-100 Torshavn, Faroe Islands

ESTONIA

Head of Delegation

R. Aps, Deputy Director General, Fisheries Dept., Ministry of the Environment, Kopli 76, 10416 Tallinn

Representative

R. Aps (see address above)

Advisers

M. Harjak, Dagomar Ltd., Sadama 15, Kardla
 T. Kouhkna, Chairman of the Supervisory Board, ETFC Group Ltd., 139E Parnu Road, 11317 Tallinn
 R. Kulla, E-Traal Ltd., 9 Narva st., Tallinn 10017
 A. Luksepp, Estonian Sea Inspection, Kopli 76, 10416 Tallinn
 J. Pollu, Reyktal Ltd., Paljassaare Tee 28-426, 10313 Tallinn
 V. Ruul, Permare Ltd., Vaike-Posti 11, 3600 Parnu
 T. Saat, Director, Estonian Marine Institute, 18b Viljandi Road, 11216, Tallinn
 A. Soome, Fisheries Dept., Ministry of Environment, Kopli 76, 10416 Tallinn

EUROPEAN UNION (EU)

Head of Delegation

E. Mastracchio, Director, European Commission, Directorate General for Fisheries, 200 Rue de la Loi, B-1049 Brussels, Belgium

Alternate

O. Tougaard, European Commission, Directorate General for Fisheries, 200 Rue de la Loi, B-1049 Brussels, Belgium

Representatives

E. Mastracchio (see address above)
 O. Tougaard (see address above)

Advisers

D. Smadja, Ambassador, Delegation of the European Commission, 45 O'Connor Street, Suite 1900, Ottawa, Ontario Canada K1P 1A4
 H. Koster, European Commission, Directorate General for Fisheries, Rue Joseph II, 99, B-1049 Brussels, Belgium
 O. Hagstrom, European Commission, Directorate General for Fisheries, Unit C-1, 200 Rue de la Loi, B-1049 Brussels, Belgium
 F. Wieland, European Commission, Directorate General for Fisheries, Rue de la Loi 200, B-1049 Brussels, Belgium

- A. Thomson, European Commission, Directorate General for Fisheries, J-11 99/3/29, Rue de la Loi, 200, 1049 Brussels, Belgium
- V. Angot, European Commission, Rue de la Loi 200, B-1049 Brussels, Belgium
- G. F. Kingston, Delegation of the European Commission, 45 O'Connor Street, Suite 1900, Ottawa, Ontario Canada K1P 1A4
- D. Cross, Eurostat, European Commission, Jean Monnet Bldg., BP 1907, L-2920 Luxembourg
- L. Svensson, Council of the European Union, DG BIII, 4040 GH26, Rue de la Loi 175, B-1048 Brussels, Belgium
- M. Aro, The Finnish Permanent Representation to the EU, Rue de Treves 100, B-1040 Brussels, Belgium
- R. Lampien, Ministry of Agriculture and Forestry, Dept. of Fisheries and Game, 00171 Helsinki, Finland
- R. Akesson, Ministry of Agriculture, 10333 Stockholm, Sweden
- H. Pott, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Rochusstr. 1, D-53125 Bonn, Germany
- C. LeVillain, Ministère de l'Agriculture et de la Pêche, Direction des Pêches Maritimes, 3 Place de Fontenoy, 75007 Paris, France
- E. Monteiro, Director-General, Direcção Geral Pescas Aquicultura, Edifício Vasco da Gama, Alcantara, 1350 Lisbon, Portugal
- M. H. Figueiredo, Direcção Geral das Pescas e Aquicultura, Edifício Vasco da Gama, Alcantara, 1350 Lisbon, Portugal
- J. R. Baranano, Secretaría General de Pesca Marítima, Jose Ortega y Gasset, 57, 28006 Madrid, Spain
- M. I. Aragon, Secretaría General de Pesca Marítima, Jose Ortega y Gasset, 57, 28006 Madrid, Spain
- I. Ybanez, Secretaría General de Pesca Marítima, Jose Ortega y Gasset, 57, 28006 Madrid, Spain
- R. Liano de la Torre, Subdirección General Inspección Pesquera, c/ Castellana, 112, 28046 Madrid, Spain
- A. Hermida, Director Xeral de Estructuras Pesqueiras e Mercados, C/Sar, 75, Santiago 15702, A Coruna, Spain
- G. Taylor, Nobel House, Ministry of Agriculture, Fisheries and Food, 17 Smith Square, London SW1P 3JR, United Kingdom
- H.-P. Cornus, Institut für Seefischerei, Palmaille 9-D-22767, Hamburg, Germany
- H. J. Ratz, Institut für Seefischerei, Palmaille 9-D-22767, Hamburg, Germany
- M. Stein, Institut für Seefischerei, Palmaille 9-D-22767, Hamburg, Germany
- D. Briand, IFREMER, B. P. 4240, 97500 St. Pierre et Miquelon, France
- R. Alpoim, Inst. de Investigação das Pescas e do Mar (IPIMAR), Av. de Brasília, 1400 Lisbon, Portugal
- A. Avila de Melo, Inst. de Investigação das Pescas e do Mar (IPIMAR), Av. de Brasília, 1400 Lisbon, Portugal
- E. De Cardenas, Instituto Espanol de Oceanografía, Avenida de Brasil 31, 28020 Madrid, Spain
- S. Junquera, Instituto Espanol de Oceanografía, Cabo Estay-Canido, Aptdo. 1552, E-36280 Vigo (Pontevedra), Spain
- L. Motos, AZTI, Instituto para la Ciencia y Tecnología Pesquera, Av. Satrustegi 8, 20008 Donostia – San Sebastian, Spain
- A. Vazquez, Instituto de Investigaciones Marinas, Eduardo Cabello 6, 36208 Vigo, Spain
- P. Franca, ADAPI – Associação Armadores das Pescas Industriais, Edifício Dos Armadores 13-A, Docaesca 1400 Lisbon, Portugal
- A. M. Paiao, ADAPI – Associação Armadores das Pescas Industriais, Edifício Dos Armadores 13-A, Docaesca 1400 Lisbon, Portugal
- J. R. Fuertes Gamundi, ANAMER-ANAVAR-AGARBA, Puerto Pesquero, Vigo, Spain
- J. M. Liria, ANAMER, Pto Pesquero, Spain
- J. L. Meseguer, Asociación de Empresas de Pesca de Bacalao, Especies Afines y Asociadas (ARBAC), Enrique Larreta 10, Madrid, Spain
- C. Real Rodriguez, Vice-Presidente, Boanova, S.A., Apartado 424, Vigo, Spain

FRANCE (in respect of St. Pierre and Miquelon)

Head of Delegation

G. Grignon, 4C Rue Albert Briand, 97500 Saint Pierre et Miquelon

Alternate

D. Silvestre, Secretariat General de la Mer, 16 Boulevard Raspail, 75007 Paris

Representatives

G. Grignon (address above)

D. Silvestre (address above)

Advisers

F. Beaudroit, Maritimes Affairs Office, 1, rue Gloanec, B.P. 4206, 97500 Saint Pierre et Miquelon

L. Surette (Interpreter), 3124 Needham St., Halifax, N.S. B3K 3N9

M. Tremblay (Interpreter), 3124 Needham St., Halifax, N.S. B3K 3N9

ICELAND**Head of Delegation**

T. Asgeirsson, Director of Fisheries, Ingilfsstraeti 1, 150 Reykjavik

Representative

T. Asgeirsson (see address above)

Advisers

K. Arnason, Ministry of Fisheries, Skulagata 4, 150 Reykjavik

G. Hannesson, Directorate of Fisheries, Ingilfsstraeti, 150 Reykjavik

G. Geirsson, Icelandic Coast Guard, P. O. Box 7120, 127 Reykjavik

G. Kristjansson, P. O. Box 676, 121 Reykjavik

K. Ragnarsson, Federation of Icelandic Fishing Vessel Owners, P. O. Box 893, 121 Reykjavik

JAPAN**Head of Delegation**

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

Representatives

K. Yonezawa (see address above)

Advisers

S. Kawahara, National Research Institute of Far Seas Fisheries, 5-7-1 Orido, Shimizu-shi 424, Sizuoka, 424

Y. Kashio, Japan Fisheries Association, Suite 1408 Duke Tower, 5251 Duke St. Tower, Halifax, N.S., Canada B3J 1P3

S. Muraya, Far Seas Fisheries Div., Oceanic Fisheries Dept., Fishery Agency Government of Japan, 1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo 100

