

Northwest Atlantic  
Fisheries Organization  
(NAFO)



Meeting Proceedings  
of the  
General Council and Fisheries Commission  
for 1998

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## Foreword

This is an annual publication of the Proceedings which contains the reports of all meetings of the General Council and Fisheries Commission including those subsidiary bodies through 1998. The objective of this publication is to provide the Contracting Parties with a detailed consolidated text of all discussions initiated during the year. The proceedings of the Scientific Council are published separately in an annual issue of *NAFO Scientific Council Reports*.

SECTION I contains the Report of the Working Group on Allocation of Fishing Rights to Contracting Parties of NAFO and Chartering of Vessels Between Contracting Parties, 4-6 March 1998, Brussels, Belgium.

SECTION II contains the Report of the Working Group on Dispute Settlement Procedures (DSP), 22-24 April 1998, Dartmouth, N.S., Canada.

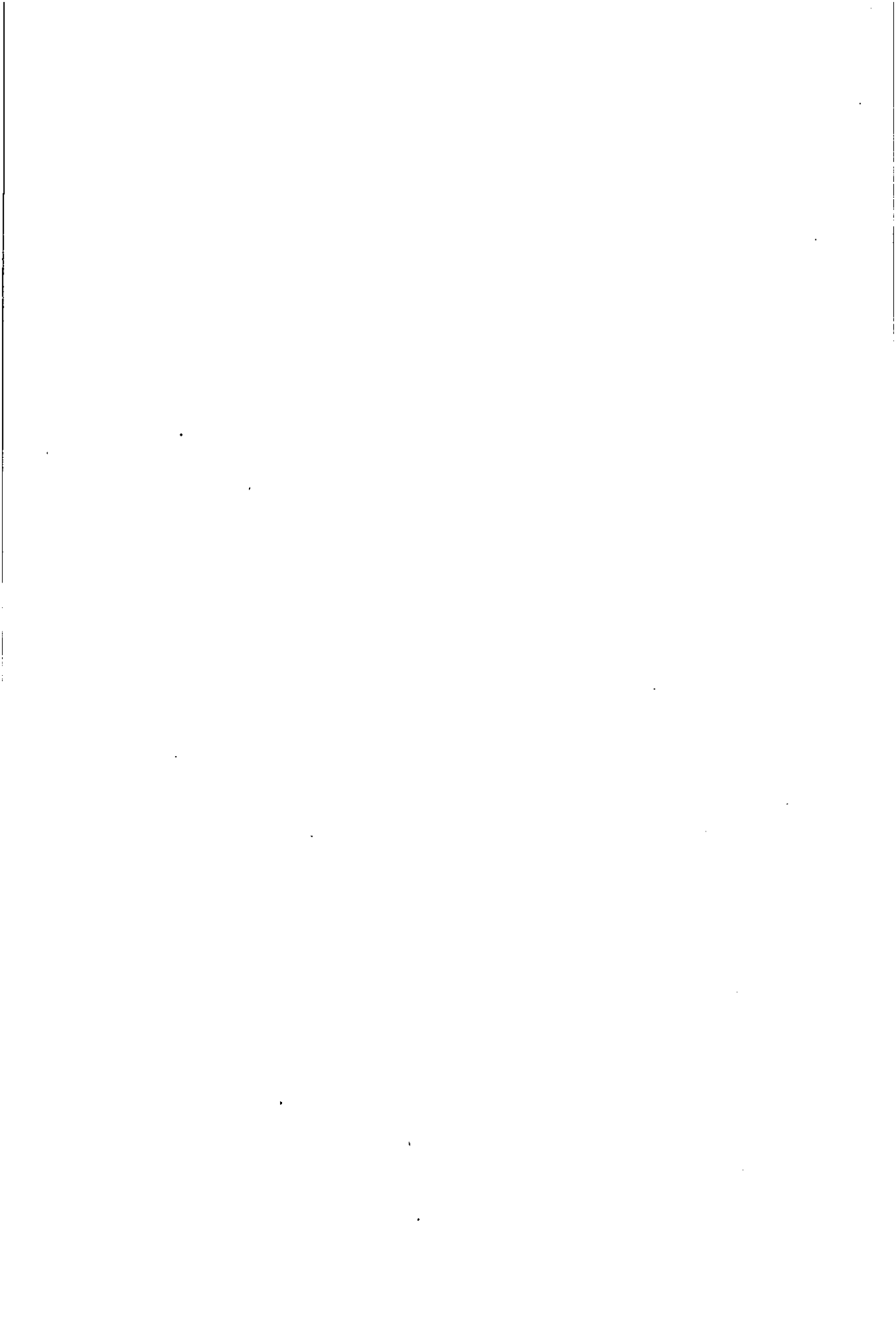
SECTION III contains the Report of the Working Group on Precautionary Approach, 12-13 May 1998, Copenhagen, Denmark.

SECTION IV contains the Report of the Standing Committee on International Control (STACTIC), 14-15 May 1998, Copenhagen, Denmark.

SECTION V contains the Report of the Working Group on Transparency, 27-29 May 1998, Washington, D.C., USA.

SECTION VI contains the Report of the General Council including subsidiary bodies reports (STACFAD and STACFAC), 20th Annual Meeting, 14-18 September 1998, Lisbon, Portugal.

SECTION VII contains the Report of the Fisheries Commission including subsidiary body (STACTIC), 20th Annual Meeting, 14-18 September 1998, Lisbon, Portugal.



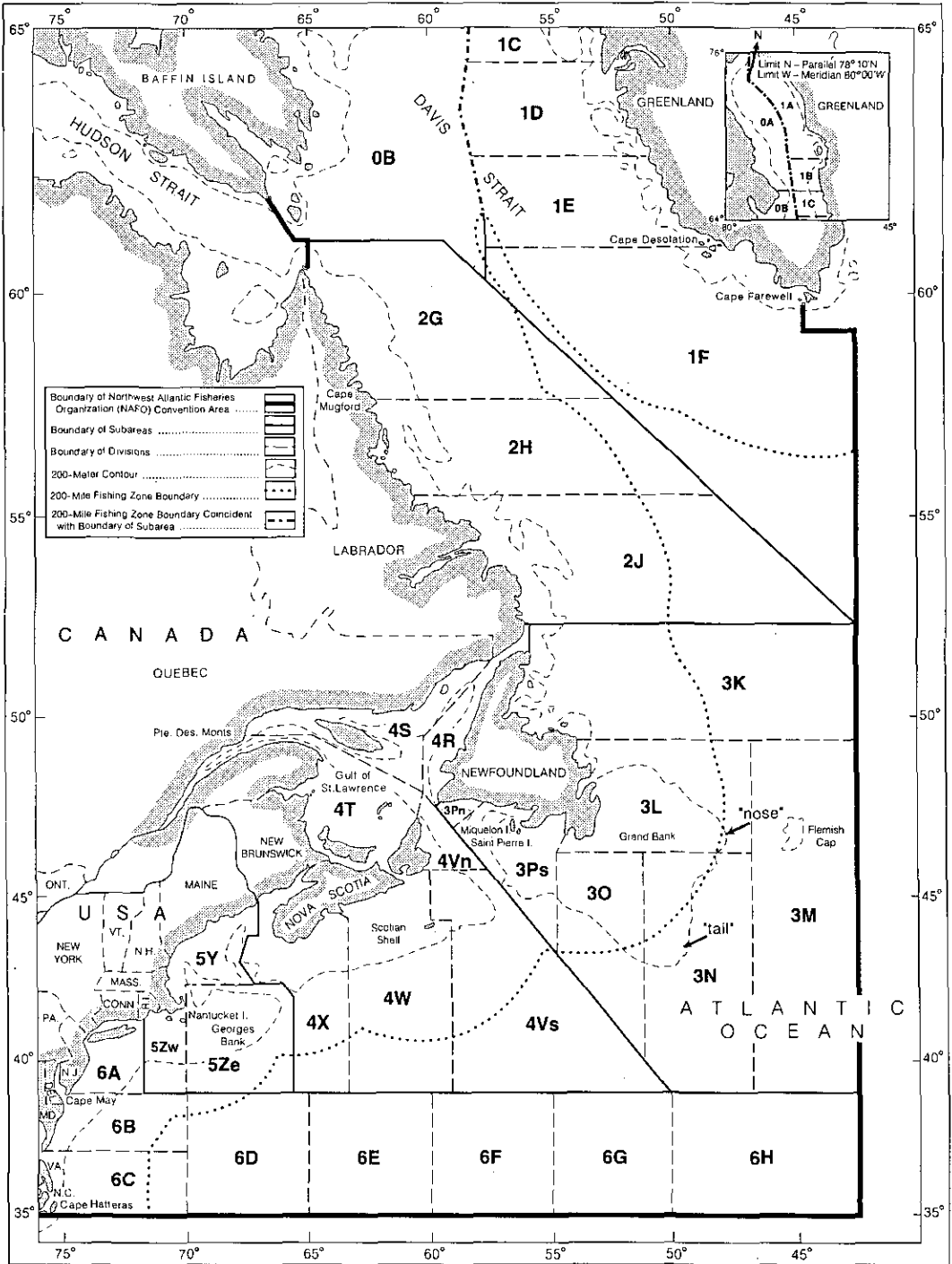
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The Convention Area to which the Convention on Future Multilateral Cooperation in the Northwest Atlantic applies





