

Northwest Atlantic



Fisheries Organization

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(Revised)

TENTH ANNUAL MEETING - SEPTEMBER 1988

Report of the General Council

Tuesday, 13 September - 1015-1415
Friday, 16 September - 1015-1110
1215-1335
1400-1415

1. After the meeting room, at the Ottawa Congress Centre, had been cleared of press and television representatives and operators who had congregated to welcome the Canadian Federal Minister of Fisheries and Oceans, the Hon. Tom Siddon, who had been received outside by the Chairman, Mr. F. Hartung (GDR), the latter opened the meeting at 1015 and initiated the proceedings by inviting all participants (see Appendix 1) to welcome the Minister, who addressed the Council and delivered a speech stressing the main points of the last ten years of fisheries management by Canada within its 200-mile limits and its concern for the transboundary and outside stocks, underlining the alarming failures of the Organization and encouraging it to follow the efforts of Canada within its 200-mile limits, within which some remarkable progress had been achieved.

The Minister closed his address by exhorting the Organization to curb overfishing on the Grand Banks as it was a matter of great concern to Canada and certainly should constitute a constant preoccupation and intelligent goal of all Contracting Parties. (See Appendix 2)

2. After the Minister had been accompanied and saluted at the door by the Chairman, the latter returned to the chair, to read an opening pronouncement. (See Appendix 3)
3. The delegate of the EEC, after obtaining the floor from the Chairman for some opening remarks, delivered a short opening address. (See Appendix 4)
4. Following tradition, the Chairman appointed the Executive Secretary as Rapporteur and that was agreed.
5. The Agenda as proposed was adopted. (See Appendix 5)
6. Coming to the Admission of Observers, the Chairman informed that, in accordance with previous decisions of the Council, the Executive Secretary had invited Mexico and the United States of America and those delegations were welcomed.
7. The Chairman informed the Council that Publicity would be handled in the usual manner. That was agreed.
8. Dealing with Current Threats in the Regulatory Area, the representative of Canada, having distributed a series of tables and graphs on the question of NAFO TAC overruns, 1985-87, explained the concern of his country over the question of overfishing in the Regulatory Area and the use of the objection procedure to permit such overfishing. (See Appendix 6)

The Chairman asked Canada to specify which procedures they were planning to follow in order to attack that problem.

The delegate of Canada explained that Canada believed in a general mutual approach to the problem by which inter-consultation and concrete widely discussed and generally agreed actions would be taken to solve the problems which affected the general interests.

The delegate of the EEC stated that they could never agree to the indiscriminate use of the word "overfishing". The EEC was not convinced its vessels had done any overfishing. That depended on the level that was chosen for reference as the proper fishing effort.

However the EEC would agree to discussing any problems and consequently it agreed with the approach proposed by Canada. It noted however that the Scientific Council report had to be examined before any decisions could be taken and that it should be noted that valid options, not based in one simple parameter, should be indicated by the Scientific Council, instead of its insistence on the $F_{0.1}$ option.

The delegate of Canada indicated that a short paper (see GC Doc. 88/4) should be distributed very shortly.

9. Following an exchange of opinions, the Chairman proposed that the subject under discussion be deferred until documents from the Fisheries Commission and Scientific Council would be available to the General Council.
10. Under item 7 of the Agenda, the Chairman gave the floor to the Executive Secretary regarding the problems of quota allocations in the presence of catches by non-member countries.

The Executive Secretary introduced the subject suggesting that, in accordance with Note 1 to Appendix 5 of Circular Letter 88/43, non-member countries fishing in the Regulatory Area should be attracted into membership by promising to distribute among those new members converted "non-member others" quotas based on the sum of average catches that could be estimated as taken by those previous non-members fishing regularly in the Regulatory Area.

11. The delegate of Canada considered ridiculous the suggestion that, in a region in which there was not enough fish to satisfy the legitimate needs of member countries, quotas would be given to non-member countries.
12. The delegate of Denmark called the attention of the General Council to the fact that the proposed idea did not entail giving quotas to non-member countries but to the member countries they had become by joining NAFO.
13. The Executive Secretary asked for the floor to thank the Danish delegate for clarifying the exact meaning of the above-mentioned Note 1 and to add that the allocations mentioned therein would not normally be nominal allocations but allocations for others.
14. The delegate of the EEC agreed that, if an "active" fishing non-member would be prepared to join NAFO, when it did, NAFO should find a way to allocate quotas as equal to previous catches as possible, to the newcomers to NAFO.
15. The delegate of the USSR would like to call the attention of the Council to:
 - a) The Law of the Sea in its Articles 117 and 118 did make it mandatory that countries, which fished in the Regulatory Area, abide by NAFO's regulations and join NAFO.
 - b) NAFO's Convention paragraph 4 of Article XI gave special importance to the interests of Commission members whose vessels had traditionally fished within that Area.

He also declared that it was premature to suggest the allocation of quotas to non-member countries.

16. The Chairman proposed to defer the conclusion of that debate and to initiate the study of the interpretations requested by the Scientific Council by inviting the Chairman of that Council to explain the difficulties it had found.

The Chairman of the Scientific Council explained that there was a problem concerning the interpretation of Article VII paragraph 1, which was agenda item 8 of the General Council, and which had arisen at the June Meeting of the Scientific Council.

There was a new problem that had arisen since the beginning of the meeting of the Scientific Council then taking place. This additional problem concerned the study of Cod in 3Ps and whether a second request that had been received was consistent with Article VII of the Convention.

The Chairman of the Scientific Council used those problems to illustrate a matter of great concern to the Council, which was the increasing tendency for the Council to be faced with non-scientific issues.

17. A long discussion was then initiated of which the main points were as follows:

The delegate of Denmark pointed out that, as far as the problem in the agenda was concerned, Article VII.2 made it clear that the terms of reference were given by the Coastal State and that the Scientific Council, within those terms of reference, was free to consider, as it would be scientifically necessary or advisable, either the whole stock, no matter which region it occupied, or just a part of the stock, whenever possible.

The delegate of Norway called the attention of the Council to what was taking place in the Scientific Council as it was very serious and threatened the efficiency of its functions. Prompt advice was necessary to stop the Scientific Council becoming a forum for political or legal discussions instead of the scientific organ that it had always been and had to continue being.

The delegate of Canada thought that the new problem, now afflicting the Scientific Council, could be considered as non-existent. Anybody could see that Articles VI lc) and Article VII made it clear that the coastal state was the only party legally competent to be involved.

The delegate of the EEC agreed with the strict view of Canada, but called the attention of the Council to the fact that in accordance with Article VI.1a) the functions of the Scientific Council were far wider and, if a problem existed for scientists who did not agree with those of the coastal state, they had the right to call the attention of the Scientific Council to that problem and use the Scientific Council as the scientific forum it should be.

The delegate of the USSR thought that Note 2 to the General Council Provisional Agenda was very clear and should be answered in light of Article VII. He agreed that Article VI.1a) however permitted discussions among Contracting Parties and the formulation of views, not however advice.

The delegate of Denmark inquired whether, if it was felt that new evidence was available to the Scientific Council after advice had been formulated, it would not reconsider on its own initiative the effect of that new evidence.

The delegate of the EEC concluded that such a question should only be answered in the affirmative.

The Chairman of the Scientific Council informed the Council that it was not exactly data that was involved in the case under consideration but the application of alternative analytic procedures. However the matter was discussed and resolved in the Scientific Council by a majority vote against reopening the assessment.

The Chairman, at that stage of the discussion, decided to indicate to the meeting the conclusion that he had so far reached:

Advice on 3Ps cod was requested by the coastal state and without any special factor no other entity should interfere.

However new data or new procedures had been proposed and that could have dilated the sphere of intervention.

Fortunately however the Scientific Council had already voted on that problem and the General Council should not interfere in such an internal decision. That part of the problem was therefore closed.

Interpretation of the Articles of the Convention was indeed an internal matter within the concerns of the General Council and consequently the discussion should proceed on that part of the problem.

The delegate of Canada supported that point of view.

The delegate of the EEC called attention to Article X.1 of the Convention and stated that his delegation claimed the right to report its views as they were different from the majority view of the Scientific Council as no consensus had been obtained exactly as a result of the impossibility of its acceptance of the majority view.

The Chairman suggested that in order to come to a conclusion on the meaning of the Articles of the Convention under discussion a working group should be formed.

The delegate of Canada indicated Mr. Applebaum for that group.

The delegate of the EEC asked which were the Articles the meaning of which was under discussion.

The Chairman informed that Article VII.1 was the main Article to be studied.

The delegate of Canada confirmed his agreement with that understanding.

The delegate of the EEC stated that his delegation would be willing to cooperate.

The delegate of Japan reminded the Council that the interpretation of a Convention was really a matter for the corresponding Contracting Parties, but that he really had no instructions on the general matters of interpretation. He suggested that the interpretation of Article VII.1 could be decided by vote.

The delegate of the EEC supported the position of Japan. He also reminded the Council that the interpretation of Article VI.1d) also needed consideration, especially in relation to the advice on that part of the 2J3KL stock which appeared and was fished in the Regulatory Area.

18. The Chairman, due to the late hour reached, decided to suspend the meeting. Delegates would be advised of the day and hour another session would be convened.

19. The meeting, as it had been previously announced, reconvened on Friday, 16 September 1988 at 1015.

The Chairman invited the meeting to proceed to the discussion of item 9 of the Agenda.

The delegate of Canada was of the opinion that the Proceedings of the 9th Annual Meeting should be approved under the understanding that any further comments should be passed to the Executive Secretary with all possible speed. The delegates of USSR and EEC supported the proposal of Canada. The Proceedings were adopted under the agreed proviso.

20. Coming to item 10 of the Agenda, Review of Membership, the Chairman informed that there had not been any change in the General Council or Fisheries Commission memberships and clarified that he had not written to Romania as he felt the question of Romania had to be handled carefully. The Convention was quite clear in that questions of contributing in time involved rights of voting but not of membership. The fact was that Romania had abstained from fishing while non-members had increased their fishing effort.

The delegate of the USSR supported the statement of the Chairman. He felt the first thing to do was to establish contact with the proper authorities of Romania so that its position could be fully clarified. The proper authorities in the case in question should be the highest government authorities. The Chairman and the Executive Secretary should write to Romania in order to obtain the proper contact and establish a dialogue.

The delegates of EEC, Cuba and Canada supported that point of view.