H. Nakayama, Japan Marine Fishery Resources Research Center, 3-27 Kioi-cho, Chiyoda-ku, Tokyo 102-0094

A. Tajima, Fisheries Div., Economic Affairs Bureau, Ministry of Foreign Affairs, 2-2-1 Kasumigaseki, Chiyoda-ku, Tokyo

N. Takagi, Executive Secretary, Japan Deep Sea Trawlers Association, Ogawacho-Yasuda Bldg., 6 Kanda-Ogawacho, 3-Chome, Chiyoda-ku, Tokyo 101-0052

K. Tanaka, Deputy Director, International Affairs Div., Fisheries Agency, Government of Japan, 1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo

REPUBLIC OF KOREA**Head of Delegation**

G. Lee, Economic Counsellor, Embassy of the Republic of Korea, 150 Boteler Street, Ottawa, Ontario, Canada K1A 5A6

Representative

G. Lee (see address above)

LATVIA**Head of Delegation**

N. Riekstins, Director, National Board of Fisheries of the Ministry of Agriculture, 2 Republikas laukums, Riga LV-1010

Alternate

R. Derkacs, Head of the International Agreements and Legal Div. of the National Board of Fisheries of the Ministry of Agriculture, 2 Republikas laukums, Riga LV-1010

Representatives

N. Riekstins (see address above)

R. Derkacs (see address above)

Adviser

D. Kalinoff, Director, Mersrags Ltd., 34 Dunties str., Riga LV-1005

LITHUANIA**Head of Delegation**

V. Vaitiekunas, Director, Fisheries Dept. of the Ministry of Agriculture, 19 Gedimino str., Vilnius 2600

Alternate

A. Rusakevicius, Chief Specialist of International Relations of Fisheries, Dept. of the Ministry of Agriculture, 19 Gedimino str., Vilnius 2600

Representatives

V. Vaitiekunas (see address above)

A. Rusakevicius (see address above)

Advisers

G. Babcionis, Senior Specialist, Fish Resources Dept. of the Ministry of Environment, A. Juozapavichiaus St. 9, Vilnius 2600

R. Bogdevicius, Deputy Director of Fish Resources Dept. of the Ministry of Environment, A. Juozapavichiaus St. 9, Vilnius 2600

N. Koptev, Poilsio str. 20-30, 5810 Klaipeda

B. Urboniene, Poilsio str. 20-30, 5810 Klaipeda

NORWAY**Head of Delegation**

P. Gullestad, Directorate of Fisheries, P. O. Box 185, N-5804 Bergen

Alternate

T. Lobach, Directorate of Fisheries, P. O. Box 185, N-5804 Bergen

Representatives

P. Gullestad (see address above)

T. Lobach (see address above)

Advisers

W. Barstad, Norwegian Fishing Vessel Owners Association, P.O. Box 67, Aalesund

K. K. Dørum, Ministry of Foreign Affairs, P. O. Box 8114 Dep., 0032 Oslo

S. Owe, Ministry of Fisheries, P. O. Box 8118 Dep., 0032 Oslo

POLAND**Head of Delegation**

L. Dybiec, Ministry of Transport and Maritime Economy, Maritime Administration, Shipping and Fisheries
Dept. Chalubinskiego Str. 4/6, 00-928 Warsaw

Alternate

M. Kucharski, Embassy of the Republic of Poland, 443 Daly Avenue, Ottawa, Ontario K1N 6H3

Representatives

L. Dybiec (see address above)

M. Kucharski (see address above)

RUSSIA**Head of Delegation**

V. Izmailov, State Committee for Fisheries of the Russian Federation, 12 Rozhdestvensky Boul., Moscow
103031

Representative

V. Izmailov (see address above)

Advisers

V. K. Babayan, Head of Laboratory for System Analysis of Fishery Resources, VNIRO, 17, V. Krasnoselskaya,
Moscow 107140

M. G. Botvinko, State Committee for Fisheries of the Russian Federation, 12 Rozhdestvensky Boul., Moscow
103031

G. V. Goussev, State Committee for Fisheries of the Russian Federation, Fisheries Dept., 12 Rozhdestvensky
Boul., Moscow 103031

B. N. Kotenev, VNIRO, 17, V. Krasnoselskaya, Moscow 107140

V. M. Kolesnikov, PBORF, Pionerskiy, Kaliningrad Region
 V. M. Mishkin, General Director, Scientific and Technical Firm "Complex Systems", 5, Kominterna str., P. O. Box 183038, Murmansk
 A. A. Okhanov, Representative of the Russian Federation in Canada on Fisheries, Welsford Place, 2202-2074 Robie Street, Halifax, N.S. Canada B3K 5L3
 V. A. Rikhter, ATLANTNIRO, 5 Dmitry Donskoy St., Kaliningrad, 236000
 A. Rodin, Zorge st. 14-215, Moscow
 E. Samoilova, PINRO, 6 Knipovich St., Murmansk 183763
 V. N. Shibanov, PINRO, 6 Knipovich St., Murmansk 183763
 F. M. Troyanovsky, PINRO, 6 Knipovich St., Murmansk

UKRAINE

Head of Delegation

V. G. Chernik, Deputy Chairman, State Committee for Fisheries of Ukraine, 82A Turgenivska str., Kiev, 252053

Representative

V. G. Chernik (see address above)

Advisers

V. Litvinov, Chief Specialist, State Committee for Fisheries of Ukraine, 82A Turgenivska str., Kiev, 252053
 V. Abramovich, Deputy Director-General, "Pyvdenryboposhuk", 11, Samoilenko Str., Kezch 33400
 V. Kachurenko, Ministry of Foreign Affairs of Ukraine, 1, Wykhaylyvska Str., Kiev 252018

UNITED STATES OF AMERICA

Head of Delegation

A. Rosenberg, Deputy Assistant Administrator, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910

Representative

A. Rosenberg (see address above)

Advisers

S. V. Fordham, Fisheries Project Manager, Center for Marine Conservation, 1725 DeSales Street, NW Suite 600, Washington, DC 20036
 D. Warner-Kramer, International Affairs Officer, Office of Marine Conservation (Room 5806), U.S. Dept. of State, 2201 C Street NW, Washington, DC 20520
 P. Kurkul, Regional Administrator, Northeast Region, National Marine Fisheries, 1 Blackburn Drive, Gloucester, MA
 G. S. Martin, Office of the General Counsel, Northeast Region, National Oceanic and Atmospheric Administration, U.S. Dept. of Commerce, 1 Blackburn Dr., Gloucester, MA 01930
 R. Mayo, Northeast Fisheries Science Center, NMFS, 166 Water St., Woods Hole, MA 02543
 D. T. Mathers, Coast Guard Liaison, Office of Marine Conservation, Dept. of State, 2201 C. St. NW, Room 5806, Washington, DC 20520
 M. Mooney-Seus, Manager, Conservation Dept., New England Aquarium, Central Wharf, Boston, MA 02110 -3399
 P. Moran, International Fisheries Div., F/SF4, National Marine Fisheries Service, U.S. Dept. of Commerce, 1315 East-West Hwy., Silver Spring, MD 20910
 J. D. O'Malley, Executive Director, East Coast Fisheries Federation Inc., P. O. Box 649, Narragansett, RI 02879

J. Pike, Director, Government Relations, Scher and Blackell, Suite 200, 1850 M Street NW, Washington, DC 20036

J.-P. Plé, Senior Atlantic Affairs Officer, Office of Marine Conservation (Room 5806), U.S. Dept. of State, 2201 C Street NW, Washington, DC 20520