## Structure of the Northwest Atlantic Fisheries Organization (NAFO) in 1998 (as at 20th Annual Meeting, September 1998)

### Contracting Parties

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

#### President

A. Rodin (Russia)

#### Constituent Bodies

General Council	Bulgaria, Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, EU, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Korea, Latvia, Lithuania, Norway, Poland, Romania, Russia and USA.	<i>Chairman</i> – A. Rodin (Russia) <i>Vice-Chairman</i> – R. Dominguez (Cuba)
Scientific Council	Bulgaria, Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, EU, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Korea, Latvia, Lithuania, Norway, Poland, Romania, Russia and USA.	<i>Chairman</i> – H.-P. Cornus (EU) <i>Vice-Chairman</i> – W.B. Brodic (Canada)
Fisheries Commission	Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, EU, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Korea, Latvia, Lithuania, Norway, Poland, Poland, Russia and USA.	<i>Chairman</i> – P. Gullestad (Norway) <i>Vice-Chairman</i> – D. Swanson (USA)

#### Standing Committees

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

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

**Secretariat**

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

**Headquarters Location**

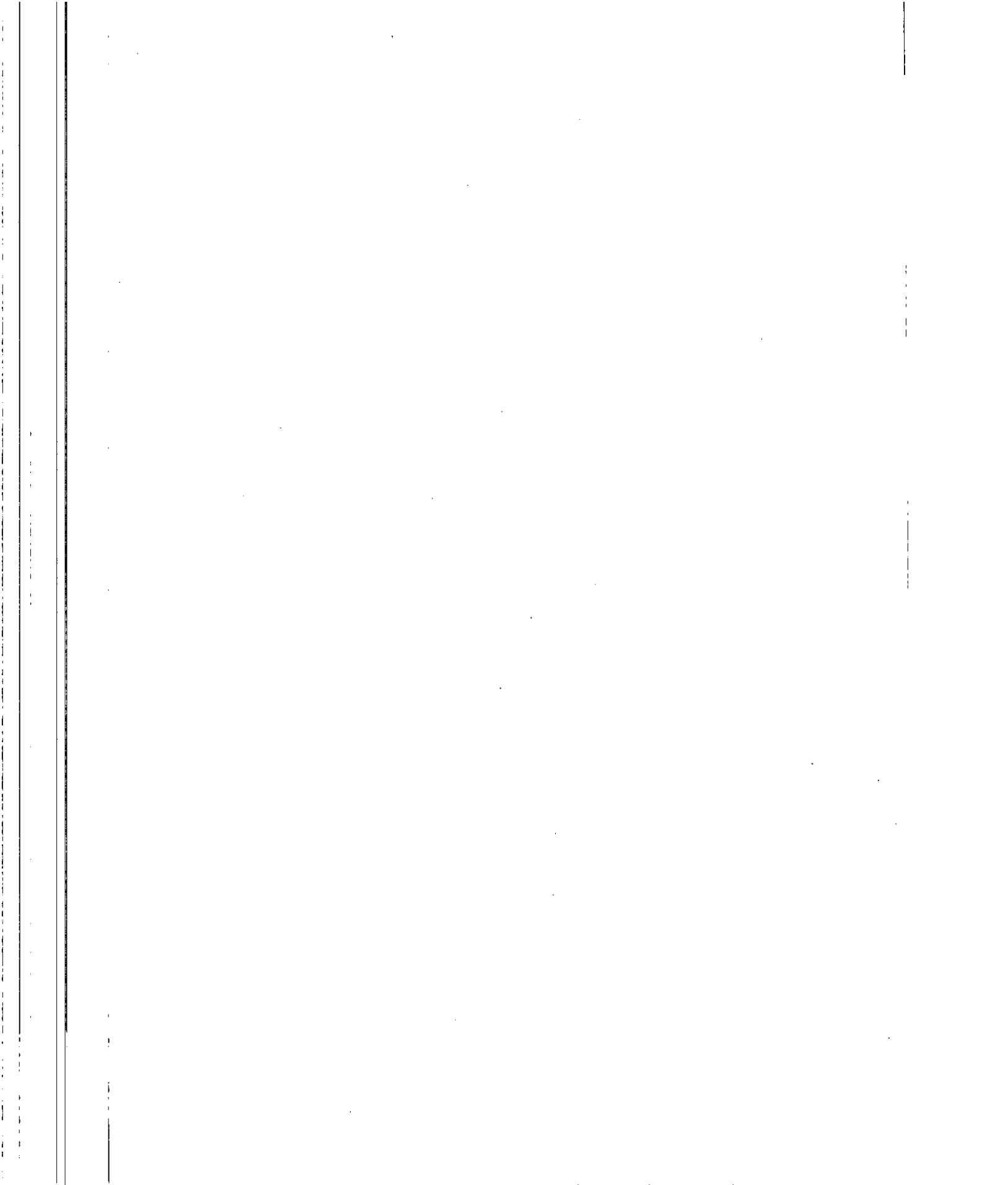
2 Morris Drive, Dartmouth, Nova Scotia, Canada

**SECTION I**

(pages 11 to 27)

**Report of the Working Group on Allocation of Fishing  
Rights to Contracting Parties of NAFO and Chartering  
of Vessels Between Contracting Parties  
4-6 March 1998  
Brussels, Belgium**

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**Report of the Working Group on Allocation of Fishing Rights  
to Contracting Parties of NAFO and Chartering of  
Vessels Between Contracting Parties**

(GC Doc. 98/2)

**4-6 March 1998  
Brussels, Belgium**

The Working Group was organized in accordance with the joint decision by the General Council and Fisheries Commission at the 19<sup>th</sup> Annual Meeting, 15-19 September 1997 (item 4.14 of the General Council Report, GC Doc. 97/8).

**1. Opening of the Meeting**

The Meeting was called to order by the Chairman, H. Koster (EU), who drew the attention of delegates to the terms of reference (Annex 1) charged to the working group by the General Council regarding chartering and the Fisheries Commission regarding the allocation of fishing rights.

The head of the EU delegation, E. Mastracchio, welcomed participants on behalf of the host government. A list of participants is attached as Annex 2. Several delegations offered opening remarks, attached as Annexes 3-7.

**2. Appointment of Rapporteur**

Dr. D. Swanson (USA) was elected as rapporteur.

**3. Adoption of Agenda**

The agenda attached as Annex 8 was adopted.