21. The Executive Secretary was given the floor in order to state that in his notes or comments it had never been suggested or hinted that Romania should be told that it had to withdraw from the Convention. It had been suggested that the other members could without disadvantage propose generous conditions of withdrawal if Romania, having considered the disadvantages of its present situation, would wish to decide to withdraw.
22. The Chairman then opened the discussion on the agenda item on the Rules of Procedure. After a short explanation by the Executive Secretary, the delegates of Denmark and of the USSR supported the amendment. The delegate of Norway considered that the word "telecommunication", which had been mentioned, included telephonic communication and therefore was not desirable. The amendment was then adopted.
23. The Chairman then called on the Chairman of STACFAD, Mr. M. Ibbotson (EEC), to present its Report.

The Chairman of STACFAD highlighted the main recommendations made, namely: 1) the increase of the Accumulated Surplus Account to \$100,000 for the forthcoming year as a result of the difficulties encountered in the payment of contributions; 2) approval of the Auditor's Report for 1987; 3) the appointment of new Auditors, for which the Executive Secretary should appoint one of two bidding firms chosen among the offers received as the best available; 4) the approval of the recent changes in the early retirement benefits of the Pension Plan and the implementation of new Long Term Disability benefits; 5) the acquisition of telefax and word processors; 6) approval of the proposed budget for 1989; 7) approval of the billing date of 15 February 1989; 8) approval of dates and places of 1989 Annual Meeting, preliminary approval of the dates of the 1990 Annual Meeting and consideration of the dates of the 1991 Annual Meeting; and, 9) approval of the Administrative Report and Financial Statements. (See GC Doc. 88/3)

24. On the question of Staff Rules, STACFAD had reviewed the progress made on the subject and had received a paper produced by the Executive Secretary as one basis for furthering the necessary work. The Chairman had requested some time to consider how the issue might be progressed. In due time he would contact Contracting Parties and the Executive Secretary so that the Committee would be able to report to the next annual meeting progress towards an agreed set of rules.

The Chairman of STACFAD finished his presentation by praising the hard work of all the Secretariat and added a special mention to the hard work of the Rapporteur of STACFAD and the commendable efforts of the Executive Secretary and his staff.

25. The delegate of the EEC proposed that the report be approved, after congratulating the Committee for the efforts made and coordination shown, and, referring to the Annual Meeting of 1989, declared to have the pleasure of inviting the Organization to meet then in Brussels, where he looked forward to have the opportunity to receive all members and to move forward to general collaboration in solving the problems of international fisheries in the Regulatory Area.

The delegate of the USSR supported the adoption of the excellent report, thanked the Chairman of STACFAD for the efficient work done and declared to accept the invitation of the EEC.

The delegate of Norway also praised the Chairman of STACFAD and supported the adoption of the Report.

The General Council adopted the Report with all its recommendations (see Appendix 7) after praising the Chairman of STACFAD. It also confirmed that the next annual meeting was to take place in Brussels.

27. The Chairman of the General Council announced that the meeting would be adjourned to give an opportunity for the Fisheries Commission to meet.

The meeting adjourned at 1110 and reconvened at 1215.

The Chairman of the General Council opened the meeting to consider Agenda item 6.

28. The delegate of Canada introduced a proposal for a Resolution, which had been elaborated together with the USSR relating to the persistent use of the objection procedure. He read the proposed Resolution. (See Appendix 8)

The delegate of the USSR confessed that he considered that the time was short for the discussion of all the questions that affected the fisheries interests of all Contracting Parties.

However he also considered that the constant use of the objection procedure could not show a good spirit of cooperation. The right of objecting should be used in a responsible manner. He hoped that those questions should be discussed thoroughly at the next meeting. It should be determined which management procedures were feasible with satisfaction for all Parties. Also control should be improved both at the international and national levels. He asked why would it not be possible and desirable to organize within the Organization a meeting of masters of vessels operating in the Area. The Resolution proposed should lead to determined efforts to resolve the questions, even above the Resolution, that may be at the root of the problem.

29. The delegate of the EEC declared that the resolution on the table implied that two member countries wanted to lead the General Council into approving an accusation against a Contracting Party which had the right to object on a continuous basis. Since the reasons for objecting were maintained on a continuous manner, those objections were not a blockage of the work of NAFO, were in fact a cry for the improvement of that work.

Proposals based on insufficient scientific advice, lacking in management options, lacking in elementary conditions for acceptance and in the rational determination of TACs and quotas, could not gather unanimous support. The proposers knew that, instead of trying to solve the problem, they were simply confronting and isolating. EEC vessels fished over all the seas with an impeccable record and NAFO waters were not really of major importance to the EEC. But the EEC had no intention to give up its sovereign rights to fish in international waters in accordance with international law and the duties and rights established by the NAFO Convention.

To choose and force confrontation, instead of extending collaboration was certainly not the spirit of that Convention.

The EEC did not intend then to also draw up a Resolution lamenting the attitude of its critics. The EEC simply would appeal to the delegates of Canada and the USSR to withdraw their Resolution, an appeal for cooperation instead of confrontation. Everyone could be absolutely sure that the Community would never change its position whilst it continued to face only acts of confrontation.

30. The delegate of Canada stated that the EEC had not been isolated by NAFO, it had simply isolated itself. The stocks were going down whilst one Contracting Party was taking advantage of the years of sacrifice endured by all the other Contracting Parties.

The delegate of the EEC replied that NAFO stocks were not generally in decline. Only one was and for that one the EEC had agreed on complete restriction. The EEC was not practicing overfishing. It just did not belong to the $F_{0.1}$ religion.

31. The delegate of Norway declared that the draft resolution described a serious problem to which it was not wise to close one's eyes. Consequently he would like to side with the resolution but he confessed he had a problem with the word "abuse". In his opinion it was not a word to be used in an international constructive resolution. He would stand against using such a "five-letter" word. He would suggest wording like: "to avoid excessive and inappropriate use".

The delegate of the USSR stated that the proposed resolution was not directed against the EEC: it called on all Contracting Parties. The USSR, like everybody, wanted to fish on a stable and long-term basis and it was in NAFO in order to attain that objective. If some member would use a criterion that only that Party believed to be true, it would damage the interests of all. The USSR enjoyed the possibility of the largest catches in the Regulatory Area and consequently they were the member that could suffer most from controversial attitudes which would bring the stocks there into decline. He agreed with the representative of the EEC that management and regulatory measures required improvement. There were USSR scientists who believed that there existed quite a few stocks which could be exploited at F_{max} instead of at $F_{0.1}$, which should be applied to others. The USSR regarded the wording of the resolution as a bridge to cooperation. Referring to the Norwegian amendment as the delegate had understood it, it sounded acceptable.

The delegate of Denmark declared that he could agree with all "considerata" in the proposed Resolution; however he could not agree with the conclusion, the last paragraph. He felt that the conclusion as it was worded did call into focus one Contracting Party in spite of what the delegate of the USSR had said. He stated that consequently he was very close to the opinion of Norway. And in fact he noted that the delegate of the USSR in his intervention had used expressions very different from the word "abuse". He had spoken of usage "in a responsible way", in using "a cautious approach". Consequently he would ask the Council to agree on an alternative for the word "abuse".

The delegate of Cuba supported the proposed Resolution in the manner explained by the delegate of the USSR and he would suggest a break of 10-15 minutes to agree on the wording.

The delegate of the USSR reiterated that the proposed Resolution was not directed against the EEC. However he wished to state that he agreed fully with the position of Denmark and was in favour of changing the wording.

The delegate of Canada declared that he was in favour of a short break.

32. After the Chairman ascertained that no other delegations wished to comment on the Resolution, the delegate of the EEC declared his amazement at the fact that, although in favour of the proposed Resolution, the USSR, Norway and Japan had found nothing wrong in the steady use of the objection procedure against the moratorium on whaling, approved by the majority of the Whaling Commission.

The delegate of Japan stated he wished to rectify the statement of the delegate of the EEC. He had not showed any position in relation to the proposed Resolution and he certainly was not a party to it.

The delegate of the USSR regretted what he had heard. The situations were completely different. In whaling the USSR had made two objections, two, and had explained that they took that attitude because the decisions there were made by non-whalers.

The delegate of Norway affirmed that he had made quite clear that Norway duly acknowledged the right to object. Also he had to apologize because he was not knowledgeable in matters of whaling and had not come prepared to discuss whaling.

The delegate of Canada stated that the USSR and Canada were prepared to accept the Norwegian amendment which he read.

The Chairman suggested a break for 10 minutes so that the new text of the Resolution could be prepared.

The delegate of Canada proposed that the Council proceed immediately to a vote.

33. The delegate of Japan asked for the floor to state that his delegation felt uncomfortable with the situation which had led to the Resolution. The Organization had seen confrontation rather than co-operation. Japan would wish not to escalate the confrontation. However he was in favour of proceeding to a vote.

The delegate of Denmark declared that it was necessary to try and find a consensus and that the terms of the Resolution as amended could be interpreted as acceptable by everybody and a vote be avoided.

The delegate of the EEC thanked the delegate of Denmark but stated that he could not see how a consensus could be obtained even with the amended text.

The delegate of Denmark hoped that the new text could be seen as non-confrontational.

The delegate of the EEC explained that all principles enunciated in the Resolution were acceptable to the EEC. However previous serious accusations made it impossible for the EEC to accept it in that occasion.

The delegate of Canada insisted on putting the Resolution, as amended, to the vote.

The delegate of the USSR declared that he was also in favour of proceeding to a vote.

The Chairman put the Resolution proposed by Canada and the USSR as amended by Norway to a vote with the following result: Canada, Cuba, Denmark (in respect of Faroes and Greenland), GDR, Japan, Norway, Poland and USSR - yes; EEC - no.

The Resolution as amended was adopted. (See GC Doc. 88/8)

34. The Chairman invited the Council to return to item 7 of the Agenda.

The observer from Mexico was then given the floor and explained the position of his country. (See Appendix 9)

The observer from the U.S.A. also made a brief intervention to assure the Council that the U.S.A. had continued to follow closely the developments in NAFO and to participate in its scientific work and to submit scientific data and catch statistics. (See Appendix 10)

The delegate of the GDR opined that it would be adequate to establish, before the 1989 Annual Meeting, a working group to study and suggest ways and means of attracting new non-members to join the Convention. That same group should discuss proposals and possibilities to set quotas for new members who had been non-members who had fished habitually in the Regulatory Area and were known to NAFO. The results of the work of that group should be discussed at the next annual meeting. The delegates of Canada and USSR supported the proposal.

The Chairman ruled that consequently the Executive Secretary should take all necessary steps to have the group meeting in Brussels in advance of the first meeting of the General Council. All non-member countries which were to be considered by the group were to be officially invited to the next annual meeting. That was agreed.