R. G. Rosenman, U.S. Consulate General, 2000 Barrington St., Cogswell Tower, Suite 910, Halifax, N.S., Canada B3J 3K1

F. M. Serchuk, Chief, Resource Evaluation and Assessment Division, Northeast Fisheries Science Center, NMFS, 166 Water St., Woods Hole, MA 02543-1097

D. E. Swanson, Chief, International Fisheries Div., F/SF4, National Marine Fisheries Service, U.S. Dept. of Commerce, 1315 East-West Highway, Silver Spring, MD 20910

SECRETARIAT

L. I. Chepel, Executive Secretary

T. Amaratunga, Assistant Executive Secretary

F. D. Keating, Administrative Assistant

B. J. Cruikshank, Senior Secretary

S. Goodick, Accounting Officer

D. C. A. Auby, Word Processing Secretary

G. Moulton, Statistical/Conservation Measures Officer

F. E. Perry, Desktop Publishing/Documents Clerk

R. Myers, Graphic Arts/Printing Technician

B. L. Marshall, Statistical/Library Documents Clerk

Annex 2. Agenda

I. Opening Procedures

1. Opening by the Chairman, P. Gullestad (Norway)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Admission of Observers
5. Publicity

II. Administrative

6. Review of Commission Membership
7. Transparency of NAFO decision-making process (participation of inter-governmental and non-governmental organizations)
8. Election of Chairman and Vice-Chairman

III. Conservation and Enforcement Measures

9. Report of STACTIC at the Annual Meeting
10. Report of the San-Sebastian Working Group on Precautionary Approach (PA)
11. Increase of inspection presence in the NAFO Regulatory Area
12. Allocation of Fishing Rights and Chartering of Vessels
13. Canadian Management Measures for 2J3KL Cod in 1999

IV. Conservation of Fish Stocks in the Regulatory Area

14. Summary of Scientific Advice by the Scientific Council
15. Management and Technical Measures for Fish Stocks in the Regulatory Area, 2000
 - 15.1 Cod in Div. 3M
 - 15.2 Redfish in Div. 3M
 - 15.3 American plaice in Div. 3M
 - 15.4 Shrimp in Div. 3M
16. Management and Technical Measures for Fish Stocks Straddling National Fishing Limits, 2000
 - 16.1 Cod in Div. 3NO
 - 16.2 Redfish in Div. 3LN
 - 16.3 American plaice in Div. 3LNO
 - 16.4 Yellowtail flounder in Div. 3LNO

- 16.5 Witch flounder in Div. 3NO
- 16.6 Capelin in Div. 3NO
- 16.7 Squid (*Illex*) in Subareas 3 and 4
- 16.8 Shrimp in Div. 3LNO
- 16.9 Greenland halibut in Div. 3LMNO
- 16.10 If available in the Regulatory Area:
 - i) Cod in Div. 2J3KL
 - ii) Witch flounder in Div. 2J3KL
- 17. Formulation of Request to the Scientific Council for:
 - a) Scientific advice on the management of fish stocks in 2001
- 18. Transfer of Quotas Between Contracting Parties

V. Closing Procedure

- 19. Time and Place of the Next Meeting
- 20. Other Business
- 21. Adjournment

**Annex 3. Proposal to Amend the NAFO Conservation and Enforcement
Measures Regarding Incidental Catch Limits**
(STACTIC W.P. 99/10, Revised)

Amend the NAFO Conservation and Enforcement Measures to read: (changes underlined)

Part 1.A.5 Incidental Catch Limits

- (a) Masters shall not conduct directed fisheries for species for which incidental catch limits apply.
- (b) Vessels of a Contracting Party shall limit their incidental catch to a maximum of 2500kg or 10%, whichever is the greater, for each species listed in Schedule I for which no quota has been allocated in that division to that Contracting Party.
- (c) In cases where a ban on fishing is in force or an "Others" quota has been fully utilized, incidental catches of the species concerned may not exceed 1,250 kg or 5%, whichever is the greater.
- (d) The percentages above are calculated as the percentage, by weight, for each species, of the total catch excluding the catch of species subject to incidental catch limits and are based on the catch taken by stock area.
- (e) Catches of shrimp shall not be used in the calculation of by-catch level of groundfish species.

Annex 4. Paper on Chartering
(FC W.P. 99/22, Revised)

To be inserted in the NAFO Conservation and Enforcement Measures after Part I.A.

(new I.B)

Chartering operations

1. Each Contracting Party may grant, partly or wholly, quotas and shrimp fishing days allocated to that Party under Schedule I and Part I.F to fishing vessels flying the flag of another Contracting Party, notified in accordance with Part III.D, subject to:
 - the consent of the flag Contracting Party;
 - a favourable proposal adopted through a mail vote in accordance with Article XI(2) of the Convention
2. Contracting Parties shall limit such transfers to one fishing vessel per year and for a limited duration not exceeding 6 months.
3. Contracting Parties intending to have recourse to charter transfers shall notify the following information to the NAFO Executive Secretary:
 - the name and registration of the vessel and flag Contracting Party
 - a copy of the charter
 - *the fishing possibilities granted*
 - the date as from which the vessel is authorized to commence fishing on these fishing possibilities
 - the duration of the charter
4. The flag Contracting Party shall notify in writing its consent to the NAFO Executive Secretary.
5. The NAFO Executive Secretary shall circulate the above information and the consent of the flag Contracting Party without delay to Contracting Parties.
6. The Contracting Party of the vessel accepting a charter is responsible for ensuring that the vessel complies with the requirements of the NAFO Conservation and Enforcement Measures. This does not nullify the obligations of the Contracting Party to which the quota and shrimp fishing days have been allocated under Part I of the Conservation and Enforcement Measures, as appropriate.
7. As a pilot project, these provisions shall apply only to the year 2000.

**Annex 5. Paper on the Notification of Vessels Temporarily Flying
the Flag of a Contracting Party (bare-boat charters)**
(FC W.P. 99/23)

Amend Part III.D of the NAFO Conservation and Enforcement Measures to read:

III.D. Notification of Fishing and Processing Vessels

1. Each Flag Contracting Party shall notify the Executive Secretary of all vessels of more than 50 gross tons engaged in fishing or in processing fish in the Regulatory Area:
 - (a) prior to 1 January of each year, if possible; or
 - (b) in a timely manner following departure of the vessel from its home port; or in the case of bare boat charters, one month prior to the departure of the vessel from its home port.
 - (c) by message within 30 days of any changes in the terms of notification.

2. Vessels registered in a Contracting Party:
 - Such notification shall include for each vessel:
 - (a) name of vessel in both native and Latin alphabet;
 - (b) official numbers;
 - (c) home port and nationality;
 - (d) owner and charterer, if any;
 - (e) certification that its master has been provided with the extant Commission's measures;
 - (f) principle target species while engaged in fishing in the Regulatory Area.

3. Vessels temporarily flying the flag of a Contracting Party (bare boat charter)

Such notification shall include for each vessel:

- (a) date as from which the vessel has been authorised to fly its flag
 - (b) date as from which the vessel has been authorised by the Contracting Party to engage fishing in the NAFO Regulatory Area
 - (c) the name of the State where the vessel is registered or was previously registered and the date as from which it ceased flying the flag of that State
 - (d) name of vessel in both native and Latin alphabet;
 - (e) official numbers;
 - (f) home port and nationality after the transfer;
 - (g) owner and charterer, if any;
 - (h) certification that its master has been provided with the extant Commission's measures;
 - (j) principle target species while engaged in fishing in the Regulatory Area.
4. The Executive Secretary shall provide all Contracting Parties with a listing of all vessels which he has been notified for fishing in the Regulatory Area.