**4. Consideration of the current allocation practice within NAFO,  
including developments since the establishment of NAFO, the  
interests of Contracting Parties, relevant provisions of the  
NAFO Convention and applicable international agreements**

The discussion of the current allocation practice within NAFO, its origins and use since 1979, and its relationship to the NAFO Convention and other relevant international agreements elicited differing points of view. Some delegations thought that the NAFO allocation practice was not adequately specified, was not transparent or consistently applied through time, and did not adequately take into account the interests of all Contracting Parties. Other delegations thought that NAFO's allocation of fishing rights was clear and consistent in its application over time and that experience had also shown that the stability of NAFO's allocation practice lies at the heart of the Organization's stability. Yet other delegations could imagine the possibility of changes to the practice that would not threaten stability.

All delegations agreed that rules should be written regarding how NAFO would deal with future new members in terms of allocations, but they were not able to agree on whether the current allocation practice should be changed as to how it deals with current members, both long-standing and more recently joined.

### 5. Consideration of general rules affecting allocations

In addition to Article XI(4) of the NAFO Convention, all delegations agreed that a variety of instruments of established or emerging international law as well as recent international declarations gave guidance on participatory rights within organizations such as NAFO.

These include, *inter alia*,

- the United Nations Convention on the Law of the Sea, 1982;
- the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 1995 (UNIA);
- the Code of Conduct for Responsible Fisheries, 1995;
- Kyoto Declaration and Plan of Action, 1995; and,
- relevant international customary law (e.g. the due regard principle).

All delegations agreed that the NAFO Convention is the legal framework within which quota allocation must be dealt (Article XI).

### 6. Consideration of methods for setting quota allocations

Some delegations found it difficult to contemplate discussing alternatives to the current NAFO allocation practice without affecting current allocations while others felt the discussion was necessary to ensure that the interests of all Contracting Parties were taken into account.

Delegations agreed that obstacles to making progress could be overcome by splitting up the substantive topics as given in Annex 9.

In fact, several tasks were identified. In the first place, it should be explored how to deal with future members of NAFO. Although all Contracting Parties accepted that NAFO is an open organization of which all members are the same, allocations to future new members needed to be examined. Such examination could also draw on UNIA and applicable international law, although the NAFO Convention is the legal framework for any NAFO policies as strategies.

As regards point 3, the Chairman made it clear that any strategy to be developed under this point will not affect existing fishing rights of Contracting Parties whilst point 4 envisages to explore any flexibility in the current quota table for accommodating any requests for fishing opportunities as well as a broader sharing when regulated stocks were so abundant that they were under exploited.

### 7. Consideration of the NAFO Convention and chartering operations

Delegations agreed that, although nothing in the NAFO Convention and associated rules expressly prohibits the chartering of a fishing vessel within one Contracting Party to harvest fish allocated to another Contracting Party, there were non-transferable obligations required of the flag state such as for monitoring, control, and reporting.

For some delegations, this was the reason to prohibit chartering in principle and to examine each derogation to this principle, whilst other delegations considered that chartering is an economic activity for which NAFO only could establish measures based on conservation and enforcement measures to regulate such operations.

### **8. Consideration of relevant provisions to be incorporated in a NAFO policy dealing with chartering operations**

Issues raised that were considered relevant to a NAFO policy on chartering included:

- ensuring effective monitoring, control, and reporting;
- notification of or approval by NAFO according to established procedures and criteria;
- use of effort or "others" quota allocation by chartering arrangements;
- whether a charter might be a discrete or continuing arrangement; and,
- whether the chartered vessel would acquire registration from the Contracting Party allocated the relevant quota.

Delegations agreed on the guidelines for future discussions on the chartering of vessels given in Annex 9.

Most delegations believed that the charters contemplated under point one, sometimes called "bare boat" charters, did not require any attention by NAFO, but this view was not unanimous. However, in the opinion of the majority, those charters cannot be held in abeyance under the decision of the General Council.

### **Recommendations to the General Council and Fisheries Commission**

As the outcome of the discussions on all substantial issues through items 4-8 of the Agenda, the Working Group recommended to the General Council and the Fisheries Commission for follow-up action in accordance with the Chairman's Working Paper, and the following ideas were presented from some delegations:

Some delegations suggested to recommend that certain issues should be referred to STACFAC whilst other could be referred to STACTIC. In this way, NAFO could ensure that progress is made in implementing the Chairman's Working Paper. Russia reiterated its proposal to recommend the establishment of a smaller group which could operate as a standing committee of experts designated by all Contracting Parties. Several Contracting Parties could support the creation of a standing committee on quota allocation whilst others would carefully reflect on any future steps regarding these complicated issues which they felt were somehow interlinked.

Finally, all delegations present agreed on a recommendation to the General Council and the Fisheries Commission in order to provide for a second meeting of the Working Group to be convened in the framework of the next annual NAFO meeting in Lisbon. Obviously the existing terms of reference remain valid as they have been adopted by the General Council and the Fisheries Commission respectively. Any change in this situation must be decided in these bodies.

### **9. Other Business**

There was no other business.

### **10. Adjournment**

The Chairman adjourned the meeting at 12:30 p.m. on 6 March 1998.

**Annex 1. Terms of Reference for the Working Group on the  
Allocation of Fishing Rights\* to Contracting Parties  
of NAFO and Chartering**

The Fisheries Commission requests:

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

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



## Annex 2. List of Participants

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### **Annex 3. Opening Statement by Mr. Emilio Mastracchio On behalf of the European Community**

Mr. Chairman, Distinguished Delegates,

I would like to welcome you here to Brussels on behalf of the European Community and to this particular venue on behalf of the European Commission. It gives me great pleasure to see you all here today and, in particular, to see a number of the faces familiar to me from my last NAFO venture in St. John's last year.

Over the next three days, we have a number of important tasks, which have to be examined. It was at last year's annual meeting that the initiative was taken to hold this working group.

From the Community side, we are aware that there is not full satisfaction from all Contracting Parties with the long-established allocation practice within NAFO. However, we must all recall that the delicate balance reached between the Parties in their allocation practice is of the utmost importance. I would therefore not like to see an unnecessary discontinuation of this established practice.

During this meeting, we will also be addressing the issue of private vessel charters. This practice is worrying for the Community due to the uncertainties about who is in control of the vessels and who ensures that the vessels fish in accordance with NAFO rules. Furthermore, we are of the opinion that this issue must be treated directly along with the issue of the quota allocation practices.

The issues ahead of us are of such importance that we must not rush our work. We should therefore be realistic with regard to what can be achieved during this meeting.

Mr. Chairman, I would like to thank you for all the work you have done in preparing this meeting and note that your retirement from the Fisheries Commission of NAFO has not meant your entire retirement from NAFO affairs. I know that you will easily meet the challenge of the next three days. I look forward to working with you and with all our partners from the other Contracting Parties. Thank you.

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

Thank you Mr. Chairman.

The United States appreciates the willingness of NAFO Contracting Parties to engage in this important discussion of our quota allocation procedures. The United States advocates the use of a clear, transparent process for allocation which deals fairly with the needs of all member states, recognizes coastal states prerogatives, and recognizes historical participation. We believe we should build on the principles of the UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks. I look forward to an open, productive discussion and real progress towards improving the NAFO allocation process. While many stocks managed by NAFO are currently in poor condition resulting in many fisheries under moratorium, we all look forward to a brighter future with healthier marine resources. Resolving allocation issues now can only strengthen the future of NAFO.

## Annex 5. Opening Statement by the Representative of Korea

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen,

It is a great honour for me to participate in this Workshop. On behalf of the Korean government, I would like to thank the Chairman, and the Secretariat of NAFO for organizing and preparing this meeting.

Being a responsible fishing nation, the Republic of Korea has been actively participating in the international efforts to establish responsible fishing regimes. It has been co-operating with other countries in the conservation and management of fisheries resources. It has also established bilateral fishery agreements with 13 coastal states and has become a member of 12 international fisheries organizations.

In this context, Korea joined NAFO in December of 1993. And it has cooperated and will continue to cooperate with member countries of NAFO for conservation and management of fishery resources.