35. The Chairman returned to agenda item 8 on an interpretation requested by the Scientific Council and, after calling the attention of the delegates to the General Council Working Paper 88/1, which had been presented by the EEC, asked the Chairman of the Scientific Council to address the subject.

The Chairman of the Scientific Council explained that, in light of the previous discussion, the Scientific Council was waiting for the conclusions of the General Council. If the conclusion would be that the Scientific Council had acted inappropriately, then it would stop its debate; if not, it would return to its discussion as to how the Scientific Council would reflect the results of its own analysis at the last June meeting.

The delegate of the EEC requested that Working Papers 88/1 and 88/2 be converted into documents, informed that they had circulated them for discussion and then read part of them. He proposed that the corresponding part of the Scientific Council draft report be amended in order to reflect the facts contained in those two documents (see GC Docs. 88/6 and 88/5) and comply with the provisions of the Convention.

36. The delegate of Canada stated that it had been a fact, witnessed by all, that French scientists had cooperated fully in the advice on cod in 3Ps. The delegate of the EEC was talking on behalf of another state which had fully cooperated in the giving of advice regarding 3Ps cod.

Also there was one principle involved here that he was sure no one would contest: It was certainly inappropriate and "ultra vires" for the General Council to instruct the Scientific Council on how to draft a Scientific Report. The subject should be referred back to the Scientific Council.

The delegate of the EEC asked if it was not a fact that the Scientific Council had requested the General Council for advice. He asked whether that request was to be withdrawn.

The Chairman of the Scientific Council informed the Council that it had been advised to ask the General Council for guidance not on how to draft the report but on whether the Council could give advice under the circumstances, as it seemed to depend on the interpretation of Articles in the Convention. He had already learned that the interpretation depended on the opinion of individual Contracting Parties. Thus the request might have been inappropriate.

The delegate of the EEC had to add to his previous intervention that it should be evident to all that the French scientists who worked in the Scientific Council were all Community scientists and working as such.

The delegate of Canada asserted that the problem was that only scientists of France could be in the Scientific Council acting as scientists of the coastal state.

The delegate of the EEC stated that the EEC did not need to be a coastal state in order to ask for the right interpretation of the Convention. The rights of coastal states stem from international law and as such had to be respected. The concurrence of the other coastal state had never been given.

The delegate of Canada replied that France was not a member of NAFO so that the whole question of concurrence within the NAFO context was irrelevant. He proposed that the matter be referred back to the Scientific Council.

37. The delegate of Japan asserted that the interpretation of international law was up to the Contracting Parties, referring the matter back to the Scientific Council would not provide any solution. The matter should be referred to the Contracting Parties.

The delegate of Norway admitted his confusion and amazement. He confessed he was very worried at the development of the case under discussion, as it was obvious that on that road the Scientific Council and its credibility were being completely lost, which should be considered a very serious matter. He would appeal to the delegates of the EEC and Canada to reconsider the situation. He would regard the solution proposed by the delegate of Japan the proper way to go.

The delegate of the EEC had nothing against the Japanese proposal, but he could not possibly accept the report on 3Ps cod as it was now written. The whole matter - interpretation and advice on 3Ps - could be postponed. He would like to ask the Scientific Council whether they would give advice on U.S. stocks just because Canada or somebody else would ask for it. However, even as it was done, there was an easy and fair solution to the problem, even if it was not 100% right: - The views advanced by a minority should be added to the report as demanded by Article X.1 of the Convention.

The delegate of Canada stressed that some of the remarks that had been made did not apply, since the advice on 3Ps cod had been requested by a coastal state and that coastal state under Article VII had the right to a reply.

38. The delegate of the EEC was of the opinion that, in relation to the agenda item under discussion and Article X.1, the Chairman of the Scientific Council or in the alternative the Chairman of the General Council should give an answer. The Chairman of the Scientific Council declared that his communications to the General Council or the Fisheries Commission were not personal communications because as such they could have no value. They were communications on behalf of the whole Scientific Council. The Scientific Council was unsure: it was prepared to apply Article X but it did not know what exactly the Article meant. It had voted to provide an answer to the coastal state and then it could not decide if, in that case, it should express a minority view.

The delegate of Canada suggested that the report be sent back to the Scientific Council and the interpretation be solved next year.

The delegate of the EEC read Article X in order to ascertain where in the Article was there any reason for doubt and worry. However, if there still were doubts, those views should be given and properly discussed and documented in the General Council reports.

The delegate of Canada asked a rule from the Chairman on the propriety of the General Council discussing the way the Scientific Council drafted its reports.

The Chairman of the General Council decided then to make a résumé of the situation. In his view there were three main problems:

1. The legal problem consisted in the legal interpretation of the Convention. It seemed that some delegations were not in a position to decide on that problem immediately.
2. The Report of the Scientific Council - Here it seemed obvious that the General Council should not interfere in the internal affairs of the Scientific Council.
3. Article X.1 - From that Article one should conclude that all points of view should be reflected in the Report. The Scientific Council decided to present only one view. One would pose the question then: Did the General Council have the right to intervene? That was a very complex question.

The Chairman thought that the Japanese proposal was sensible and very wise. The problem of 3Ps was solved in theory but then the Council should discuss the principles to apply and those were more difficult to arrive at. Thus it was sensible to continue the discussion at the next meeting.

The delegate of the EEC had heard now that the General Council should not give instructions to another body of NAFO, nevertheless on 19 August 1988 Canada had agreed in writing that the General Council should give guidance to the Scientific Council. Fortunately he had already asserted that one solution was the only one opened to him in the middle of the confusion and contradiction: He formally requested to include in the General Council report the full terms of the EEC opinion that could not apparently, in spite of the clear terms of Article X.1, be immediately included in the Scientific Council Report. He then read the EEC opinion as a statement. (See Appendix 11)

The delegate of Canada was of the opinion that such a request was out of order.

The Chairman decided to adjourn the meeting for a short time and the meeting was adjourned at 1335.

The meeting reconvened at 1400.

39. The Chairman decided that the meeting, as a point of order, should follow the advice of the Japanese delegation: He would receive the EEC documents on the question (GC Docs. 88/5, 88/6, 88/9). They should be circulated to all Contracting Parties and the General Council should be called to resolve the full question at the next meeting. Meanwhile the Chairman of the Scientific Council should look at the problems raised by Article X.1 and then have the matter discussed in the Scientific Council so that the Scientific Council would act as it would think fit.
40. The Chairman reminded the meeting that the next meeting, at the invitation of the EEC, would be in Brussels for which invitation the Council was very obliged. He then opened the discussion on Other Business for which there was no intervention. The Press Statement would be elaborated as it had been agreed and circulated as soon as possible. (See Appendix 12)

The delegate of Canada addressed the compliments of the Council to the President of NAFO who had chaired with great wisdom such a difficult meeting.

The Chairman thanked everybody for the efforts made and reminded the Council that the main aim of the Organization was above all the maintenance of the stocks in the Regulatory Area and to use them rationally for many years to come. He praised the magnificent work of all Chairmen and Rapporteurs and paid tribute to the Secretariat who must have worked more than 12 hours some days and would most likely get in trouble with their Union. Finally he gave thanks, on behalf of every delegation, to the Canadian government and especially the Minister of Fisheries and Oceans and his Department for the meeting arrangements and installations and the hospitality extended. Finally he thanked and gave good wishes to all delegations.

The delegate of the EEC asked to be allowed to declare also his thanks for the hospitality and good facilities made available, compliment once again the Chairman and extend a welcome to all participants in Brussels next year.

The Chairman adjourned the meeting at 1415.

APPENDIX 1

LIST OF PARTICIPANTS - GENERAL COUNCIL

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Notes for an Address by the
Honourable Tom Siddon
Minister of Fisheries and Oceans
to the Northwest Atlantic Fisheries Organization
Tuesday, September 13, 1988
Ottawa

On behalf of the Government of Canada, I welcome you to the 10th Annual Meeting of the Northwest Atlantic Fisheries Organization. I hope you enjoy your stay in Ottawa and that your deliberations mark a major step forward in the fulfillment by NAFO of its original promise -- to provide for the rebuilding and the long term stability of fish stocks in the Northwest Atlantic.

I fear that NAFO so far has not achieved its original objective. It is a sad fact that in the 10 years that have passed since the creation of 200-mile fishing zones, major stocks managed by NAFO have either failed to increase significantly or are now in serious decline. This is in marked contrast to the overall growth and resurgence in stocks managed by Canada within our 200-mile limit.

Many coastal states have confronted the challenge of rebuilding their stocks. Let me share with you what was done in Canada when our 200-mile zone was established. We took the difficult decision to tighten our belts and to impose strict limits on our own fishermen. We took steps to control the expansion of fishing effort by our various fleets.

We adopted and applied the principle that scientific advice, rather than the political demands of fishermen, must be the only basis for setting TACs. We established firm quotas to divide TACs among companies and enterprises, and we enforced these quotas vigorously during the fishing season. Above all, after the disasters of overfishing in the 1960's and 1970's, we said that conservation and discipline must be the foundation of a successful and stable modern fishery.

I will not pretend that our policy has worked perfectly. Fisheries management is difficult at the best of times, however, within 10 years we have seen some real success within our 200-mile zone. Within 10 years of adopting a strategy aimed at rebuilding stocks we have found that TACs for all groundfish have increased by over 50%. And during the same 10 years the catch rate by our offshore fleet on Canadian managed stocks has increased from 8 tonnes per day to almost 20 tonnes per day. Despite these very positive indicators some Canadian fishermen still face significant problems. With so many factors affecting the health and distribution of individual fish stocks we are still not in a position to ensure this regrowth of stocks can be shared by all Canadian fishermen.

While this growth and stability has benefited many Canadians, it has also benefited our foreign partners. About 200,000 tonnes of fish that are surplus to Canadian requirements are allocated annually by Canada to countries that cooperate with Canada in conservation in the Northwest Atlantic. For our foreign partners, therefore we have been able to provide a measure of stability within our 200-mile zone.

While Canadian fishermen depend primarily on the stocks that are fished within our 200-mile zone, we also depend upon and are deeply concerned with the stocks that are fished outside our zone, especially the transboundary stocks. NAFO is designed to provide for a sharing of the management of the 7 transboundary stocks between Canada, on the one hand, and the NAFO Fisheries Commission on the other hand. NAFO members have a vital interest in the fisheries in those stocks. Unlike other NAFO members, however, Canada has a special interest, as a Coastal State. This special interest is recognized explicitly in Article XI (3) of the NAFO Convention. Canada has exclusive authority within our 200-mile zone and we seek consistency between our own management decisions within the 200-mile zone and NAFO's management decisions outside the 200-mile zone.