Annex 6. Management Measures for Shrimp in Div. 3M for 2000
(FC W.P. 99/15, Revised)

NAFO CONSERVATION AND ENFORCEMENT MEASURES

I. AMEND PART I F – to read as follows (changes shown in bold type):

F. Other Measures - Management Measures for Shrimp in Div. 3M

1. Vessels fishing for shrimps in Division 3M in **2000** shall use nets with a minimum mesh size of 40 mm.
2. Vessels fishing for shrimp in Division 3M in **2000** shall use sorting grids or grates maximum spacing between the bars of 22 mm.
3. In the event that total by-catches of all regulated groundfish species in any haul exceed 5 percent by weight, vessel shall immediately change fishing area (minimum of 5 nautical miles) in order to seek to avoid further by-catches of regulated groundfish.
4.
 - a) Each Contracting Party shall limit in **2000** the number of vessels fishing for shrimp in Div. 3M to the number that have participated in this fishery in the period from 1 January 1993 to 31 August 1995.
 - b) Each Contracting Party shall, in **2000**, limit the number of fishing days by its vessels fishing for shrimp in Div. 3M to 90% of the maximum number of fishing days observed for their vessels in one of the years 1993, 1994 or 1995 (until 31 August 1995). However, for Contracting Parties with a track record in the period from 1 January 1993 to 31 August 1995, a minimum level of 400 fishing days is permitted.
 - c) Contracting Parties with no track record in the shrimp fishery in the period from 1 January 1993 to 31 August 1995 may, in **2000**, fish for shrimp with one vessel in 100 fishing days.
 - d) Each Contracting Party shall communicate the number of fishing days to the Executive Secretary before 1 November 1999, that are available to that Contracting Party for **2000**. The number of days shall be counted from the hail reports of vessels fishing for shrimp in Div. 3M and shall include the days of entry and exit from the Regulatory Area. In the case where vessels fishing for shrimp and other species on the same trip the number of days shall be counted from the day the vessel entered the shrimp fishery to the day the vessel ceased that fishery.

The Executive Secretary shall scrutinize the communications from the Contracting Parties, work with the relevant Contracting Parties if discrepancies are revealed, and by 1 December 1999 notify the number of vessels and fishing days applicable to all Contracting Parties.

- e) Vessels fishing for 3M shrimp may fish this stock in **2000** in Division 3M and in the area defined by the coordinates in footnote 1¹.
- f) **Each Contracting Party shall, within 30 days following the calendar month in which the catches were made, report provisional monthly fishing days in Div. 3M and the area defined in footnote 1 to the Executive Secretary. The Executive Secretary shall, within 10 days following the monthly deadlines for receipt of the provisional fishing days statistics, collate the information received and circulate it to Contracting Parties.**
- g) For vessels conducting trans-zonal fishery for shrimps between Div. 3M and the area defined in footnote 1, the same regulations as in NAFO Conservation and Enforcement Measures, Part III – Annex I – Hail System Message Format, no. 1.3., shall apply.
- h) Each Contracting Party shall in **2000** closely monitor its vessels fishing for shrimp and close the fishery when the number of fishing days available to that Party is exhausted. The number of fishing days shall be counted from the hail reports of vessel fishing for shrimp and shall include the days of entry or moves into Div. 3M and the area defined in footnote 1 and the days of moves or exit from Div. 3M and the area defined in footnote 1.
- i) In the case where a vessel is fishing for shrimp and other species on the same trip, the change of fishery shall be hailed and the number of fishing days counted accordingly.
- j) Fishing days are not transferable between Contracting Parties except under the conditions provided in I.B..

1

Point No.	Latitude	Longitude
1	47°20'0	46°40'0
2	47°20'0	46°30'0
3	46°00'0	46°30'0
4	46°00'0	46°40'0

Annex 7. 3M Shrimp
(FC W.P. 99/16, Revised)

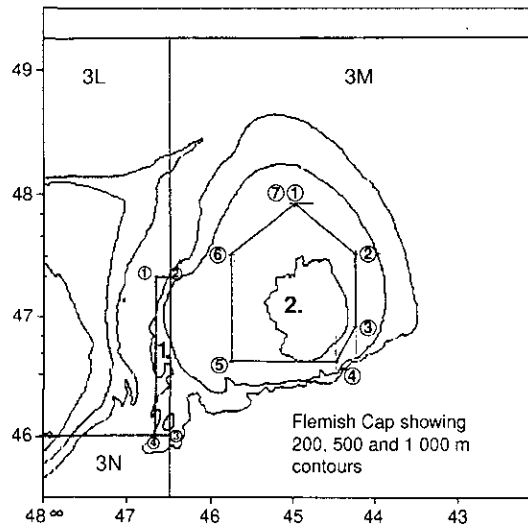
NAFO CONSERVATION AND ENFORCEMENT MEASURES

II. AMEND PART I.F.4e – to read as follows (changes shown in bold type):

- e) Vessels fishing for 3M shrimp may fish this stock in **2000** in Division 3M and in the area defined by the coordinates in footnote 1¹. **However, in the period from June 1, 2000 (00.01 GMT) to September 30, 2000 (24.00 GMT), fishing for shrimp in the area defined by the coordinates in footnote 2² is prohibited.**

2

Point No.	Latitude	Longitude
1 (same as no. 7)	47°55'0	45°00'0
2	47°30'0	44°15'0
3	46°55'0	44°15'0
4	46°35'0	44°30'0
5	46°35'0	45°40'0
6	47°30'0	45°40'0
7 (same as no. 1)	47°55'0	45°00'0



Annex 8. Shrimp Fishery in Div. 3L
(FC W.P. 99/20, Revised)

Addition to the Conservation and Enforcement Measures:

J. Other Measures – Management Measures for Shrimp in Division 3L

Note: The following measures apply in Division 3L except that portion of Division 3L adjacent to 3M and defined in PART I-F-1 e) of the NAFO Conservation and Enforcement Measures.

1. The total allowable catch (TAC) of shrimp in Division 3L for 2000 and 2001 shall be set at 6,000t each year. Contracting Parties shall not conduct exploratory or research fisheries that take catch beyond that allocated to the Contracting Party.
2. 5,000t of the TAC shall be allocated to Canada to be fished within the Canadian zone and 1,000t shall be allocated within the NAFO Regulatory Area between all other Contracting Parties.
3. As a preliminary measure, the quota in the NAFO Regulatory Area shall be divided equally among all other Contracting Parties.
4. All fishing shall take place in depths greater than 200 meters. The NAFO Regulatory Area fishery shall be restricted to an area east of a line bound by the following co-ordinates: 46°00'N/47° 53'W, 46° 40'N/47° 20'W, 47° 19'N/47° 43'W.
5. Vessels fishing for shrimp in Division 3L in 2000 and 2001 shall use nets with a minimum mesh size of 40 mm.
6. Vessels fishing for shrimp in Division 3L in 2000 and 2001 shall use sorting grids or grates with a maximum bar spacing of 22 mm and the nets shall be equipped with toggle chains of a minimum 72 cm in length.
7. In the event that total by-catches of all regulated groundfish species in any haul exceed 2.5 percent by weight of the catch of shrimp, the vessel shall immediately change fishing area (minimum of 5 nautical miles) in order to seek to avoid further by-catches of regulated groundfish.
8. Every vessel fishing shrimp in Division 3L in the NAFO Regulatory Area are required to carry observers at all times while fishing.
9. In the NAFO Regulatory Area, each Contracting Party shall limit in 2000 and 2001 the number of vessels fishing for shrimp in Division 3L at any time to one vessel.
10. For vessels that fish shrimp in Division 3L each entry and exit from Division 3L shall require 24-hour prior notification to the Executive Secretary. All shrimp on board shall be reported to the Executive Secretary on entry and exit.

11. To minimize gear conflicts with other fisheries during the conduct of the 3L shrimp fishery in the NRA, shrimp fishing shall be permitted during the following periods: January 1 – March 31, July 1 – September 14, December 1 – December 31.
12. All shrimp harvested in Division 3L shall be packaged and labeled as harvested in this Division.
13. These management measures will be reviewed at the 2001 Annual Meeting.

Annex 9. Quota Table for 2000

QUOTA TABLE: Total allowable catches (TACs) and quotas (metric tons) for 2000 of particular stocks in Subareas 3 and 4 of the NAFO Convention Area. The values listed include quantities to be taken both inside and outside the 200-mile fishing zone, where applicable.