As you know, historically NAFO waters were very important fishing grounds for Korea, where our fishing vessels caught mainly cod, redfish, and flatfish.

I remember that when Korea joined the NAFO, member countries promised to support Korea for obtaining reasonable quota. And Korean government persuaded Korean fishermen to withdraw their fishing vessels from NAFO waters on the ground that appropriate quota would be allocated to them with the support of member countries. However, unfortunately even though Korea has been a member of NAFO, it has never obtained appropriate quota.

Korean fishermen are now complaining that even though Korea has contributed for the conservation and management of fishery resources through implementation of moratorium and financial assistance as a NAFO member nation, it has never obtained sufficient quotas to justify sending out even one fishing vessel since it became a member of NAFO in December of 1993.

I am afraid that if my government is not able to obtain more reasonable quotas in the near future, Korean fishermen may call on Korean government to withdraw from NAFO. I hope member countries will consider the Korean government's difficult position.

In addition, as the United States already pointed out, "NAFO does not have a process to make allocation to Contracting Parties that recently joined, yet it continues to allocate fishing rights to states that no longer fish in the Regulatory Area and do not meet their obligations of membership". In order to enhance the conservation and management of NAFO stocks, member countries should cooperate with each other, and recently joined member countries should be permitted to obtain appropriate quota.

To accomplish this end, a quota should be allocated fairly on a basis such as historical fishing activity among member countries. Moreover, incentives for quota allocation should be provided to non-member countries so that they may join NAFO for the conservation of fish stocks.

I think that the current quota allocation system is no longer applicable to the present reality. I suggest that the system be carefully reviewed and modified.

I hope that fishing quotas will be allocated in the most satisfactory manner possible in the near future. Thank you.

**Annex 6. Opening Statement by the Representative of France  
On behalf of St. Pierre et Miquelon**

Mr. Chairman,

First I would like to greet all delegations to this important meeting on possibilities of quota allocation to newcomers and vessel chartering.

France on behalf of St. Pierre et Miquelon has been a member of NAFO for two years only.

We are here with the willingness to work in a constructive way and with the concern to protect and carefully manage stocks.

We are also here because St. Pierre et Miquelon's economic history has been closely linked with fishing for more than five centuries and because we are a coastal state.

A lot of countries represented around this table know this. We have continuous relationships with our Canadian neighbours and St. Pierre harbour has often accommodated friends from Europe, Portuguese and Spaniards, among others, and also Japanese, Russian and Korean vessels.

To a certain extent, we had already been a member of this Organization before we joined. We have been participating in all working meetings for 2 years and France is taking part in scientific research.

Destabilizing the Organization is therefore not going to be our objective. Once again we are here to work in a constructive way.

And we are also here to stand for our economic interests as a coastal state which wants to fish.

I know that quota allocation to new members and chartering of vessels are difficult matters but we shall have to tackle these in a constructive way because they are fundamental problems.

And we shall have to address them in line with the principles I have just outlined.

This is the message I wanted to convey.



## Annex 7. Opening Statement by the Representative of Canada

Canada would first like to thank the European Community for its hospitality in hosting this important meeting in Brussels. This working group meeting will be challenging in view of the complex and sensitive issues before us. Canada, as the coastal state in Article XI of the NAFO Convention, has a direct interest in these important discussions.

We have heard some expressions of dissatisfaction about the current NAFO allocation practice. Some claim it does not meet the "needs" of NAFO members. This raises several questions:

- 1) What are the legitimate "needs" of new NAFO members?
- 2) What are the legitimate "needs" of long-standing NAFO members?
- 3) What are the criteria for meeting those needs?
- 4) Are the needs of long-standing NAFO members more legitimate than those of new entrants?
- 5) Are any past fishing activities outside the NAFO framework by new or recent members on NAFO stocks which were fully subscribed at the time, now a legitimate basis for setting fishing rights?

International fisheries law, and in particular the NAFO Convention, should provide the framework for our discussions. The U.N. Agreement on Straddling and Highly Migratory Fish Stocks, and in particular Article 11, should also provide some basis on the factors to be taken into account in determining the nature and extent of participatory rights for new members.

Canada also shares the concerns expressed by others that these discussions could have the potential to adversely affect the stability of the Organization. NAFO has faced numerous difficult challenges in recent years and Parties have found the way to develop solutions through open, transparent dialogue.

Canada looks forward to exploring these questions and the basic principles underlying the issues of fishing rights of members and vessel chartering. We also see these two issues as being inter-related.

### Annex 8. Agenda

1. Opening by the Chairman, H. Koster (EU)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Consideration of the current allocation practice within NAFO, including developments since the establishment of NAFO, the interests of Contracting Parties, relevant provisions of the NAFO Convention and applicable international agreements
5. Consideration of general rules affecting allocations
6. Consideration of methods for setting quota allocations:
  - (a) current fisheries with TACs
  - (b) fisheries previously not subject to TAC
  - (c) new fisheries
  - (d) closed fisheries
7. Consideration of the NAFO Convention and chartering operations
8. Consideration of relevant provisions to be incorporated in a NAFO policy dealing with chartering operations
  - (a) flag-State responsibility
  - (b) notification/approval of other NAFO Contracting Parties to chartering operations
  - (c) Non-Contracting Party involvement in chartering operations
9. Other Business
10. Adjournment

## **Annex 9. Chairman' Working Paper**

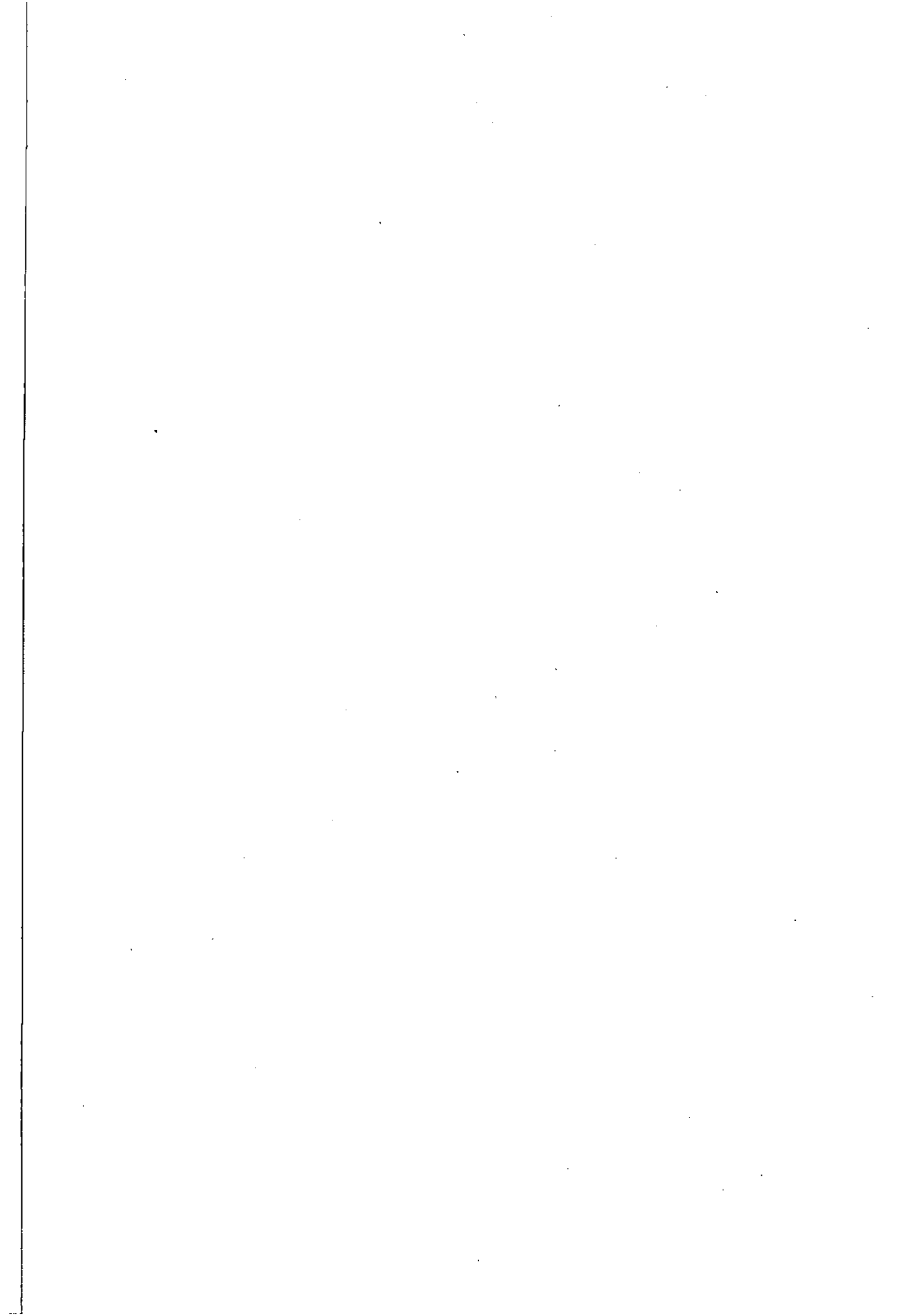
### **Guidelines for future discussions:**