While I have noted the special considerations that apply to the 7 transboundary stocks, I would not want to overlook Canada's interest in the 3 Flemish Cap stocks. Canadians have not conducted any fishing on the Flemish Cap in recent years, but we remain as concerned about the health of those stocks as other NAFO members. We are especially unhappy about the state of 3M cod, which has been overfished to the extent that we can say it has been plundered.

The rebuilding of the 10 NAFO stocks was the first operational goal of NAFO when this Organization was born. Effective conservation and rational management was the obligation accepted by all signatories to the NAFO Convention. Yet today, 10 years later, the first goal is not being achieved. Who might have imagined 10 years ago that major NAFO groundfish stocks would be in a state of decline today? Who might have imagined the Flemish Cap cod stock would be under a moratorium because of its depletion?

We are all aware that major stocks are in a significant decline. The Scientific Council has stated its advice clearly. Continuation of the current process is going to lead to the depletion of common resources. After 10 years of working together in this Organization, we should all have collectively achieved more than this. At a minimum, we should expect NAFO Contracting Parties to live up to their obligation of respecting quotas established by majority votes.

The problems facing stocks in the NAFO Regulatory Area are of concern not only to the Canadian fishing industry but also to the National and Provincial Governments of Canada. Last November the Prime Minister of Canada and the ten Provincial Premiers unanimously accepted the recommendations of the Atlantic Council of Fisheries Ministers to take additional bilateral and multilateral measures to curb overfishing on the Grand Banks in the NAFO Regulatory Area.

At the start of NAFO's second decade our challenge is to stop history from repeating itself. We all remember vividly the collapse of stocks brought on by overfishing in the 1960's. We also know that the overfishing crisis of that time caused major changes in the international legal framework governing world fisheries. NAFO's challenge today is to prevent another overfishing crisis and the inevitable collapse of stocks that will follow.

The NAFO majority has shown repeatedly that it is concerned with conservation and the benefits of conservation, stability, and rational management. At this anniversary meeting all NAFO Contracting Parties have the opportunity to renew the commitment made at the birth of this Organization to effective conservation and rebuilding of stocks. I believe that this is the road to maximum economic benefits for all Contracting Parties.

Again, welcome to Canada, and welcome to Ottawa. I wish you success in mastering the challenges that you face.

Opening Remarks

by

F. Hartung
President of NAFO

Distinguished delegates, ladies and gentlemen,

I have the honour of welcoming all of you to the 10th Annual Meeting of NAFO.

Days of intensive work and of great significance are lying ahead of us, and decisions on questions affecting the existence of our Organization must be made.

Our international Fishery Organization which 10 years ago emerged from ICNAF has a great responsibility as far as the fishery in the Convention Area to be carried out on a scientific basis by all States involved is concerned.

In the international arena, our Organization which is characterized by its work on a scientific basis gives an example how international fishery problems can be solved between sovereign states.

When on the 24th of October 1978, that is 10 years ago, here in this beautiful and impressive Canadian city of Ottawa, nine states established NAFO, they formulated at the same time its goals for utilizing and conserving the living fishery resources under the conditions of the regime of the extended rights of the coastal states as a result of the 3rd UN Conference on the Law of the Sea.

It is absolutely clear that those goals can only be achieved if also in the most difficult issues there is agreement on the approach and the implementation of the decisions of our Organization.

Each Contracting Party, but also the non-members carrying out fishing operations in the Convention Area, have a great responsibility in this respect.

I think, none of us would like to be blamed by further generations that for selfish reasons we have endangered or destroyed the living resources, although we had the chance of reaching solutions inspired by the spirit of compromise, by common sense and our conscience.

That means, of course, that all delegations must carefully take into consideration the interest of all Parties. Only if we are able to find a compromise which takes into account the interests of all Parties concerned, and which most likely will require painful sacrifices, will we all win.

However, if we fail, all possibilities of a rational fishery today and in the future will be lost. And there will not be winners, we all will be the losers.

We do not only lose fishery possibilities, but also lose the respect of our children, grandchildren and future generations.

In the last 10 years of its existence our Organization has proved that it is aware of its responsibility. In this respect I would like to mention the results of our meeting in Brussels in February 1988 which can be considered a special milestone.

I am convinced that the results of the 10th Annual Meeting of NAFO will be constructive and contribute to a long-term conservation of the fishery resources in the Convention Area and their rational international utilization.

Anniversaries, and I consider the 10 years of the existence of NAFO an important anniversary of our Organization, should be celebrated with positive results. This should be our joint commitment.

Distinguished delegates, ladies and gentlemen, I would like to take this opportunity, and I am sure you share my approach, to thank the Canadian government, the Honorable Minister of Fisheries and Oceans and the Department of Fisheries and Oceans for the assistance they have given to our Organization in the ten years of its existence. I am referring to the excellent working conditions during our annual meetings, and also to the assistance given to the NAFO Secretariat between the annual meetings.

I would also take the opportunity to thank the Honorable Minister of Fisheries and Oceans for the reception given to us last night.

I wish our annual meeting much success. Thank-you for your attention.

APPENDIX 4

Statement of the EEC Delegation

The European Community would wish to thank the Federal Government of Canada for its invitation to NAFO to host the 10th Annual Meeting and to the Hon. T. Siddon, Minister of Fisheries and Oceans, for the reception of last night.

It would be remiss of me as Head of the European Community's delegation not to refer to the Hon. J. Crosbie's, Minister for International Trade, remarks at the reception. The Community delegation wishes to express its regret and disappointment with the tenor of the speech, containing as it did assertions about the fishing activity of a High Contracting Party of NAFO - the European Economic Community - which is carrying out a responsible conservation policy in full conformity with the NAFO Convention.

It is indeed regrettable that apparent difficulties that the Canadian fisheries sector is experiencing, be it in Newfoundland or elsewhere, should be imputed to NAFO and one of its Contracting Parties. Such an approach tends to undermine the working and credibility of NAFO as an international organization.

The Community strongly believes that issues should be resolved by cooperation and not confrontation and irrespective of the Minister's remarks, I can assure Contracting Parties that the Community delegation will approach the work of this 10th Annual Meeting from that perspective.

Tenth Annual Meeting of NAFO
Ottawa Congress Centre, Ottawa, 12-16 Sep 88

General Council

Agenda

OPENING PROCEDURES

1. Opening by the Chairman, F. Hartung (GDR)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Admission of Observers (See GC Doc. 87/10, Revised, items 6, 19, 20, 21, 22 and 23)
5. Publicity

SUPERVISION AND COORDINATION OF INTERNAL AFFAIRS AND EXTERNAL RELATIONS

6. Current Threats to Conservation in the Regulatory Area (See GC Doc. 87/10, Revised, items 7, 8 and 9)
7. Review of legal principles and systematics of quota allocations in the presence of catches by non-member countries
8. Interpretation requested by the Scientific Council

ADMINISTRATION

9. Approval of Proceedings of 9th Annual Meeting, September 1987 (See GC Doc. 87/10, Revised)
10. Review of Membership
 - a) General Council
 - b) Fisheries Commission (See GC Doc. 87/10, Revised, item 24)
11. Rules of Procedure
12. Administrative Report

FINANCE

13. Auditor's Report
14. Recommendation of New Auditor (See GC Doc. 87/10, Revised, last paragraph of page 17)
15. Relocation of NAFO Headquarters
16. Approval of Pension Plan Revision
17. Installation of Telefax and Word Processors
18. Review of Meeting Dates and Date of Annual Meeting (See GC Doc. 87/10, Revised, item 37)
19. Report of STACFAD

CLOSING PROCEDURES

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

APPENDIX 6

Notes for an address by
Dr. Peter Meyboom
Deputy Minister of Fisheries and Oceans
to the Northwest Atlantic Fisheries Organization
Tuesday, September 13, 1988
Ottawa

Dear Colleagues:

On behalf of the Government of Canada, I would like to reiterate the Minister's welcome this morning.

It may interest you to know that this is the 100th Anniversary of Canada's Department of Fisheries, which was founded in 1888. Its successor, the Department of Fisheries and Oceans, has thus inherited a proud tradition deeply rooted in Canada's national history. Canada's participation in NAFO as a founding member is part of that tradition.

Ten years ago, the Northwest Atlantic fishery was the focus of hope for a new future. At that time all countries fishing in the Northwest Atlantic, and in many other areas of the world as well, faced uncertainty of supply and stock depletion. As a coastal state, Canada faced the task, within its new fisheries zone, of restoring stocks that had been ravaged by decades of rampant overfishing.

Canada furthermore faced the challenge of conservation and the opportunity of international cooperation in effective management of transboundary and other Northwest Atlantic stocks. Rebuilding these stocks through scientific management, conservation and international cooperation offered the opportunity of a bright future for the various fisheries in this area. All NAFO members hoped for impressive economic benefits. It was to have been a time of historic and dramatic change.

In the Canadian exclusive fishing zone sound management did bring dramatic change.

Canadian fishermen were subjected to strict regulations and quota controls.

Quotas and TACs were based on a mortality rate objective of $F_{0.1}$, as recommended by the ICNAF Standing Committee on Research and Statistics.

These efforts and sacrifices paid off. Canadian offshore catch rates jumped from 8 tonnes per day in 1975 to nearly 20 tonnes per day in 1987 -- an increase of nearly 150%. Taken together with significantly increased biomasses, this is solid evidence that conservation within the Canadian fishing zone has led to a recovery of the Atlantic groundfish resources managed within this zone.

Sadly, the recovery in the Canadian fishing zone has not been matched in the NAFO Regulatory Area. While initial efforts produced positive results in some stocks, the catch rates and biomasses for others have remained low or have even declined further from their 1977 levels.

And in the last three years, conditions in the Regulatory Area have taken a strong turn for the worse -- to the extent that the progress that had been achieved for some stocks since 1978 is now in jeopardy.

In Canada's view, NAFO is facing a resource crisis. One cause of that crisis is unregulated fishing, leading to overruns of quotas and TACs and blatant disregard for other management measures. The evidence of this deterioration can be found in recent scientific assessments, and in the experience of commercial fleets in the Regulatory Area.

I cannot over-emphasize the seriousness of the scientific evidence before us.

Since 1985, many NAFO-managed stocks have been fished well beyond the TACs set by NAFO members.

Just look at the figures on Table 1, before you.