Contracting Party	Cod		Redfish		American plaice		Yellowtail	Witch	Capelin	G. halibut	Squid (<i>Illex</i>) ³	Shrimp
	Div. 3M	Div. 3NO*	Div. 3M	Div. 3LN*	Div. 3M*	Div. 3LNO*	Div. 3LNO	Div. 3NO*	Div. 3NO*	Div. 3LMNO	Subareas 3+4	Div. 3L
1. Canada	0	0	500	0	0	0	9750 ²	0	0	3 890	N.S. ⁴	5 000
2. Cuba	0	-	1750	0	-	-	-	-	0	-	510	67
3. Denmark (Faroe Islands and Greenland)	0	-	69	-	-	-	-	-	-	-	-	67
4. European Union	0	0	3100	0	0	0	200 ⁷	-	0	14 355	N.S. ⁴	67
5. France (St. Pierre et Miquelon)	-	-	69	-	-	-	-	-	-	-	453	67
6. Iceland	-	-	400	-	-	-	-	-	0	2 658	510	67
7. Japan	-	-	69	-	-	-	-	-	0	-	453	67
8. Korea	0	-	-	-	-	-	-	-	0	-	-	67
9. Norway	0	-	-	-	-	-	-	-	0	-	227	67
10. Poland	0	-	-	-	-	-	-	-	0	-	-	67
11. Estonia	0	0	13 850 ¹	0	0	0	-	0	0	-	1 133 ¹	67
12. Latvia	-	-	-	-	-	-	-	-	-	-	-	67
13. Lithuania	-	-	-	-	-	-	-	-	-	-	-	67
14. Russia	-	-	-	-	-	-	-	-	-	3 307	-	67
15. Ukraine	-	-	-	-	-	-	-	-	-	-	-	67
16. United States of America	-	-	69	-	-	-	-	-	-	-	453	67
17. Others	0	0	124	0	0	0	50 ⁷	0	-	1 725 ⁵	794	0
Total Allowable Catch	-	-	5 000 ⁶	-	-	-	10 000 ⁸	-	-	25 935	34 000	6 000

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 Of which no more than 40% (690 t) may be fished before 1 May 2000 and no more than 80% (1380 t) may be fished before 1 October 2000.
⁶ Each Contracting Party shall notify the Executive Secretary bi-weekly of catches taken by its vessels from this stock. Not more than 2500 tons may be fished before July 1, 2000. The Executive Secretary shall notify without delay all Contracting Parties of the date on which, for this stock, accumulated reported catches taken by vessels of the Contracting Parties is estimated to equal 50 and then 100 percent of the TAC for that stock.
⁷ Contracting Parties shall inform the NAFO Executive Secretary before 1 December 1999 of the measures to be taken to meet the advice of the NAFO Scientific Council.
⁸ The provisions of Part I, Section A.3c) of NAFO Conservation and Enforcement Measures shall apply.
⁹ No directed fishing — The provisions of Part I, Section A.5a and c of NAFO Conservation and Enforcement Measures shall apply.

Annex 10. Management Measures for Cod in Div. 2J3KL for 2000
(FCW.P. 99/19, Revised)

E. Other Measures – No Directed Fishery for Cod in Div. L in the Regulatory Area

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

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

Noting the provisions of Article XI (3) of the NAFO Convention, which aim at ensuring consistency between the measures established for the Regulatory Area and the measures adopted by the relevant coastal State;

Noting that the advice from the Scientific Council strongly suggests a continuation of the moratorium for the entire stock;

Directed fisheries for cod in Division 3L in the Regulatory Area shall not be permitted in 2000.

Contracting Parties other than Canada expressed their serious concern that management measures for this stock may not be consistent throughout its range in the Convention Area in the year 2000.

**Annex 11. Fisheries Commission's Request for Scientific Advice on
Management in 2001 of Certain Stocks in Subareas 3 and 4,
including supplementary questions on Division 3M shrimp for 2000
(FC W.P. 99/24, Revised)**

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 2000 Annual Meeting, provide advice on the scientific basis for the management of the following fish and invertebrate stocks or groups of stocks in 2001:

Redfish (Div. 3M)
Yellowtail flounder (Div. 3LNO)
Squid (Sub-areas 3 and 4)
Shrimp (Div. 3M)
Greenland halibut (Subareas 2 and Div. 3KLMNO)
Capelin (Div. 3NO)

2. 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, provide advice on the scientific basis for the management of the following fish stocks on an alternating year basis:

Cod (Div. 3NO; Div. 3M)
Redfish (Div. 3LN)
American plaice (Div. 3LNO; Div. 3M)
Witch flounder (Div. 3NO)

To implement this system of assessments in alternating years, all stocks were assessed in 1999 but advice pertained to different time periods to allow the introduction of the new scheme over time. Consequently:

- In 1999, advice was provided for 2000 and 2001 for American plaice in 3LNO, witch flounder in 2J3KL, cod in 3NO and redfish in 3LN. The next assessment of these stocks will thus be conducted in 2001.
- In 2000, advice will be provided for 2001 and 2002 for cod in 3M, American plaice in 3M and witch flounder in 3NO. These stocks will then next be assessed in 2002.

The Fisheries Commission requests the Scientific Council to continue to monitor the status of these stocks annually and, should a significant change be observed in stock status (e.g. from surveys) or in by-catches in other fisheries, provide updated advice as appropriate.

3. 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 stocks 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_{1999} and F_{max} in 2001 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 the short and the long term. Values of F corresponding to the reference points should be given. Uncertainties 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 for which only general biological and/or catch data are available, few standard criteria exist on which to base advice. The stock status should be evaluated in the context of management requirements for long-term sustainability and the advice provided should be consistent with the precautionary approach.
- 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 reproductive 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 historical yield and fishing mortality for the longest time period possible;
 - a graph of spawning stock biomass and recruitment levels for the longest time period possible;
 - a graph of catch options for the year 2001 and subsequent years over a range of fishing mortality rates (F) at least from $F_{0.1}$ to F_{max} ;
 - a graph showing spawning stock biomass corresponding to each catch option;
 - graphs showing the yield-per-recruit and spawning stock per recruit values for a range of fishing mortalities.
 - 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 , $F_{0.1}$ and F_{max} should be shown.

- f) Squid (*Illex*) in Subareas 3 and 4 is a short-lived species such that a change in productivity regime could be sudden. The Scientific Council is requested to develop an in-season indicator of productivity level based on results from the annual July survey of the Scotian-Shelf and any other source of data. If it is not considered possible to develop an in-season indicator, the Scientific Council is requested to comment on the research that would be required to develop such an indicator. The Scientific Council is also requested to review the protocol outlined in FC Working Paper 99/18 and to advise on

possible modifications to ensure its applicability on the long term, including a level of TAC which would be applicable during the high productivity regime.

4. Noting the progress made by the Scientific Council on the development of a framework for implementation of the Precautionary Approach, the Fisheries Commission requests that the Scientific Council provide, in their June 2000 report, the following information for the 2000 Annual Meeting of the Fisheries Commission for stocks under its responsibility requiring advice for 2001, or 2001 and 2002, as per Section 2 (i.e. cod in 3M, American plaice in 3M, yellowtail flounder in 3LNO, witch flounder in 3NO, redfish in 3M, Greenland halibut in SA 2+3KLMNO, capelin in 3NO, shrimp in 3M and squid in SA 3+4):
 - a) the limit and target precautionary reference points described in Annex II indicating areas of uncertainty (when precautionary reference points cannot be determined directly, proxies should be provided);
 - 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 of Annex II of the Agreement; these research requirements should be set out in order of priority considered appropriate by the Scientific Council;
 - d) any other aspect of Article 6 and Annex II of the Agreement which the Scientific Council considers useful for implementation of the Agreement's provisions regarding the precautionary approach to capture fisheries;
 - e) propose criteria and harvest strategies for re-opening of fisheries and for new and developing fisheries; and
 - f) to work toward the harmonization of the terminology and application of the precautionary approach within relevant advisory bodies.