#### **on Allocation of Fishing Rights**

1. Explore the meaning of the term "real interest" in relation to future new members.
2. Consider adopting a broad strategy to guide expectation of future new members with regard to fishing opportunities in the NAFO Regulatory Area.
3. Develop a broad strategy to allocate future fishing opportunities for stocks not currently allocated.
4. Explore in connection with stocks under TACs possible margins to accommodate requests for fishing opportunities.

#### **on Chartering of Vessels**

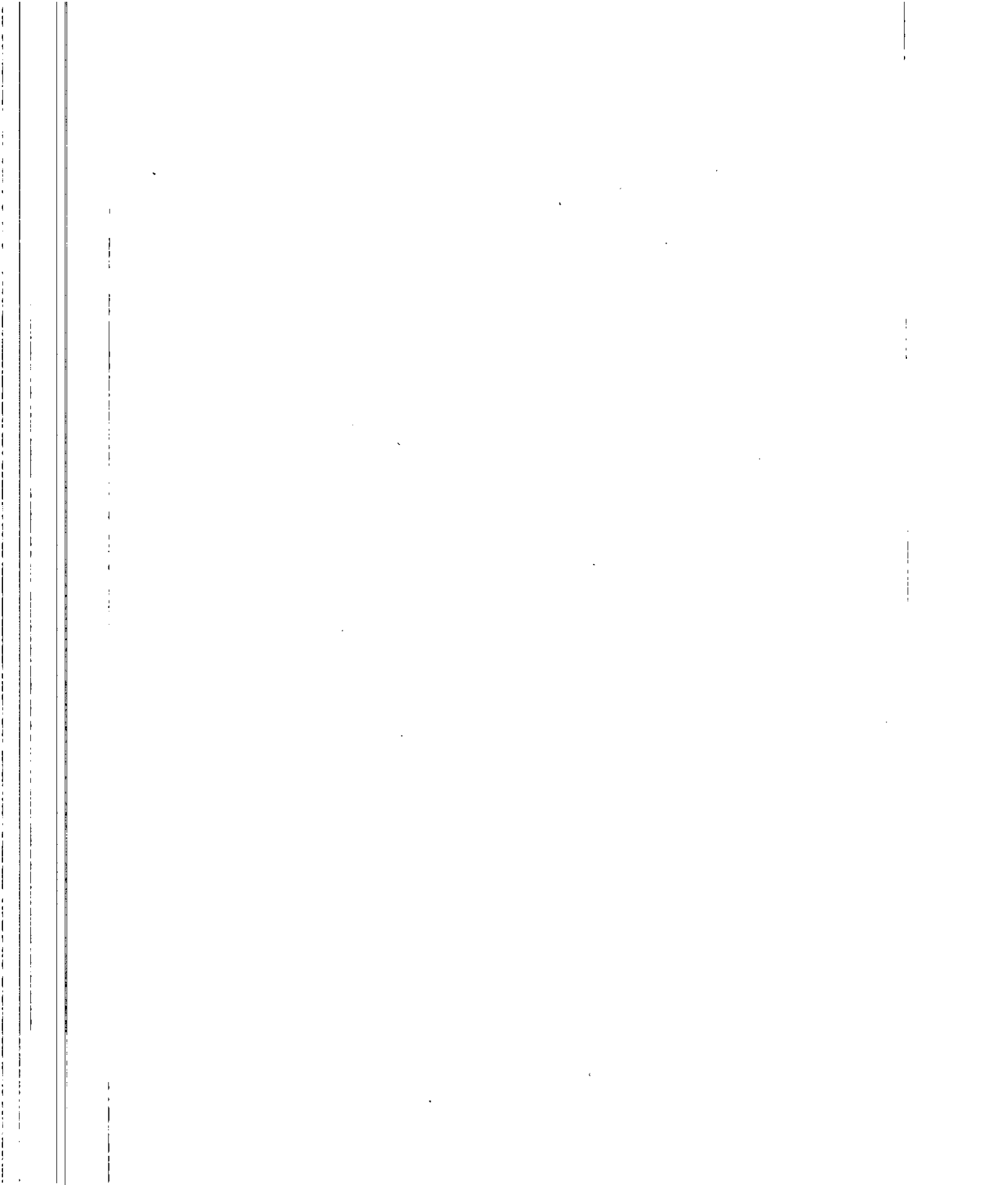
1. Consider chartering of fishing vessels which during the charter period are flying the flag of the chartering NAFO Contracting Party.
2. Consider and develop rules for chartering of fishing vessels flying the flag of a NAFO Contracting Party, which are duly authorized to exploit fishing rights of the chartering NAFO Contracting Party:
  - notification and approval procedures
  - criteria
  - recording and reporting rules
  - effective control



**SECTION II**  
(pages 29 to 53)

**Report of the Working Group on Dispute Settlement  
Procedures (DSP)  
22-24 April 1998  
Dartmouth, N.S., Canada**

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**Report of the Working Group on  
Dispute Settlement Procedures (DSP)**  
(GC Doc. 98/4)

**22-24 April 1998  
Dartmouth, N. S., Canada**

The DSP Working Group met in accordance with the decision taken by the General Council at the 19th Annual Meeting, September 1997 (GC Doc. 97.9, Part I, item 4.11).

**1. Opening by the Chairman**

The Meeting was opened by the Chairman, Mr. Stein Owc (Norway), who welcomed all delegates. The following Contracting Parties were represented at the Meeting: Canada, Denmark (in respect of Faroe Islands and Greenland), Estonia, European Union, Iceland, Japan, Latvia, Lithuania, Norway, Poland, the Russian Federation and the United States of America (Annex 1).

In his welcoming remarks, the Chairman noted that the first meeting of the Working Group identified several key issues through an analysis of relevant international texts and an examination of submitted proposals. By exploring these issues further he hoped to build consensus on individual elements that together could establish NAFO DSP.

**2. Appointment of Rapporteur**

Mr. Fred Kingston (EU) was appointed Rapporteur.

**3. Adoption of the Agenda**

The Agenda set out in Annex 2 was adopted.

**4. Review of Papers and Proposals by Contracting Parties  
on a NAFO Dispute Settlement Mechanism**

The Working Group considered two proposals on DSP, namely a Canadian paper entitled "Proposed Canadian Protocol on the Settlement of Disputes under NAFO Convention Article XII" (GC Working Group W.P. 97/1 - Annex 3), along with an "Explanatory Note" (GC Working Group W.P. 97/2 - Annex 4), and an EU paper entitled "Proposal for a new Article related to the settlement of disputes to be introduced by way of an amendment pursuant to Article XXI of the NAFO Convention" with an Annex (DSP W.G. Working Paper 98/1 - Annex 5).