The cod stocks in 3M and 3NO have been fished beyond their TACs.

Redfish stocks are increasingly and dangerously overfished -- in the case of 3M, for example, the TAC overrun has gone from 184 tonnes in 1985 to 16,000 tonnes in 1987.

American plaice and witch TACs have been consistently exceeded -- by up to 180%.

In the case of 3LNO yellowtail, you will notice 1986 excesses of 16,000 tonnes or 107%. Notice also how low catches became in 1987. Years of overfishing have taken their toll on that stock.

With the decline of the more accessible stocks such as 3M cod, 3LNO American plaice and 3LNO yellowtail, fishing effort -- and by that I mean over-fishing effort -- has been redirected to other stocks, especially 3LN redfish.

The results of this abuse -- conducted with open disregard for the future of these resources -- are not encouraging. The Scientific Council has expressed particular concern for a number of these stocks:

- ° The biomass estimate for 3M cod in 1987 was about half what it was the year before.
- ° Weak year classes are entering the 3NO cod fishery. Overfishing now may well eradicate any benefits of stock rebuilding since 1978.
- ° Low recruitment and increased fishing mortality have contributed to a decline in 3LNO American plaice.
- ° Yellowtail flounder in 3LNO is in decline -- perhaps to levels as low as those of the 1960s.
- ° The impact of overfishing on redfish in 3LN and 3M cannot be predicted with certainty, but we know that in such long-lived species the effects of stock reduction could take 10 years or more to correct.

Reasons for declines

1. A number of factors can contribute to the kind of declines I've just described. Some of them -- such as the size of year classes and prevailing environmental conditions -- are beyond our control.
2. One factor we can control, however, is fishing effort. With that in mind, our governments joined together in NAFO to -- allow me to quote from the NAFO Convention -- "promote the conservation and optimum utilization of the fishery resources of the Northwest Atlantic."

Unfortunately, Mr. Chairman, NAFO has not been successful in that respect. Excessive fishing effort has been applied. First of all I must mention the efforts by countries that are not members of NAFO have also contributed to the excesses and the abuse. The result is overfishing; and the risk is stock declines such as those I've described.

Canadian surveillance authorities have estimated that catches by non-members totaled approximately 21,000 tonnes in 1985, 19,000 tonnes in 1986, and 27,000 tonnes in 1987.

The species most heavily fished by non-members in 1985 and 1986 were 3LNO American plaice and yellowtail. But declining catch rates in those stocks have sent non-members to plunder elsewhere. Non-member catches of 3LN redfish rose from 15 tonnes in 1986 to 9600 tonnes in 1987.

Fishing by non-members obviously poses a threat to the health and the future of the stocks. But as serious as the problem of fishing by non-members is, it is not the most significant threat to conservation in the Regulatory Area.

Since 1985, using the option granted under Article XII of the NAFO Convention, the European Community has been exceeding the quotas established for the Community by NAFO.

In 1986, after objecting to the NAFO-set quotas and TACs for the stocks listed on Table 3, the Community conducted unregulated fisheries on those stocks.

As you can see, overruns of several hundred percent are common. In many cases, these overruns amount to huge portions of the entire NAFO TAC.

The numbers for 3LN redfish are especially dramatic. Despite having no quota whatsoever, the Community reported catches of 23,387 tonnes. NAFO had set a TAC of 25,000 tonnes for that stock in 1986.

In 1987, the EC again objected to NAFO-set quotas. The NAFO TACs, EC quotas and EC catches for 1987 are shown in Table 4.

It is apparent that in some cases the EC catch not only exceeds the EC quota, but indeed the entire NAFO TAC.

I would also draw your attention to the totals recorded below the table: with quotas of 23,170 tonnes in the NAFO Regulatory Area, the Community reported catches of 105,441 tonnes.

For 1988, the Community again objected to most NAFO groundfish TACs and quotas. However, for the first time in 1988, the EC has set its own quotas -- not just for some, but for all stocks for which it has refused to be bound by NAFO quotas.

Table 5 compares the Community's NAFO quotas and unilateral quotas to the overall TACs set by NAFO.

I am sure that all Contracting Parties will realize that some Community quotas are set so high as to be irrelevant to any control system. They are, in fact, just a disguise for unregulated fisheries -- especially when you consider that some are set above the level of unregulated EC catches over the last two years. There is no doubt that EC catches will result in significant overruns of NAFO-set TACs.

It is also worth noting that EC unilateral quotas generally exceed previously long-standing catch levels by EC members.

Table 6 compares the 1988 unilateral quotas with the average catches reported by EC members between 1975 and 1985. These catches include those reported by Spain and Portugal.

Mr. Chairman, those are the facts and figures -- drawn exclusively from NAFO Scientific Council documents. They are clearly not elements of a cooperative approach which respects established patterns of management and allocations. They are, instead, evidence of abuse -- abuse primarily of the objection procedure provided for under Article XII of the NAFO Convention.

Certainly most Contracting Parties would agree that the objection procedure was never intended to provide a vehicle to sanction unregulated fishing within NAFO. The objection procedure provided under Article XII was intended to be used under exceptional circumstances, and not to make a mockery of the TAC and quota process. How can NAFO ask countries that are not members of the Organization to respect the rules of conservation when a Contracting Party is allowed to disregard them?

NAFO cannot be effective when wide-scale overfishing of TACs and quotas contributes to low catch rates, poor returns, and threatens the resource.

All NAFO members experienced uncertainty of supply and declining stocks, in the 60s and 70s. As members of ICNAF -- NAFO's predecessor -- we were forced to address those problems in the years immediately preceding extension of jurisdiction in 1977. It was Canada's hope that NAFO had learned from ICNAF, and would never risk such declines again. Are we now prepared to return to those last days of ICNAF, and to see history repeat itself?

The Scientific Council has issued a grave warning. For some stocks, the biomass is in serious decline and catch rates have tumbled to the levels of the early 1970s.

Overfishing continues. Overfished stocks, now in decline, have been replaced as targets by still healthy stocks, which are now being overfished. Pulse fishing, a kind of ambulatory rape of the ocean's resources, is -- despite everything we have learned in the last 20 years -- still being practiced. Is it not NAFO's fundamental responsibility to respond to such threats?

As the coastal state whose nearly 60,000 fishermen and 39,500 fish processing jobs depend on the continued health of Canadian and NAFO-managed stocks, and as a Contracting Party to a Convention drafted with the sincere objective of contributing -- and here I quote again -- "through consultation and cooperation to the optimum utilization, rational management and conservation of the fishery resources in the Convention Area," Canada believes that we need concrete and fully cooperative action to correct this crisis in the Regulatory Area.

Failure to act together will amount to a denial of our common purpose, and to a denial of those objectives that our governments have accepted, under their signatures and seals, for this Organization.

NAFO must act, and all Contracting Parties must agree to help reverse the declines by curbing overfishing and by restoring NAFO's authority and effectiveness. The objection procedure must become -- as it was intended to be -- a provision used only in exceptional circumstances.

Canada remains committed to cooperation; to conservation and to the correction of a trend that threatens the future of NAFO as a credible guardian of the health of our common resources. The future of the international fishery in the Northwest Atlantic may be at stake. Let us act together.

Draft Provisional

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

Monday, 12 September 1988 - 1500 - 1630
Tuesday, 13 September 1988 - 0900 - 1015
Tuesday, 13 September 1988 - 1500 - 1615
Wednesday, 14 September 1988 - 0845 - 1030
Wednesday, 14 September 1988 - 1300 - 1700
Thursday, 15 September 1988 - 1045 - 1200
Thursday, 15 September 1988 - 1700 - 1800

1. The Chairman of the NAFO General Council, Mr. Fritz Hartung (GDR), opened the meeting and called on the participating Parties (Annex 1) to propose a Chairman for STACFAD.

2. Election of Chairman

It was proposed by Norway that Mr. Martyn Ibbotson (EEC) be elected Chairman. That was seconded by the GDR and supported by Denmark, Canada, the USSR and Cuba. Mr. Ibbotson was duly elected and thanked the delegates for their words of support.

3. Election of Rapporteur

Denmark proposed that Canada be nominated as rapporteur. That was seconded by the EEC. Canada accepted the nomination and Ms. Debbie Gill was appointed Rapporteur.

Thanks were extended to Ms. Diana Pethick for her work as previous acting Chairperson and to Captain Cardoso in his capacity as previous Rapporteur.

4. Adoption of Agenda

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

The Executive Secretary noted an adjustment to Note 1 attached to the agenda. The 1985-86 amounts owing by Romania had also been paid through the Accumulated Surplus Account. The amount still owing from Romania for '87 - '88 was \$ 29,463 Cdn.

5. Review of Membership

STACFAD reviewed the ongoing difficulties created for the Organization by non payment by Romania of her financial commitment. The Accumulated Surplus Account had already paid out \$ 49,657 to clear the debt from 1982 to 1986 and a further \$ 29,468 would be required to clear the 1987-88 deficit. That represented a direct financial imposition on all other Contracting Parties.

STACFAD looked forward to the guidance of General Council as to how the financial consequences of the matter might be resolved. In the meantime, STACFAD felt it inevitable to recommend to General Council that for the forthcoming year, exceptionally, the Accumulated Surplus Account should be increased to \$ 100,000; thereafter it should revert again to \$ 75,000. (See Agenda item 12)

6. Auditor's Report

The Chairman drew the attention of the Committee to GC Doc. 88/1 (Annex 3) being a summary of the obligations incurred and unliquidated balances of appropriations for the year ending 31 December 1987, as prepared by the Executive Secretary. Following a short discussion of that document, and in particular its relationship to the 1987 Auditor's Report, already made available to the Heads of Delegations of General Council, STACFAD recommended to General Council that the Auditor's Report for 1987 be approved.

7. Appointment of a New Auditor - (GC Doc. 87/10 and GC Doc. 88/2)

At the last Annual Meeting, General Council agreed that, following increases of over 300% in the fees charged by the Auditor General of Canada, the Executive Secretary should solicit comparative costs from well-reputed firms of chartered accountants.

As a result of that exercise, STACFAD recommended to General Council that the services of the current auditors should be terminated, and that the Executive Secretary should appoint either Deloitte Haskins and Sells or Coopers and Lybrand as successors, since, on the information available to the Committee, those two firms appeared to offer the best value for money.

It was further recommended that the General Council should direct the Executive Secretary to write to the Auditor General of Canada expressing the appreciation of Contracting Parties of NAFO for the services rendered to the Organization.