5. With regard to shrimp in Divisions 3LNO, the Fisheries Commission, with the concurrence of the Coastal State, requests that the Scientific Council:
 - a) provide information on the fishing mortality on shrimp in Divisions 3LNO in recent years, as well as information on by-catches of groundfish in 3LNO shrimp fisheries;
 - b) provide information on abundance indices and the distribution of the stock in relation to groundfish resources, particularly for the stocks which are under moratorium;
 - c) provide information on the distribution of shrimp in Divisions 3L, 3N and 3O, as well as describe the relative and seasonal distribution inside and outside the NAFO Regulatory Area; and
 - d) provide information on annual yield potential for this stock.

6. The Scientific Council is requested to summarize all available information from the Convention Area on catches of elasmobranchs, by species and by the smallest geographical scale possible. The Scientific Council is requested to review available information from research vessel surveys on the relative biomass and geographic distribution of elasmobranchs by species, and to quantify the extent of exploitation on these resources. Further, the Scientific Council is requested to initiate work leading to the development of precautionary reference points.

7. The Scientific Council is requested at its November 11-17, 1999 meeting to evaluate, on the basis of the best data available, whether the provision for a Div. 3M shrimp closure in FC

Working Paper 99/16 would be a precautionary approach-based measure and if so, whether proposed area and timing of the closure are appropriate.

8. The Scientific Council is requested to compile and review all information on catches and/or discards of juvenile fish in the various NAFO fisheries. The Scientific Council is requested to describe and evaluate the effectiveness of additional technical management measures aiming at reducing catches of juvenile fish and male shrimp in the various NAFO fisheries.

With respect to elements 3 and 4, the Scientific Council is advised that additional or revised requests may arise from the next meeting of the joint FC-SC Working Group on the Precautionary Approach.

**Annex 12. List of Decisions and Actions by the Fisheries Commission
(21st Annual Meeting, 13-17 September 1999)**

Substantive Issue	Decision/Action (FC Doc. 99/15, Part I: item)
1. Transparency of FC decision-making procedures - Rules for Granting Observer Status at NAFO Meetings	Adopted: item 2.3
2. Conservation and Enforcement Measures: - STACTIC Report - Annual infringements - Boarding Ladders - Incidental catch limits, Part I.A.5	Discussed: item 3 Adopted: item 3.13 Recommended: Contracting Parties should include more specifics about fines in their future reports: item 3.2 Recommended: Contracting Parties should inspect their fishing vessels to ensure that boarding ladders are in good condition; item 3.3 Adopted: amendment to the Conservation and Enforcement Measures; item 3.8
3. Implementation of Precautionary Approach (PA) to NAFO managed stocks - Resolution to Guide Implementation of PA within NAFO - Working Group Meeting, Brussels, Belgium, 29 February-2 March 2000	Discussed: items 3.14-3.21 Adopted: item 3.21 Agreed: item 3.21
4. Chartering of Vessels - chartering operations, Part I.B	Discussed: items 3.28-3.29 Adopted: amendment to the Conservation and Enforcement Measures; item 3.29
5. Quota Allocation Systems: - Allocation/management 3L shrimp - Working Group, Washington, D.C., USA 27-30 March 2000	Discussed: item 4.58 Adopted: item 4.58 Agreed: item 4.58
6. TAC's and Regulatory Measures for major stocks in the Regulatory Area: - Cod 2J3KL in the Regulatory Area - Cod 3M - Redfish 3M - American plaice 3M - Shrimp 3M, Part I.F.4, Conservation Measures - Shrimp 3L, Part I.J., Conservation Measures - Cod 3NO	Discussed/Adopted: items 4.1-4.75 no directed fishery no directed fishery 5,000 mt no directed fishery Amendment: Management Measures for Shrimp in Div. 3M for 2000 and consideration by the Scientific Council and Fisheries Commission; item 4.27 Quota 6,000 mt; Management Measures for Shrimp in Div. 3L no directed fishery

Substantive Issue	Decision/Action (FC Doc. 99/15, Part I: item
<ul style="list-style-type: none"> - Redfish 3LN - American plaice 3LNO - Yellowtail flounder 3LNO - Witch flounder 3NO - Capelin 3NO - Squid (<i>Illex</i>) - Shrimp 3LNO - Greenland halibut 3LMNO - Witch 2J3KL in the Regulatory Area 	<ul style="list-style-type: none"> no directed fishery no directed fishery 10,000 mt no directed fishery no directed fishery 34,000 mt no directed fishery 25,935 no directed fishery
7. Schedule I – Quota Table 2000	Adopted: item 4.75
8. Request to the Scientific Council for Scientific Advice on Management of Fish stocks in 2001, FC Doc. 99/14	Adopted: item 4.85
9. Transfer of Quotas between Contracting Parties	Referred to future FC meetings, item 4.97
10. Election of Officers <ul style="list-style-type: none"> - Chairman of the Fisheries Commission re-elected for the term of 1999-2001 - Vice-Chairman of the Fisheries Commission for 1999-2001, re-elected 	Peter Gullestad (Norway) Dean Swanson (USA)

PART II

Report of the Standing Committee on International Control (STACTIC)

**21st Annual Meeting, 13-17 September 1999
Holiday Inn, Dartmouth, N.S., Canada**

1. Opening of the Meeting

The Chairman, D. Bevan (Canada) opened the meeting at 1015 on 13 September 1999. 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 (St. Pierre & Miquelon), Iceland, Japan, Latvia, Lithuania, Norway, Russia, Ukraine and the United States.

2. Appointment of Rapporteur

Paul Steele (Canada) was appointed Rapporteur.

3. Adoption of Agenda

At the suggestion of the representative from the European Union, it was agreed that the agenda would be amended to include a presentation regarding the hail system currently in effect for the Northeast Atlantic Fisheries Commission (NEAFC). The Chairman indicated that a presentation would also be given regarding the proposed hail system to be administered by the NAFO Secretariat, with a focus on the security and encryption aspects of the system.

The representative from Norway asked for the addition of two issues related to the observer program:

- a) a discussion of how Contracting Parties currently conduct the recruitment and hiring of observers; and
- b) a discussion of difficulties experienced by Contracting Parties in deploying/delivering observers to fishing vessels, and how Contracting Parties deal with vessels that begin fishing before observers are delivered.

It was agreed that these issues would be addressed under agenda items 4 (Review of Annual Return of Infringements) and 7(d) (Observer Manual).

At the suggestion of the representative from Canada, it was agreed that agenda item 7(b) (Review of Disposition of Outstanding Infringements) would be addressed as part of the discussion on agenda item 4 (Review of Annual Returns of Infringements).

The amended agenda was adopted as attached (Annex 1).

4. Review of Annual Returns of Infringements

The Chairman referred the Contracting Parties to NAFO/FC Doc. 99/4 (Summary of Inspection Information for 1998), NAFO/FC Doc. 99/4 (Corrigendum 1), STACTIC Working Paper 99/6 (Information on Inspections, Catch Record Discrepancies and/or Apparent Infringements, 1998)

and STACTIC Working Paper 99/8 (Summary of Reports Received by Contracting Parties re Disposition of Apparent Infringements, January-June 1999).

STACTIC Working Paper 99/6 was accepted without comments or amendments.

The representative from Iceland pointed out that Iceland has provided a written explanation to the NAFO Secretariat regarding the disposition of the apparent infringements listed in NAFO/FC Doc. 99/4 for Icelandic vessels. The Icelandic representative summarized the information from the report provided to the Secretariat. The Icelandic report was later distributed by the Secretariat as an *addendum* to NAFO/FC Doc. 99/4.

The representative from the European Union advised that the disposition of apparent infringements relating to the January 21, 1999 inspection of a European Union vessel has not yet been finalized. It was agreed that the explanation relating to these infringements, in STACTIC Working Paper 99/8, will be amended to reflect that sanctions are under consideration.