(i) Canadian Paper

The Canadian paper was the same as that which was reviewed extensively at the last meeting of the Working Group (NAFO/GC Doc. 97/3). By way of introduction, Canada stated that it remains convinced of the need to prevent the misuse of the NAFO objection procedure by adopting a mechanism that deals with objections that threaten the conservation of NAFO stocks. In any future NAFO DSP, the criteria for objecting and the basis for the review of an objection need to be addressed. Moreover, any NAFO DSP should apply to both straddling and discrete stocks and should be expeditious in order to resolve any dispute before it has a damaging effect on fish stocks. Canada added that it is only with regard to the misuse of the NAFO objection procedure that it sees any immediate need for DSP in NAFO. Other disputes could be adequately covered

under the United Nations Convention on the Law of the Sea, done at Montego Bay on December 10, 1982 ("UNCLOS") or the Agreement for Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks opened for signature in New York on December 4, 1995 ("UN Agreement").

(ii) EU Paper

The EU stated that its paper expresses in operative language the elements laid down in the EU paper entitled "Broad Strategy to be Considered for a Possible NAFO Working Group" presented at last year's session of the Working Group (see Annex 5 of NAFO/GC Doc 97/3). Last year's paper should now be considered an explanatory memorandum to the current EU paper (DSP WG Working Paper 98/2 - Annex 6). The main idea of this proposal is for NAFO to incorporate, by way of an amendment to the NAFO Convention, the existing DSP set out in UNCLOS. This DSP should apply to all NAFO Contacting Parties and to all kinds of disputes. It should also cover discrete stocks.

The EU then gave a short introduction to each of the provisions in its proposed amendment as follows :

- Article 1 similar to Article 27 of the UN Agreement;
- Article 2 similar to the technique used in Article 30(2) of the UN Agreement, which incorporates UNCLOS procedures to cover the settlement of disputes under the UN Agreement. Under this proposed Article, UNCLOS procedures, or, if a dispute concerns straddling fish stocks, procedures under the UN Agreement *would be applied*;
- Article 3 allows for the possibility for a dispute to be submitted to an ad hoc Panel for issues related to Article XI of the NAFO Convention (i.e. management and conservation measures). In order to resolve the dispute such a Panel will have the power to make non-binding recommendations. If a party is not satisfied, it can still use the general procedures outlined in the proposed Article 2;
- Article 4 if such conciliation does not resolve the dispute, the Panel's recommendation will be applied on a provisional basis pending the final settlement of the dispute, unless the parties agree to "measures of equivalent effect" or unless one party asks the appropriate UNCLOS or UN Agreement tribunal (to which the dispute has been subsequently referred under the procedures foreseen in the proposed Article 2) to *prescribe provisional measures*; and
- Article 5 specifies the law to be applied in such disputes. The applicable law will include relevant provisions of the NAFO Convention, UNCLOS and, as appropriate, the UN Agreement.

**5. Examination of the desirability and, as appropriate, of the development of DSP**

The Working Group had an extensive and wide-ranging discussion on these matters.

Concerning the issue of **whether NAFO DSP were desirable**, delegates either declared that such procedures were desirable or were prepared to keep the issue open for future consideration.



Without prejudice to any such final decision in this regard, the Working Group agreed to proceed with an examination of possible elements on the development of DSP.

Certain delegates remarked upon the desirability for parties to resolve their differences by peaceful means and pointed to the obligations to consult and cooperate under Article II of the NAFO Convention.

During the discussion on this issue, certain delegates questioned the immediate need for general DSP in NAFO, noting that it may be sufficient to await the entry into force of the UN Agreement and that, as some NAFO members were parties to UNCLOS, use of these instruments might be sufficient. In this regard, concern was expressed at the potential proliferation of DSP outside UNCLOS or the UN Agreement. On the other hand, other delegates noted that not all NAFO Contracting Parties have signed or ratified either UNCLOS or the UN Agreement. This could present problems for the resolution of any dispute involving at least one such Contracting Party in terms of both the appropriate procedure and the substantive law to be applied. A general NAFO DSP applied consistently to all Contracting Parties would resolve any such problems (assuming that all NAFO Contracting Parties would become party to an instrument creating a NAFO DSP).

Concerning **the development of such DSP**, much of the discussion focused on issues arising out of the EU paper. These included the following:

- the **type of dispute** to be covered under any DSP. This coverage could be limited solely to certain conservation and management measures under Article XI of the NAFO Convention or to all types of disputes. Delegates who preferred the former noted that disputes concerning issues arising outside these conservation and management measures can be adequately resolved by existing means. In any case they noted that any real need in NAFO for DSP concerns disputes surrounding such conservation and management measures. On the other hand, other delegates pointed to potential difficulties in differentiating between types of disputes, as well as in prejudging those disputes in which there is a real need for NAFO DSP. In this regard it was noted that the EU paper proposes NAFO DSP to cover all disputes, but a “fast track” procedure for those disputes arising out of Art. XI of the NAFO Convention.

In a situation in which there is disagreement over whether there is, in fact, a dispute, many delegates suggested that this should be determined by any Panel set up to consider the matter;

- Concerning the **objection procedure** under Article XII of the NAFO Convention, the Working Group agreed that any DSP should not challenge a Contracting Party’s right to object but rather focus on its “post-objection behavior”. In this context, there was an extensive discussion concerning the type of post-objection behavior sufficient to trigger any NAFO DSP. Delegates considered that in such a situation any DSP should be triggered as soon as possible, given the possible threat to conservation of fish stocks if a dispute is not resolved expeditiously. Discussion focused on whether a party objecting should also be required to give an explanation for the objection and/or state its intended behaviour (e.g. a fishing plan), which would then be the subject of a possible dispute. Some delegates expressed concern that this may limit a Contracting Party’s sovereign right to object;
- the **binding nature of any decision** arising out of any possible NAFO DSP Panel process. Some delegates favoured a non-binding decision, but this decision could be applied provisionally until the final arbiter under the UNCLOS system makes a decision

whether provisional or final. Other delegates preferred such a NAFO Panel decision be binding in itself.

Other delegates stated that they would be better prepared to discuss this issue once the type of disputes to be covered by any NAFO DSP was determined;

- the **competence** of any NAFO DSP Panel. Delegates agreed that a NAFO DSP Panel cannot function as a court of appeal for any Fisheries Commission decisions. However, some delegates expressed concern that the decision of any NAFO DSP Panel could, in effect, challenge the relevant decision of the Fisheries Commission. Other delegates responded that a Panel should only consider any autonomous measures in light of whether a Party is fulfilling its obligations or whether such measures are undermining NAFO's conservation and management measures. There was also discussion as to whether such a Panel should merely be able to give "yes or no" answers or be given the power to make further recommendations or impose broader remedies;
- the **applicable law**, particularly whether the UN Agreement should be applied also to discrete stocks. Certain delegates noted that the UN Agreement was negotiated in the context of straddling fish stocks and highly migratory fish stocks only and, consequently, it would be inappropriate, and possibly imprudent, to extend it to discrete stocks, particularly when this Agreement is not yet in force and may not be ratified by some NAFO Contracting Parties. Other delegates expressed concern that the same rules should be applied to all disputes and that nothing prevents NAFO Contracting Parties from applying the principles of the UN Agreement to discrete stocks if they all agree to do so;
- **time-lines**. The Working Group agreed on the importance of an expeditious procedure in order to resolve a dispute concerning conservation and management measures before the start of the relevant fishing season. However, concerning a dispute arising out of an objection to any measure decided at a September NAFO Annual Meeting, most delegates stated that, realistically, a Panel decision could not be given before the end of that year and probably not before March the following year. In these circumstances, certain delegates suggested that the objecting party should apply the contested measure (i.e. *status quo ante*) until the Panel makes its decision;
- **burden of proof**. In the case of a dispute arising out of an objection, certain delegates stated that the party contesting the objection should have the burden to show that the objecting party is wrong, while other delegates stated that the objecting party should have the burden to demonstrate that its post-objection behaviour is responsible, while still others suggested that this issue should be determined on a case-by-case basis;
- **establishment of Panel**. Issues discussed included how Panelists are selected, whether a Panelist needs to have an arms-length relationship with the disputing Parties and/or with the dispute, what qualifications are necessary to be a Panelist and how these are to be established and should nationals of non-Contracting Parties also be allowed to be Panelist. Concern was expressed that certain Contracting Parties might have particular difficulties in providing Panelists;
- **costs**. Two options were briefly discussed, namely that NAFO would pay the costs of any Panel established or that the disputing parties would pay in equal shares; and
- **legal form** for NAFO to incorporate any DSP. The options discussed were an amendment to the NAFO Convention and a Protocol. Most delegates were, in principle,

in favour of an amendment since all Contracting Parties would be subject to the same rules, but recognized that a Protocol would make it easier to put any DSP into effect at least for those Contracting Parties that became party to the Protocol. The Working Group agreed that this issue may have to be addressed later, depending upon the degree of consensus achieved in the development of NAFO DSP.