8. Relocation of Headquarters

The Executive Secretary provided a review of the situation to date indicating that a new location had not yet been determined. However, it was hoped that the relocation could be completed by November 1, 1988. STACFAD recommended that General Council need take no action on the matter, other than note the current situation.

9. Pension Plan Revision

The Executive Secretary provided background information to STACFAD indicating that IFCPS (International Fisheries Commission Pension Society) had approved pension changes at a recent meeting. All other North American Fisheries Commissions having approved the change in early retirement benefits, which came into effect January 1, 1988, STACFAD recommended to General Council that its application should be accepted for the staff of the NAFO Secretariat, and that the consequential financial implications should be reflected in future budgetary provisions.

STACFAD also noted that changes to Long Term Disability benefits had been implemented.

10. Discussion of Staff Rules and Cost Implications

STACFAD reviewed progress concerning staff rules and reiterated the importance which it attached to the matter. For a variety of understandable reasons it had not proved possible for STACFAD to put to General Council at the present stage a draft set of rules for consideration. However the Executive Secretary had provided STACFAD with a most useful paper (STACFAD Working Paper 88/1) as one basis for furthering the necessary work.

The Chairman requested the members of STACFAD to grant him some time to consider how the issue might be progressed. In due course, at an appropriate time, he undertook to be in contact with Contracting Parties and the Executive Secretary to share his ideas.

He planned to work closely with those concerned so as to be able to report, to the next annual meeting of General Council, progress towards an agreed set of rules which would be designed to satisfy the legitimate aspirations of the staff of the NAFO Secretariat and equally any concerns of Contracting Parties.

11. Telefax and Word Processors

The Chairman remarked on the need of automated equipment for the NAFO Secretariat indicating the benefits to all Contracting Parties. The Executive Secretary explained that the cost of the Telefax machine was already covered in the 1988 budget under other contractual services. The proposed costs for 2 IBM compatible computer terminals (word processors) were included in the computer costs for 1989. Training costs for staff were also budgeted in other contractual services. There would be no maintenance costs for 1989 as the equipment would be serviced, if necessary, under warranty. STACFAD recommended that General Council approve the acquisition of the equipment.

12. Review of Accumulated Surplus Account

In accordance with the deliberations at Agenda item 5, STACFAD recommended that for the year 1989, exceptionally, the Accumulated Surplus Account should be increased to \$ 100,000; in subsequent years it should revert to \$ 75,000.

13. Preliminary Budget Estimate for the Fiscal Year ending December 31, 1989

The Executive Secretary introduced an amended Preliminary Budget Estimate for year ending 31 December 1989 (Annex 4). STACFAD undertook a thorough and detailed analysis of the various elements of the budget, following which it was satisfied that no further amendment was required. STACFAD noted that the general rate of inflation in Canada was currently around 4%, nonetheless it had proved possible to restrict the increase in the 1989 budget, as compared to that of 1988, to 1.27%. Whilst recognizing that Contracting Parties were concerned with budgetary increases, STACFAD took the view that the provisions in the 1989 budget were the minimum consistent with the effective and efficient operations of the Secretariat in the conduct of the business of the General Council.

On that basis STACFAD recommended to General Council that the 1989 budget should be adopted as detailed in Annex 4.

The Executive Secretary would continue as previously to explore all possibilities of reducing forthcoming budgets, taking into account the concerns on budgetary increases expressed by the Committee.

The Committee noted the cost of maintenance agreements needed for the present equipment and requested the Secretariat to provide over the next year a paper reviewing the cost implications of updating or replacing any equipment where it might be more economical to do so rather than to maintain unnecessary or less efficient machines.

14. Preliminary Budget Forecast for the Fiscal Year 1990 (Annex 5)

STACFAD noted that the document would be reviewed in detail at next year's meeting.

15. Billing date for the fiscal year ending 31 December 1989

The proposed date of 15 February 1989 was agreed by STACFAD. For a preliminary calculation of billing see Annex 6.

16. Time and Place of 1989-1991 Annual Meetings

1989	Scientific Council	6-15 September
	Fisheries Commission	11-15 September
	General Council	11-15 September
1990	Scientific Council	5-14 September
	Fisheries Commission	10-14 September
	General Council	10-14 September
1991	Scientific Council	18-27 September
	Fisheries Commission	23-27 September
	General Council	23-27 September

STACFAD understood that a Contracting Party might care to host the 11th Annual Meeting, in which case the budgetary provisions would still be adequate.

Subsequent annual meetings were expected to be held in the Halifax area.

17. Other Business

Under that item STACFAD took the opportunity to review the Administrative Report and Financial Statements (NAFO/GC Doc. 88/3), and noted from Statement 1 that the budgetary provisions for 1988 were proving adequate for the conduct of the business of the General Council.

18. Adjournment

Having adopted its report, the Chairman adjourned the deliberations of STACFAD.

ANNEX 1
(to Appendix 7)

NORTHWEST ATLANTIC FISHERIES ORGANIZATION

10th Annual Meeting - September 1988

S T A C F A D

List of Participants

<u>NAME</u>	<u>DELEGATION</u>
GILL, Debbie	Canada
PETHICK, Diana	Canada
GARCIA, Bernardo	Cuba
MUNIZ, Orlando	Cuba
IBSING, Janet	Denmark
LARSEN, Otto	Denmark
LOKKEGAARD, Knud	Denmark
PAULSEN, Jens M. D.	Denmark
SOENDARGAARD, J. S.	Denmark
CRAMER, T.	EEC
IBBOTSON, Martyn	EEC
GROEBNER, Violo	EEC
PINEY, Dominique	EEC
VAES, Marianne	EEC
HARTUNG, Fritz	GDR
MONCH, Monika	GDR
PLAGEMANN, Klaus	GDR
IWADO, Toshiyuki	Japan
YOSHIDA, Mitsunori	Japan
TOYAMA, Toshiyuki	Japan
GULLESTAD, Peter	Norway
SKJONG, Lars	Norway
SOLODOVNIK, Victor	USSR
TSOUKALOV, Valery	USSR
CARDOSO, J. C. E.	Executive Secretary
CHAMPION, W. H.	Secretariat
MEDINA, Fuensanta	Mexico (as observer)

Tenth Annual Meeting of NAFO
Ottawa Congress Centre, 12-16 Sep 88

Standing Committee on Finance and Administration (STACFAD)

Agenda

1. Opening by the Chairman of the General Council, F. Hartung (GDR).
2. Election of Chairman
3. Appointment of Rapporteur
4. Adoption of Agenda
5. Review of Membership
6. Auditor's Report (see GC Doc. 88/1)
7. Recommendation on new Auditor
8. Relocation of Headquarters
9. Pension Plan Revision
10. Discussion of NAFO Staff Rules and Cost Implications
11. Installation of Telefax and Word Processors
12. Review of Accumulated Surplus Account
13. Preliminary Budget Estimate for the fiscal year ending 31 December 1989
14. Preliminary Budget Forecast for the fiscal year ending 31 December 1990
15. Billing date for the fiscal year ending 31 December 1989 (15 February 1989)
16. Time and Place of 1989, 1990 and 1991 Annual Meetings
17. Other Business
18. Adjournment

ANNEX 3
(to Appendix 7)

NOT TO BE CITED WITHOUT PRIOR
REFERENCE TO THE SECRETARIAT

Northwest Atlantic  Fisheries Organization

Serial No. N1520

NAFO/GC Doc. 88/1

TENTH ANNUAL MEETING - SEPTEMBER 1988

Budget Appropriations - 1987

by

the Executive Secretary

The heads of delegations of the General Council have received the 1987 Auditor's Report. The Report does not provide a statement showing the budget appropriations approved by the General Council for the year ending 31 December 1987.

It was agreed with the Auditor that such a statement is useful for the appreciation of the financial administration during 1987 and, therefore, the Executive Secretary has prepared the following statement showing the budget appropriations, obligations incurred and unliquidated balances of appropriations for the year ending 31 December 1987.

It should be noted that the financial obligations of the Organization for 1987 were met and that a surplus of \$ 90,248.00 was transferred to the Accumulated Surplus Account.

BUDGET APPROPRIATIONS - 1987

Obligations Incurred and Unliquidated Balances of Appropriations
for the Year Ending 31 December 1987

	Approved by NAFO September 1986	Obligations Incurred	Unliquidated Balances
PERSONAL SERVICES			
A. Salaries	\$ 456,000.	\$ 418,319	\$ 37,681
B. Superannuation and Annuities	59,000	49,188	9,812
C. Additional Help	1,000	-	1,000
D. Group Medical and Insurance Plans	17,000	14,781	2,219
E. Termination Benefits	18,000	1,422	16,578
F. Accrued Vacation Pay	15,000	4,399	10,601
TRAVEL	10,000	13,428	<3,428>
TRANSPORTATION	1,000	920	80
COMMUNICATIONS	45,000	39,491	5,509
PUBLICATIONS	16,000	14,166	1,834
OTHER CONTRACTUAL SERVICES	45,000	44,467	533
MATERIALS AND SUPPLIES	25,000	24,548	452
EQUIPMENT	5,000	4,286	714
ANNUAL AND MID-TERM MEETINGS	30,000	22,379	7,621
COMPUTER SERVICES	30,000	30,958	<958>
TOTAL ORDINARY BUDGET	773,000	\$ 682,752	\$ 90,248

NORTHWEST ATLANTIC FISHERIES ORGANIZATION

Budget Estimate for 1989

	<u>Approved Budget Estimate for 1988</u>	<u>Preliminary Budget Estimate for 1989</u>	<u>Budget Estimate for 1989</u>
1. Personal Services			
(a) Salaries	\$470,000	\$490,000	\$490,000
(b) Superannuation and Annuities	55,000	65,000	68,000
(c) Additional Help	1,000	1,000	1,000
(d) Group Medical and Insurance Plans	20,000	22,000	20,000
(e) Termination Benefits	20,000	15,000	15,000
(f) Accrued Vacation Pay	15,000	15,000	10,000
2. Travel	5,000	3,000	3,000
3. Transportation	1,000	1,000	1,000
4. Moving expenses	4,000	-	-
5. Communications	45,000	47,000	45,000
6. Publications	12,000	14,000	14,000
7. Other Contractual Services	45,000	48,000	42,000
8. Materials and Supplies	26,000	27,000	27,000
9. Equipment	5,000	5,000	5,000
10. Annual and Mid-Year Meetings	30,000	30,000	30,000
11. Computer Services	<u>32,000</u>	<u>30,000</u>	<u>25,000</u>
	<u>\$786,000</u>	<u>\$813,000</u>	<u>\$796,000</u>

ANNEX 5
(to Appendix 7)

NORTHWEST ATLANTIC FISHERIES ORGANIZATION
Preliminary Budget Forecast 1990

1. Personal Services	
(a) Salaries	\$ 525,000
(b) Superannuation and Annuities	70,000
(c) Additional Help	1,000
(d) Group Medical and Insurance Plans	22,000
(e) Termination Benefits	18,000
(f) Accrued Vacation Pay	12,000
2. Travel	3,000 ¹
3. Transportation	1,000
4. Communications	45,000
5. Publications	15,000
6. Other Contractual Services	42,000
7. Materials and Supplies	28,000
8. Equipment	5,000
9. Annual and Mid-Year Meetings	30,000
10. Computer Services	<u>25,000</u>
	<u>\$ 842,000</u>

¹ Attendance at meeting of Directors and Executive Secretaries of the six International Commissions, located in North America, re discussion of pension scheme for employees.