The representative from Canada stated that it was encouraging to see that most Contracting Parties had provided reports on the disposition of 1998 infringements. He pointed out, however, that Poland and Russia had not yet reported on infringements relating to their vessels. He asked that the representatives from Poland and Russia try to provide reports prior to the adjournment of the NAFO meetings on September 17.

The representative from the European Union emphasized the importance of Contracting Parties providing complete reports on the disposition of infringements. He expressed satisfaction about the improvements noted in the reporting practices of most Contracting Parties, and he called upon Poland and Russia to provide the required information for 1998 infringements. He also noted that there were still some apparent infringements from previous years (e.g., 1997) on which Contracting Parties have not yet reported.

The representative from Canada noted that Part IV.17(b) of the NAFO Conservation and Enforcement Measures requires that Contracting Parties describe the penalties imposed for apparent infringements in specific terms. He suggested that, in cases where fines are imposed as part of the penalty for an infringement, Contracting Parties should provide information in their reports regarding the specific amount of the fines.

The representative from the European Union advised that the European Union had provided this level of detail in the past, but discontinued doing so because other Contracting Parties were not reporting fine amounts.

It was agreed that the STACTIC report to the Fisheries Commission will note that there has been a general improvement in the past year in the reporting, by Contracting Parties, on the disposition of apparent infringements. The report will also indicate that the specific fines are not currently being reported in the manner required by the NAFO Conservation and Enforcement Measures, and that Contracting Parties should be encouraged to include this level of detail in future reports.

The representative from Norway pointed out that specific information on fines imposed could be misleading if comparisons are made without consideration of the differing economic circumstances of the flag states involved. It was agreed that Contracting Parties should exercise caution when interpreting information on fines.

The representative from Norway pointed out that it is becoming increasingly difficult to deliver observers to fishing vessels in the NAFO Regulatory Area on a timely basis. He questioned whether Contracting Parties should exercise some flexibility in cases where there are delays in the delivery of observers, i.e. should these vessels be allowed to begin fishing without an observer on board? It was noted that some Contracting Parties occasionally allow vessels to fish for short periods of time without observers.

The representatives from the European Union and Canada indicated that European Union and Canadian NAFO inspectors do not exercise any flexibility in this regard. The NAFO Conservation and Enforcement Measures are clear in this regard and are strictly enforced with respect the requirement for 100% observer coverage. If a vessel begins fishing without an observer on board, a citation will be issued.

It was agreed that the current inconsistency in the application of the requirement for 100% observer coverage will be brought to the attention of the Fisheries Commission.

The representative from the European Union pointed out that conducting boardings of fishing vessels at sea can be very dangerous for NAFO inspectors if boarding ladders are not maintained in good repair. It was agreed that STACTIC will recommend to the Fisheries Commission that Contracting Parties should be reminded to make an effort to inspect their fishing vessels to ensure that boarding ladders are in good condition.

5. Review of Surveillance and Inspection Reports

The representative from Canada summarized STACTIC Working Paper 99/9 (1998 Canadian Report on Surveillance Activities and Inspections in the NAFO Regulatory Area).

The representative from Norway suggested that a special reporting format should be developed for reporting on activities of Non Contracting Party (NCP) vessels. The representative from Canada pointed out that such a reporting format was developed last year and is described in FC Doc. 99/1.

6. Review of Operation of the Hail System

The Chairman requested comments on STACTIC Working Papers 99/2 (including Addendum 1) and 99/7.

The representative from Japan asked if fax messages could be used as an alternative to e-mail. The Chairman confirmed that this is acceptable. The representative from the European Union agreed, but pointed out that it is preferable that all Contracting Parties provide the required hail messages in electronic format.

The representative from the European Union pointed out deficiencies identified in the operation of the system, and in particular the case of messages sent by vessels but never reaching the NAFO Secretariat. Such deficiencies would affect the control of fishing effort by the Contracting Parties as well as the monitoring thereof by the Secretariat. He suggested that improvements should be made to the operation of the hail system and to the control of fishing activity. Hail information should be compared and cross-checked with other available data gathered through vessel sightings, at-sea and in-port inspections, logbooks, etc.

The representative from the European Union suggested that a STACTIC working group of technical experts be established to deal with this and other issues relating to the hail system, e.g.

security/confidentiality concerns, consistency with the NEAFC hail system. It was agreed that this recommendation would be submitted to the Fisheries Commission.

7(a) Compatibility and Applicability of Discard/Retention Rules for Conservation and Utilization of Fishery Resources

STACTIC Working Paper 99/3 and 99/3 (Addendum 1) were introduced. The representative from the European Union congratulated Contracting Parties for their efforts in gathering the information on discards.

The representative from Canada pointed out that readers of these reports should not focus exclusively on the discard percentages (discards as a percentage of total catch). He noted that this could be misleading, as the overall amounts of discarded fish can be significant, even though the percentages may be low. This is especially true in the case of stocks under moratorium.

The representative from the European Union agreed, but indicated that STACTIC's focus should be on the collection of the data rather than its interpretation, which is the responsibility of the Scientific Council. He suggested that STACTIC should further address the issue of data collection and the possibility of developing sampling procedures for observers, keeping in mind that we should not unnecessarily increase the workload of observers. The Chairman indicated that this issue will be raised as part of the review of the NAFO observer manual.

The representative from Canada introduced STACTIC Working Paper 99/11, a proposal for amendments to the NAFO Conservation and Enforcement Measures for the purpose of clarifying that fishing vessel masters must record discarded fish as part of their catch reports. The representative from Canada emphasized that this requirement already exists in the current Measures, but is not being met by many fishing vessel masters. He pointed out that the objective of the Canadian proposal is to amend the Measures so that this obligation will be completely clear to fishing vessel masters.

The representatives from Norway and Japan agreed that the Conservation and Enforcement Measures currently require that discards be recorded. The representative from Norway pointed out, however, that deducting discarded fish from quotas would be problematic in situations where a Contracting Party has no quota to cover off the discards of fish taken incidentally in a directed fishery for a quota species, e.g. redfish taken when directing for shrimp. He suggested that rather than counting discards against quotas, an alternative option would be to simply forward the data on discards to the Scientific Council so that the scientists would be able to take this information into account when developing their advice on TACs.

The representative from the European Union agreed, stating that the counting of discards against quotas is a complicated issue that should be carefully considered before adopting changes to the current practices. He pointed out that it would be very difficult for fishing vessel masters to make precise and accurate estimates of discards. He also noted that deducting discards from quotas could be counter-productive in that it might encourage catch misreporting.

The representative from Denmark suggested that, in order to improve the accuracy of discard information, the Conservation and Enforcement Measures could be amended to require that masters collect and weigh the fish to be discarded, and record the amounts before actually discarding them.

The representative from the European Union stated that there is a need to improve the accuracy of information on discards, and that STACTIC should focus on the observer program as the best means of achieving the required improvements. The representative from the United States agreed that better methods for recording discards are needed. He suggested that one possible improvement would be to move toward an electronic format for observer reports.

The Chairman summarized the discussion by stating that there is no consensus regarding the part of the Canadian proposal that would require that discards be counted against quotas. Contracting Parties agree, however, that there is an existing requirement under the Conservation and Enforcement Measures for fishing vessel masters to record discards. There was also agreement that more accurate discard information is required and that this information should be made available to the Scientific Council so that it can be considered in the development of scientific advice to the Fisheries Commission. Contracting Parties also agreed to further examine possible improvements in the procedures for gathering discards information.

7(b) Interpretation of Conservation and Enforcement Measures

The representative from Denmark introduced STACTIC Working Paper 99/1 and requested clarification regarding two provisions of the Conservation and Enforcement Measures (Part I.C.5 and Part II.C.3(a)). Several Contracting Party representatives commented that the intent of the provisions in question is not clear. The representative from Canada noted that these provisions have been part of the Measures for many years and that it would be difficult to trace the rationale for them.

It was agreed that there is a need for a comprehensive review of the Conservation and Enforcement Measures to clarify provisions such as these which are either unclear or out of date. STACTIC will advise the Fisheries Commission of this requirement. Rather than amending individual sections at this time, all proposed changes should be considered within the context of this overall review and, if necessary, revision of the Conservation and Enforcement Measures.