#### **6. Report to the General Council**

Following the discussion at this meeting, the Chairman informed the Working Group that he intends to prepare a paper to serve as a basis for the further work of the Working Group. He will distribute this paper in advance of the next NAFO Annual Meeting. The Working Group agreed to meet on 14 September 1998 in Lisbon, Portugal, in order for the Chairman to present his paper and to respond to any questions thereon.

The Working Group agreed to recommend that the General Council, on the basis of the discussions of the Working Group, should examine the issue of a possible NAFO DSP at the next NAFO Annual Meeting.

Furthermore, the Working Group agreed to recommend that the General Council authorize it to continue its work and to convene a meeting before the subsequent NAFO Annual Meeting. (On a preliminary basis it was suggested to convene such a meeting in early 1999.)

#### **7. Other Matters**

There were no other matters for discussion.

#### **8. Adjournment**

The Meeting adjourned at 1310 hrs. on 24 April 1998.

## Annex 1. List of Participants

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B. Cruikshank, Senior Secretary

## **Annex 2. Agenda**

1. Opening by the Chairman, Stein Owe (Norway)
2. Appointment of Rapporteur
3. Adoption of the Agenda
4. Review of papers and proposals by Contracting Parties on a NAFO dispute settlement mechanism
5. Examination of the desirability and possible elements in a NAFO dispute settlement mechanism
6. Report to the General Council
7. Other matters
8. Adjournment

**Annex 3. Proposed Canadian Protocol on the Settlement of Disputes  
Under NAFO Convention Article XII  
(GC Working Group W.P. 97/1)**

**Background:**

At the 1996 NAFO Annual Meeting in St. Petersburg, Canada circulated a proposal for the adoption of a dispute settlement mechanism to deal with objections under the NAFO Convention (GC Working Paper 96/3). This proposal is intended to address a problem identified in NAFO as long ago as 1988.

In 1988 the General Council recognized that the inappropriate use of the NAFO objection procedure *"may lead to damage of the living resources of the Northwest Atlantic"* and called on Contracting Parties to *"avoid excessive or inappropriate use of the objection procedure against the regulatory measures adopted by the Fisheries Commission"* (GC Doc. 88/8).

In 1989 the General Council developed this theme further by calling for *"compliance with the NAFO management framework in place since 1979, and compliance with NAFO decisions in order to provide for conservation and maintain the traditional spirit of cooperation and mutual understanding in the Organization"* (Resolution found at GC Doc. 89/4, Appendix 10).

Canada first proposed the creation of a dispute settlement mechanism in NAFO at the 1992 NAFO Annual Meeting (GC Working Paper 92/6). Canada's 1992 proposal called for the creation of a dispute settlement mechanism as an amendment to the NAFO Convention. The current Canadian proposal, which supersedes the 1992 proposal, calls for the establishment of a Protocol to provide for dispute settlement with respect to the objection procedure.

**Canada's Proposed Protocol:**

Canada wishes to make it clear that it is not the purpose of the proposed Protocol to override or to eliminate the NAFO objection procedure. The Protocol is aimed at enhancing the long-term conservation and sustainable use of the fishery resources of the NAFO Regulatory Area ("NRA"). The Protocol therefore reflects the objectives of the NAFO Convention, which was established to implement the clear desire of NAFO Parties to conserve fish stocks in the NRA. It builds upon the conservation objectives of both the 1982 *United Nations Convention on the Law of the Sea* ("UNCLOS") and the 1994 *Agreement for the Implementation of the Provisions of the United Nations Convention of the Law of the Sea of 10 December 1982, Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks* (commonly referred to as the UN Fish Agreement or "UNFA"). It was never the intention of the NAFO Convention to allow a Party to object arbitrarily to a proposal of, or a measure adopted by, the Fisheries Commission. The Canadian Protocol therefore seeks to ensure the responsible use of the objection procedure in situations where a Party considers that a proposal of, or a measure adopted by, the Fisheries Commission:

- (a) is inconsistent with the provisions of the NAFO Convention or UNFA;
- (b) unjustifiably discriminates in form or in fact against the Objecting Party; or
- (c) does not adequately take into consideration the provisions of Article XI(3) and (4) of the NAFO Convention with respect to quotas in the Regulatory Area.



Other key features of the Canadian Protocol are:

- the establishment of expert Panels to resolve disputes concerning the validity of specific objections;
- provision for the participation in the dispute settlement proceedings by third Parties (i.e. other Parties to the Protocol) and non-Parties (i.e. NAFO members that are not Parties to the Protocol);
- rapid timelines for the presentation of written and oral argument before the Panel and for the rendering of a decision, in order to ensure that disputes are resolved during a current fishing season; and
- the expert Panels must consider the interests of all NAFO Contracting Parties, including those that are not Parties to the Protocol.

The Protocol would be binding only on those NAFO Contracting Parties that have accepted it.

**The Advantages of Dispute Settlement Protocol:**

The intention of the Canadian proposal is to minimize conflicts by providing an objective third party mechanism to resolve disagreements which can lead to overfishing and confrontation. The Protocol thus supports cooperation and mutual understanding within NAFO.

UNFA provides for binding dispute settlement related to straddling stocks and highly migratory stocks (Article 30). The Canadian proposal is not intended to supplant the procedures provided for in UNFA. However, the principal advantages of the proposed specific dispute settlement mechanism under the NAFO Convention over the more general dispute settlement procedures under UNFA are:

- a tight time-frame which is intended to provide decisions before excessive fishing can affect NAFO-managed stocks; and
- applicability to discrete high seas stocks in the Flemish Cap which are not subject to UNFA.

As noted above, the objective of the current Canadian proposal is not to eliminate the objection procedure under Article XII of the NAFO Convention, but to establish clear guidelines for its use. Canada is of the view that the excessive or inappropriate use of the objection procedure should be open to challenge, and that it is in the interest of all Contracting Parties to have disputes resolved through a quick and effective binding dispute settlement process designed specifically for NAFO.

**Annex 4. Explanatory Note to the Canadian Proposal for a Protocol  
on the Settlement of Disputes Under Article XII of the Convention  
(GC Working Group W.P. 97/2)**

Canada is proposing the establishment of a Protocol to the NAFO Convention to provide for dispute settlement with respect to the "objection procedure" under Article XII of the Convention. The purpose of the Protocol is to prevent abuse of the objection procedure by seeking to ensure that objections are made only on clear, justifiable grounds. This will enhance the long-term conservation and sustainable use of the fishery resources of the NAFO Convention Area, an objective shared by all NAFO Contracting Parties.