Preliminary calculations of billing for Contracting Parties against \$796,000 for the 1989 financial year

Budget Estimate\$ 796,000.00
Deduct: Amount from Accumulated Surplus Account\$ 129,483.00
Funds required to meet 1989 Budget\$ 666,517.00

60% of funds required = \$399,910.20
10% of funds required = \$ 66,651.70
30% of funds required = \$199,955.10

Contracting Parties	Nominal Catches for 1986 (metric tonnes)	% of Total Catch in the Convention Area	% of 60% (\$ Canadian Funds)	Coastal States (10%)	Coastal States (10%) (\$ Canadian Funds)	30% divided equally amongst 12 Contracting Parties (\$ Canadian Funds)	Total Amount due from each Contracting Party (\$ Canadian Funds)
Bulgaria	-	-	-	-	-	16,662.93	16,662.93
Canada	1,009,620 ^a	65.6012	262,345.89	1,009,620	61,679.48	16,662.93	340,688.30
Cuba	24,448	1.5885	6,352.57	-	-	16,662.93	23,015.50
Denmark (FAG)	81,346 ^{ab}	5.2855	21,137.25	81,346	4,972.22	16,662.93	42,772.40
EEC	243,035 ^{ac}	15.7915	63,151.82	- ^c	- ^c	16,662.93	79,814.75
DDR	26,104	1.6961	6,782.88	-	-	16,662.93	23,445.81
Iceland	12	0.0008	3.20	-	-	16,662.93	16,666.13
Japan	11,457	0.7444	2,976.93	-	-	16,662.93	19,639.86
Norway	5,423	0.3524	1,409.28	-	-	16,662.93	18,072.21
Poland	7,034	0.4570	1,827.59	-	-	16,662.93	18,490.52
Romania	-	-	-	-	-	16,662.93	16,662.93
U.S.S.R.	130,548	8.4825	33,922.38	-	-	16,662.93	50,585.31
	1,539,027	99.9999	399,909.79	1,090,966	66,651.70	199,955.16	666,516.65

a - Provisional statistics used when calculating 1986 nominal catches.

b - Faroe Island = 4,259; Greenland = 77,087.

c - The Executive Secretary has received a letter dated 9 August 1988 from the Depository Government informing him that French authorities stated that since St. Pierre and Miquelon has acquired the status of a collective territoriale de la République Française, all fisheries matters related to the archipelago are within France's exclusive jurisdiction. Therefore, the EEC cannot be considered a Coastal State in NAFO and France cannot become a Coastal State in NAFO unless it becomes a Contracting Party of NAFO.

APPENDIX 8

Draft Resolution

CANADA-U.S.S.R.

The General Council,

Recalling the obligations inscribed in the Law of the Sea Convention of 1982, as regards international cooperation to provide for the conservation, and optimum utilization of the living resources of the sea;

Bearing in mind that the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (NAFO) was born out of a desire to promote the conservation and optimum utilization of the living resources of the Northwest Atlantic area;

Recalling that the Convention provides that the object of the Northwest Atlantic Fisheries Organization shall be to contribute through consultation and cooperation to the optimum utilization, rational management and conservation of the living resources of the NAFO Convention Area;

Noting that the Convention provides that the Fisheries Commission shall be responsible for the management and conservation of the fishery resources of the Regulatory Area, and that the Commission exercises this responsibility inter alia, by adopting proposals for the establishment of total allowable catch limits and the allocation to Contracting Parties of quotas in the Regulatory Area;

Noting the annual adoption by the Fisheries Commission of fisheries regulations specifically requiring that the Contracting Parties conduct their fisheries in the Regulatory Area in such a manner that catches shall not exceed the total allowable catch for each stock and the quotas for each stock set out in the annual Fisheries Commission regulations;

Considering that the objection procedure set out in Article XII of the NAFO Convention if applied on a continuing basis by any NAFO member against the regulatory fisheries measures adopted by the Commission may lead to damage of the living marine resources of the Northwest Atlantic;

Calls on all Contracting Parties not to abuse the objection procedure against the regulatory measures adopted by the Fisheries Commission.

STATEMENT OF THE MEXICAN OBSERVER DELEGATION

The Government of Mexico has accredited an observer delegation in the 10th NAFO Meeting, as evidence of our will to maintain the approachment to this Organization, as occurred in the last few years.

The presence of Mexico in the NAFO's Annual Meetings, made possible to bring up to date our information related to the resolutions adopted with respect to the rational exploitation and conservation of the species included in the NAFO Convention. This is important, because such resolutions may determine the conditions under which Mexico would consider its participation in this Fisheries Administration Scheme.

It is convenient to recall that Mexico has completed its offers made in previous meetings, cooperating with the activities for the evaluation of the link between the abundance of fisheries resources and the catch effort applied, by supplying its catch statistics.

A third factor which explains the participation of Mexico in this meeting, is its interest in maintaining our fisheries presence in the high seas, catching no migratory resources.

The position of my country is well known: Mexican flag vessels, as an expression of our sovereignty, catch no migratory resources in the high seas operating according to the principles of the United Nation Law of the Sea Convention (UNCLOS).

Mexico is a country convinced of the importance of the international cooperation, as a means of existence among all nations: from this perspective we have followed with deep attention the activities of this meeting, during the debates specific references have been made to the fisheries activities of non-member countries as well as to the possibility to join NAFO.

We fully appreciate the steps taken by our friend the NAFO Executive Secretary, Mr. Cardoso, exhorting those non-member countries whose vessels operate in the Regulatory Area, to join the Organization. Furthermore, we take note of the expressions of sympathy with respect to our presence in this meeting as a member.

Nevertheless, it is necessary to outline that the resolutions adopted in this meeting, concerning the rational exploitation and the conservation of the species involved may conduct to restrictions in the utilization of such resources, limiting the possibilities for new member countries.

Mexico wishes to stress one element, namely the absence of sufficient scientific information to support the measures taken for the exploitation of fisheries resources. Such absence is a source of discourage and concern for my country, because the decisions taken are not accordingly to the New Law of the Sea.

In the other hand, there are questions not fully resolved among the member countries of this Organization, with respect to the scientific evaluation of species under control; if such evaluation is not based on scientific evidences, the expectations for new member countries are limited.

It is necessary the political will in order to bring together all member countries, around fair solutions.

While the appropriate conditions are given in the context of NAFO, Mexico is prepared and stood ready to engage in bilateral as well as multilateral consultation with other countries, about its presence in the high seas of the North Atlantic.

Such consultation should be based on the principles of the New Law of the Sea and bearing in mind the need of maintaining friendly relations that Mexico is willing to have with all member countries of this Organization.

Mexico will maintain its fisheries presence in the high sea and in the meantime we cannot be responsible to fulfill with any agreement, neither to take care of infringements to any Convention that my country does not find the condition to join.

APPENDIX 10

STATEMENT OF THE UNITED STATES OF AMERICA
OBSERVER DELEGATION

Mr. President,

The United States continues to follow closely developments in NAFO. We appreciate the opportunities these annual meetings afford us to work with you and our colleagues from NAFO Contracting Parties.

I wish to assure you at this time that the United States intends to continue to submit scientific data and catch statistics to NAFO, and to continue to participate in the NAFO June Scientific Council Meeting, as we have done since the beginning of ICNAF in 1949.

Thank-you.

Views of the EEC Scientists
about Scientific Advice on Cod 3PS

The conclusion of the Scientific Council on the advice on 3Ps cod presenting the catch at $F_{0.1}$ projection of 20,500 t for 1989 as the only option may confuse non-scientific readers. The comparison of the 1988 TAC of 60,000 t with the figure of 20,500 t could suggest the need for a drastic reduction in the exploitation. In fact the spawning stock biomass has been increasing steadily since 1976 and reached a level where a recruitment failure due to overfishing is not to be feared. The June 1988 STACFIS report also shows that catches in 1989 up to 80,000 tons would not prevent a further increase in the spawning biomass and that any level of catches below 65,000 tons would correspond to a decrease in the fishing mortality as compared to recent years.

Northwest Atlantic



Fisheries Organization

NORTHWEST ATLANTIC FISHERIES ORGANIZATION

TENTH ANNUAL MEETING - SEPTEMBER 1988

PRESS RELEASE

1. The Tenth Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO) was held in Ottawa, Ontario, Canada, during 12-16 September 1988, under the chairmanship of Mr. F. Hartung (German Democratic Republic), President of NAFO. The Sessions of the Scientific Council, the General Council and the Fisheries Commission and their Committees were all held at the Ottawa Congress Centre.
2. Attending the meeting were delegates from the following Contracting Parties: Canada, Cuba, Denmark (in respect of Faroe Islands and Greenland), European Economic Community (EEC), German Democratic Republic (GDR), Japan, Norway, Poland, and the Union of Soviet Socialist Republics (USSR).