7(c) Incidental Catch Limits

The representative from Canada introduced STACTIC Working Paper 99/10 (Proposal to Amend the NAFO Conservation and Enforcement Measures Regarding Incidental Catch Limits).

Representatives from the United States, Norway, Denmark and Japan expressed general agreement with the proposal. The representatives from Japan and Latvia questioned why the Canadian proposal would require vessels to move 10 nautical miles when excessive incidental are encountered, rather than 5 miles as currently required by the Conservation and Enforcement Measures for vessels taking excessive numbers of undersized fish.

The representative from the European Union agreed that there is a need for STACTIC to examine ways to better control incidental catches. He noted, however, several potential practical problems and operational difficulties regarding the amendments proposed by Canada, particularly the amendments relating to the fishing strategies to be employed to avoid excessive incidental catches (proposed Part I.A.5(f)).

The representative from Norway noted that the Canadian proposal is focused strictly on trawling operations. The proposal would have to be expanded to include other fishing methods, such as longlining.

At the conclusion of the discussion, Contracting Parties agreed with the general principle and objective of the Canadian proposal, and with the amendments dealing with the calculation of incidental catch levels. There was no agreement, however, on the proposed Part I.A.5(f). The Canadian delegation agreed to re-write STACTIC Working Paper 99/10 on this basis. The amended Working Paper was then approved by STACTIC for submission to the Fisheries Commission. The representative from Canada indicated that the Canadian delegation will do further work on the proposed Part I.A.5(f) and will raise the issue again at the next annual meeting of STACTIC.

8. Draft Resolution Concerning the Chartering of Vessels Flying the Flag of a Contracting Party in the Regulatory Area

The Working Group on Allocation of Fishing Rights to Contracting Parties of NAFO and Chartering of Vessels between Contracting Parties met in April 1999 and developed Working Paper 99/6, which they then referred to STACTIC for a review of the enforcement and reporting responsibilities associated with charter arrangements.

The representative from France (on behalf of St. Pierre & Miquelon) introduced Quota/Chartering Working Group Working Paper 99/6, which took into account the comments and concerns previously expressed by Contracting Parties. Following a discussion, there was general agreement with the principle that the Contracting Party accepting a charter (the "flag" Contracting Party) must be responsible for meeting the requirements of the NAFO Conservation and Enforcement Measures. To bring into effect Working paper 99/6, the Chairman tabled two new documents on chartering, STACTIC Working Paper 99/14 on chartering operations and STACTIC Working Paper 99/15 on bare boat charters.

Concerning Working Paper 99/14:

The representatives from the European Union and Iceland pointed out that, while they were prepared to discuss the proposals, they wished to express the reservation that the proposals may have implications, particularly for domestic legislation in their respective jurisdictions.

The representative from Norway questioned whether Contracting Parties with no track record in the shrimp fishery should be allowed to charter a vessel from another Contracting Party to fish their allocation of 100 fishing days. There was no consensus on this issue. Some Contracting Parties were of the opinion that such charters should not be allowed, whereas others took the opposite view.

The representative from Ukraine explained that the position of the Ukrainian delegation is that the controlled transfer of shrimp fishing days should be permitted. He suggested that by restricting the quantity of shrimp that can be caught per fishing day transferred, the shrimp fishing day transfers would not, in their opinion, endanger the stocks.

The representative from the United States questioned the need for a mail vote prior to approval of a charter arrangement. He stated that it would be preferable to simply notify Contracting Parties of the arrangement and allow them to object if they have concerns. The representative from Iceland agreed with this position. There was no consensus, however, as other Contracting Parties felt that a mail vote should be part of the approval process. As a result, the mail vote aspect of the proposal was not amended.

The representative from Japan proposed a provision stating that chartering operations should be limited to substitution of domestic fishing vessels or for domestic supply of fish products. There was no agreement among the other Contracting Parties regarding the Japanese proposal.

Concerning Working Paper 99/15:

The representative from France (on behalf of St. Pierre & Miquelon) questioned why the proposed provision would require Contracting Parties to provide notice to the Executive Secretary one month prior to the departure of a bare boat charter vessel from her home port (where the vessel intends to fish in the NAFO Regulatory Area). France (on behalf of St. Pierre & Miquelon) could accept this proposal but consider that bare boat charter vessels should be subject to the same notification requirements as other vessels intending to fish in the Regulatory Area.

The representative from France (on behalf of St. Pierre & Miquelon), supported by the representative from Ukraine disagreed with the proposed provision III.D.2.B, which would require Contracting Parties to ensure that vessels registered in their territory fly only their flag during the year that notification is given to the Executive Secretary. He stated that this measure is too restrictive and is not consistent with the Article 11.2 of the NAFO Convention and with the international rules of trade concerning chartering. He also recalled that the Working Group on Allocations and Chartering had considered that bare boat charters were not of concern and could continue to take place by Contracting parties subject to notification to the NAFO Secretariat for the purpose of transparency. There was no agreement on the part of other Contracting Parties to remove provision III.D.2.B from the proposal.

9. NAFO Observer Program Issues

Mr. Mark Showell, representing the Scientific Council, presented STACTIC Working Paper 99/12. This document had been prepared in response to a STACTIC request, at the 1998 annual meeting, for the Scientific Council to define scientific requirements for the NAFO observer program.

Mr. Showell noted that confidentiality of observer data is an important consideration and that, for scientific purposes, the identification of individual vessels is not necessary. A coding system could be developed to ensure confidentiality of fishing records for individual vessels.

Mr. Showell also emphasized that while the drafting of forms and protocols is an important first step, in order to make the information truly useful to scientists it will be necessary to develop a comprehensive observer program database that could provide timely access of the information to users.

Contracting Party representatives congratulated the Scientific Council for the work done to date, and expressed agreement about the need to develop a harmonized NAFO observer program database. It was agreed to recommend to the Fisheries Commission that an intersessional STACTIC meeting be held, with the participation of scientists, to begin work on this project.

The representatives from Japan and the European Union emphasized that the confidentiality of observer data, and particularly data on vessel positions, is a very important issue.

The draft observer manual, circulated by the Executive Secretary earlier this year, was also discussed. It was agreed that while the current draft is a good beginning, there is a need for further review, including the development of a consistent approach regarding the duties of observers. It

was agreed that STACTIC will recommend to the Fisheries Commission that this issue be addressed at the proposed intersessional STACTIC meeting. The Chairman encouraged Contracting Parties to review the manual and prepare proposals for amendments in order that they can be circulated prior to the meeting.

The representative from Norway expressed concerns that some Contracting Parties may not always be in compliance with the requirement (under Part VI.A.1(a) of the Measures) for independent and impartial observers. He suggested that STACTIC consider an amendment to the Conservation and enforcement Measures to prohibit observers from performing other duties, e.g. working as crew members, on board the fishing vessel.

The representatives from Canada and the European Union agreed that this is an issue of concern. It was agreed that, while an amendment to the Measures will not be proposed at this time, the STACTIC report to the Fisheries Commission will highlight the need for Contracting parties to ensure that their observers are independent and impartial. This issue will be addressed at the proposed intersessional meeting of STACTIC.

10. Election of Chairman

D. Bevan (Canada) was re-elected for an additional two-year term.

11. Adoption of Report

The Report was adopted by STACTIC on 16 September 1999.

12. Adjournment

The meeting adjourned at 1330 on 16 September 1999.

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 Operation of the Hail System
7. Discussion of Other Conservation and Enforcement Measures (including possible requests from the Fisheries Commission):
 - a) compatibility and applicability of discard/retention rules for conservation and utilization of fishery resources (follow-up of the STACTIC discussions)
 - b) Interpretation of Conservation and Enforcement Measures (request from Denmark)
 - c) incidental catch limits
8. Draft Resolution concerning the chartering of vessels flying the flag of a Contracting Party in the Regulatory Area
9. NAFO Observer Program Issues
10. Election of Chairman
11. Adoption of Report
12. Adjournment