Observers from Mexico and the United States of America were present at the meeting.
3. The Scientific Council, under the chairmanship of J. S. Beckett (Canada), gave advice on matters, requested by the Fisheries Commission on resources in the Regulatory Area and on special questions affecting those resources.
4. During 7 and 8 September 1988, there was a Special Session of the Scientific Council on Interaction between Environment and Fish Stocks in the North Atlantic, which involved 20 scientific contributions.
5. The Scientific Council adopted several recommendations which were aimed at improving future research activities on resources in the Convention Area and the ongoing policy regarding its publications.
6. On the basis of the scientific advice provided by the Scientific Council from its meeting in June 1988 and at the present meeting, agreement was reached by the Fisheries Commission, under the chairmanship of Mr. K. Yonezawa (Japan), on conservation and management measures for 1989, regarding total allowable catches (TACs) and allocations for certain stocks, which are either entirely outside the 200-mile fishing zones or occur both within the zones and in the Regulatory Area. The TACs and national allocations for stocks in Division 3M and those overlapping the 200-mile boundary lines are given in the attached Quota Table.
7. The Fisheries Commission agreed to continue the moratorium for 1989 on cod fishing by Contracting Parties in Division 3L outside the Canadian zone to allow scientific information to be generated prior to any NAFO management decision for cod in that area.
8. The General Council reviewed and approved the Organization's budget and accounts.
9. The General Council passed a Resolution proposed by Canada and the USSR addressed to all Contracting Parties on the necessity of abiding as far as possible by the regulatory measures adopted by the Fisheries Commission.
10. The General Council decided to organize a working group which, in collaboration with all non-member countries which fish habitually outside the 200-mile limits of the coastal states within the Convention Area, will strive to attract those countries to become members of the Northwest Atlantic Fisheries Organization.

NAFO Secretariat
16 September 1988

J. C. Esteves Cardoso (Capt.)
Executive Secretary

SCHEDULE I
Quota Table¹ for 1989

Column I	II	III	IV	V	VI	VII	VIII	IX	X	XI
Contracting Party	Cod Div. 3M	Cod Div. 3NO	Redfish Div. 3M	Redfish Div. 3LN	American plaice Div. 3M	American plaice Div. 3LNO	Yellowtail Div. 3LNO	Witch Div. 3NO	Capelin Div. 3NO	Squid (Illex) Subareas 3+4 3&4
1. Bulgaria	-	-	300	-	-	-	-	-	-	500
2. Canada	-	11920	500	10650	150	29860	4875	3000	748	N.S. ⁵
3. Cuba	-	-	1750	2450	-	-	-	-	700	2250
4. Denmark (Faroes & Greenland)	-	-	-	-	-	-	-	-	-	-
5. European Economic Community	-	9220	3100	-	350	385	100	-	700	N.S. ⁵
6. German Democratic Republic	-	-	-	850	-	-	-	-	-	-
7. Iceland	-	-	-	-	-	-	-	-	-	-
8. Japan	-	-	400	-	-	-	-	-	2612	2250
9. Norway	-	-	-	-	-	-	-	-	8400	-
10. Poland	-	-	-	-	-	-	-	-	840	1000
11. USSR	-	2985	13850	10900	1000	-	-	1950	14000	5000
12. Others	-	875	100	150	500	55	25	50	-	5000
13. Special Reservation ²	-	-	-	-	-	-	-	-	-	-
14. Total Allowable Catch	0	25,000	20,000	25,000	2,000	30,300	5,000	5,000	28,000	150,000 ⁶

¹ Quotas are in metric tons.

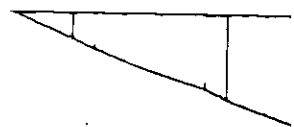
² There are no Special Reservations for 1989.

³ The opening date for the squid (Illex) fishery is 1 July.

⁴ Any quota listed for squid may be increased by a transfer from any "coastal state" as defined in Article 1, para 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.

⁵ 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.

⁶ The TAC would remain at 150,000 tons subject to adjustment where warranted by scientific advice.



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Northwest Atlantic



Fisheries Organization

Serial No. N1561

NAFO/GC Doc. 88/7 (Rev.)
(Corrigendum)

TENTH ANNUAL MEETING - SEPTEMBER 1988

Report of the General Council

Please replace page 3 of GC Doc. 88/7 (Revised) with the attached.



The delegate of Canada thought that the new problem, now afflicting the Scientific Council, could be considered as non-existent. Anybody could see that Articles VI 1c) and Article VII made it clear that the coastal state was the only party legally competent to be involved.

The delegate of the EEC agreed with the strict view of Canada, but called the attention of the Council to the fact that in accordance with Article VI.1a) the functions of the Scientific Council were far wider and, if a problem existed for scientists who did not agree with those of the coastal state, they had the right to call the attention of the Scientific Council to that problem and use the Scientific Council as the scientific forum it should be.

The delegate of the USSR thought that Note 2 to the General Council Provisional Agenda was very clear and should be answered in light of Article VII. He agreed that Article VI.1a) however permitted discussions among Contracting Parties and the formulation of views, not however advice.

The delegate of Denmark inquired whether, if it was felt that new evidence was available to the Scientific Council after advice had been formulated, it would not reconsider on its own initiative the effect of that new evidence.

The delegate of the EEC concluded that such a question should only be answered in the affirmative.

The Chairman of the Scientific Council informed the Council that it was not exactly data that was involved in the case under consideration but the application of alternative analytic procedures. However the matter was discussed and resolved in the Scientific Council by a majority vote against reopening the assessment.

The Chairman, at that stage of the discussion, decided to indicate to the meeting the conclusion that he had so far reached:

Advice on 3Ps cod was requested by the coastal state and without any special factor no other entity should interfere.

However new data or new procedures had been proposed and that could have dilated the sphere of intervention.

Fortunately however the Scientific Council had already voted on that problem and the General Council should not interfere in such an internal decision. That part of the problem was therefore closed.

Interpretation of the Articles of the Convention was indeed an internal matter within the concerns of the General Council and consequently the discussion should proceed on that part of the problem.

The delegate of Canada supported that point of view.

The delegate of the EEC called attention to Article X.1 of the Convention and stated that his delegation claimed the right to report its views as they were different from the majority view of the Scientific Council as no consensus had been obtained exactly as a result of the impossibility of its acceptance of the majority view.

The Chairman suggested that in order to come to a conclusion on the meaning of the Articles of the Convention under discussion a working group should be formed.

The delegate of Canada indicated Mr. Applebaum for that group.

The delegate of the EEC asked which were the Articles the meaning of which was under discussion.

The Chairman informed that Article VII.1 was the main Article to be studied.

The delegate of Canada confirmed his agreement with that understanding.

The delegate of the EEC stated that his delegation would be willing to cooperate.

The delegate of Japan reminded the Council that the interpretation of a Convention was really a matter for the corresponding Contracting Parties, but that he really had no instructions on the general matters of interpretation. He suggested that the interpretation of Article VII.1 could not be decided by vote.

The delegate of the EEC supported the position of Japan. He also reminded the Council that the interpretation of Article VI.1d) also needed consideration, especially in relation to the advice on that part of the 2J3KL stock which appeared and was fished in the Regulatory Area.

18. The Chairman, due to the late hour reached, decided to suspend the meeting. Delegates would be advised of the day and hour another session would be convened.

19. The meeting, as it had been previously announced, reconvened on Friday, 16 September 1988 at 1015.

The Chairman invited the meeting to proceed to the discussion of item 9 of the Agenda.

The delegate of Canada was of the opinion that the Proceedings of the 9th Annual Meeting should be approved under the understanding that any further comments should be passed to the Executive Secretary with all possible speed. The delegates of USSR and EEC supported the proposal of Canada. The Proceedings were adopted under the agreed proviso.

20. Coming to item 10 of the Agenda, Review of Membership, the Chairman informed that there had not been any change in the General Council or Fisheries Commission memberships and clarified that he had not written to Romania as he felt the question of Romania had to be handled carefully. The Convention was quite clear in that questions of contributing in time involved rights of voting but not of membership. The fact was that Romania had abstained from fishing while non-members had increased their fishing effort.

The delegate of the USSR supported the statement of the Chairman. He felt the first thing to do was to establish contact with the proper authorities of Romania so that its position could be fully clarified. The proper authorities in the case in question should be the highest government authorities. The Chairman and the Executive Secretary should write to Romania in order to obtain the proper contact and establish a dialogue.

The delegates of EEC, Cuba and Canada supported that point of view.

21. The Executive Secretary was given the floor in order to state that in his notes or comments it had never been suggested or hinted that Romania should be told that it had to withdraw from the Convention. It had been suggested that the other members could without disadvantage propose generous conditions of withdrawal if Romania, having considered the disadvantages of its present situation, would wish to decide to withdraw.
22. The Chairman then opened the discussion on the agenda item on the Rules of Procedure. After a short explanation by the Executive Secretary, the delegates of Denmark and of the USSR supported the amendment. The delegate of Norway considered that the word "telecommunication", which had been mentioned, included telephonic communication and therefore was not desirable. The amendment was then adopted.
23. The Chairman then called on the Chairman of STACFAD, Mr. M. Ibbotson (EEC), to present its Report.

The Chairman of STACFAD highlighted the main recommendations made, namely: 1) the increase of the Accumulated Surplus Account to \$100,000 for the forthcoming year as a result of the difficulties encountered in the payment of contributions; 2) approval of the Auditor's Report for 1987; 3) the appointment of new Auditors, for which the Executive Secretary should appoint one of two bidding firms chosen among the offers received as the best available; 4) the approval of the recent changes in the early retirement benefits of the Pension Plan and the implementation of new Long Term Disability benefits; 5) the acquisition of telefax and word processors; 6) approval of the proposed budget for 1989; 7) approval of the billing date of 15 February 1989; 8) approval of dates and places of 1989 Annual Meeting, preliminary approval of the dates of the 1990 Annual Meeting and consideration of the dates of the 1991 Annual Meeting; and, 9) approval of the Administrative Report and Financial Statements. (See GC Doc. 88/3)

24. On the question of Staff Rules, STACFAD had reviewed the progress made on the subject and had received a paper produced by the Executive Secretary as one basis for furthering the necessary work. The Chairman had requested some time to consider how the issue might be progressed. In due time he would contact Contracting Parties and the Executive Secretary so that the Committee would be able to report to the next annual meeting progress towards an agreed set of rules.

The Chairman of STACFAD finished his presentation by praising the hard work of all the Secretariat and added a special mention to the hard work of the Rapporteur of STACFAD and the commendable efforts of the Executive Secretary and his staff.

25. The delegate of the EEC proposed that the report be approved, after congratulating the Committee for the efforts made and coordination shown, and, referring to the Annual Meeting of 1989, declared to have the pleasure of inviting the Organization to meet then in Brussels, where he looked forward to have the opportunity to receive all members and to move forward to general collaboration in solving the problems of international fisheries in the Regulatory Area.

The delegate of the USSR supported the adoption of the excellent report, thanked the Chairman of STACFAD for the efficient work done and declared to accept the invitation of the EEC.

The delegate of Norway also praised the Chairman of STACFAD and supported the adoption of the Report.

The General Council adopted the Report with all its recommendations (see Appendix 7) after praising the Chairman of STACFAD. It also confirmed that the next annual meeting was to take place in Brussels.