The main features of the Canadian draft Protocol are as follows:

- an agreement by the Parties to the Protocol to limit their use of the objection procedure to the grounds set out in the Protocol;
- the establishment of expert panels to resolve disputes over the use of the objection procedure;
- rapid timelines for the presentation of written and oral argument before the panel and for the rendering of a decision, to ensure that disputes are resolved during a current fishing season;
- provision for the participation in the dispute settlement proceedings by Third Parties and non-Parties; and
- affirmation that the Protocol is without prejudice to the rights of the Parties under the 1982 Law of the Sea Convention or the 1994 U.N. Fish Agreement.

Canada first proposed the creation of a dispute settlement mechanism in NAFO at the 1992 annual meeting. The attached text is intended to supersede Canada's 1992 proposal (GC Working Paper 92/6).

## CANADIAN PROPOSAL

### PROTOCOL ON THE SETTLEMENT OF DISPUTES UNDER ARTICLE XII OF THE CONVENTION

#### THE PARTIES TO THIS PROTOCOL,

**RECOGNIZING** the importance of achieving the conservation and management objectives of the Northwest Atlantic Fisheries Organization (NAFO),

**TAKING INTO ACCOUNT** the *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982, Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks* opened for signature in New York on December 4, 1995, in particular the Agreement's provisions on compulsory and binding settlement of disputes, its provisions obligating States to pursue cooperation either directly or through appropriate fisheries management organizations or arrangements, and its provisions obligating States to cooperate to strengthen existing organizations and arrangements to improve their effectiveness for the conservation and management of the stocks subject to their authority,

**RECOGNIZING** that disputes may arise from time to time regarding the use of the objection procedure provided in Article XII of the NAFO Convention, and that it is in the interest of conservation, and of all NAFO Contracting Parties, to have such disputes resolved through a quick and effective compulsory and binding dispute settlement process designed specifically for NAFO,

**HAVE AGREED** as follows:

#### ARTICLE I: DEFINITIONS

In this Protocol:

**NAFO Convention** means the *Convention of Future Multilateral Co-operation in the Northwest Atlantic Fisheries*, done at Ottawa on October 24, 1978;

**Party** means a Party to this Protocol;

**Objection** means:

- (i) an objection by a Party to a proposal of the Fisheries Commission, pursuant to Article XII(1) of the NAFO Convention; or
- (ii) a notice by a Party of its intention not to be bound by a measure adopted by the Fisheries Commission, pursuant to Article XII(3) of the NAFO Convention.

**Objecting Party** means a Party that has presented an Objection;

**Contesting Party** means a Party, including an Objecting Party, that requests the establishment of a Panel to determine the validity of an Objection;

**UNFA** means the *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks* opened for signature in New York on December 4, 1995; and

**UNCLOS Convention** means the United Nations Convention on the Law of the Sea, done at Montego Bay on December 10, 1982.

## **ARTICLE II: OBJECTIVES**

The objectives of this Protocol, as elaborated more specifically through its provisions, are to:

- (a) enhance the long-term conservation and sustainable use of the fishery resources of the NAFO Convention Area; and
- (b) provide for a prompt and effective method to resolve disputes arising under Article XII of the NAFO Convention.

## **ARTICLE III: LIMITS ON THE RIGHT TO PRESENT OBJECTIONS**

1. A Party may present an Objection only if it considers that a proposal of, or a measure adopted by, the Fisheries Commission:
  - (a) is inconsistent with the provisions of the NAFO Convention or the UNFA;
  - (b) unjustifiably discriminates in form or in fact against the Objecting Party; or
  - (c) does not adequately take into consideration the provisions of Article XI, paragraphs 3 and 4, of the NAFO Convention with respect to quotas established in the Regulatory Area.

## **ARTICLE IV: ROSTER**

1. The Executive Secretary shall establish by \_\_\_\_\_, and maintain a roster of individuals who are willing and able to serve as Panelists. Each Party may submit up to five nominees for inclusion in the roster, and shall describe the relevant qualifications and experience of each of its nominees.
2. Roster members shall have expertise or experience in fisheries conservation or management, international law, other areas covered by the NAFO Convention or the resolution of disputes arising under international agreements, and shall be chosen on the basis of objectivity, reliability and sound judgement.

## **ARTICLE V: REQUEST FOR A PANEL**

1. Following receipt by the Executive Secretary of an Objection, a Contesting Party may request in writing the establishment of a Panel to determine the validity of the Objection. The Contesting Party shall deliver the request to the Chairman of the General Council. The Chairman of the General Council shall promptly transmit a copy of the request, through the Executive Secretary of NAFO, to each NAFO Contracting Party.
2. Where more than one Contesting Party requests the establishment of a Panel related to the same Objection, a single Panel shall be established.

### **ARTICLE VI: PANEL SELECTION**

1. Except as provided elsewhere in this Protocol, the procedures set out in this Article shall apply to Panel selection.
2. Where a Contesting Party requests the establishment of a Panel:
  - (a) The Panel shall comprise three members.
  - (b) Within ten days of the date on which the request for a Panel is transmitted to the NAFO Contracting Parties pursuant to Article V, the Contesting Party and the Objecting Party shall each select one Panelist from the roster.
  - (c) Within twenty days of the date on which the request for a Panel is transmitted to the NAFO Contracting Parties pursuant to Article V, the Contesting Party and the Objecting Party shall agree on the selection of the third Panelist, who shall serve as Chair of the Panel. If the Contesting Party and the Objecting Party cannot agree on the Chair, they shall decide by lot which of them shall select the Chair from the roster. The Chair shall not be a citizen of either the Contesting Party or the Objecting Party.
3. Where there is more than one Contesting Party, the Contesting Parties shall seek to agree on the selection of a single Panelist. If the Contesting Parties are unable to agree, the Chairman of the General Council shall, within five days of the end of the ten day period specified in paragraph 1, select a Panelist from the roster on behalf of such Contesting Parties.
4. Where there is more than one Objecting Party, the Objecting Parties shall seek to agree on the selection of a single Panelist. If the Objecting Parties are unable to agree, the Chairman of the General Council shall, within five days of the end of the ten day period specified in paragraph 1, select a Panelist from the roster on behalf of such Objecting Parties.
5. Where an Objecting Party alone requests the establishment of a Panel, that Party shall select one Panelist from the roster and notify the Chairman of the General Council of its choice within ten days of the date on which the request for a Panel is transmitted to the NAFO Contracting Parties pursuant to Article V. The Chairman of the General Council shall, within five days of the end of the ten day period, select a second Panelist from the roster. Within twenty days of the date on which the request for a Panel is transmitted to the NAFO Contracting Parties pursuant to Article V, the two Panelists shall appoint a third Panelist who shall serve as Chair.

### **ARTICLE VII: PARTICIPATION BY THIRD PARTIES**

Any Party that is not a Contesting Party or an Objecting Party, on delivery of a written notice to the Chairman of the General Council, shall be entitled to attend all hearings of the Panel, to make written and oral submissions to the Panel, and to receive written submissions of each Contesting and Objecting Party.

### **ARTICLE VIII: PARTICIPATION BY NON-PARTIES**

Any NAFO Contracting Party that is not a Party to this Protocol, on delivery of a written notice to the Chairman of the General Council, may attend all hearings of the Panel, make written and oral

submissions to the Panel, and receive written submissions of each Contesting and Objecting Party, provided that the Contesting and Objecting Parties so agree.

#### **ARTICLE IX: ROLE OF EXPERTS**

On request of a Contesting or Objecting Party, or on its own initiative, the Panel may seek information and technical advice from any person or body that it deems appropriate, provided that the Contesting and Objecting Parties so agree.

#### **ARTICLE X: DECISION OF THE PANEL**

1. Unless the Contesting and Objecting Parties otherwise agree, the Panel shall, within fifteen days of the conclusion of the hearing, present its decision to the Chairman of the General Council, through the Executive Secretary. Decisions of a Panel shall be by majority.
2. If the Panel determines that the Objection does not meet the criteria of Article III, it shall declare the Objection to be invalid. If the Panel determines that the Objection meets the criteria of Article III, it shall declare the Objection to be valid.
3. If the Panel determines the Objection to be invalid:
  - (i) on the expiration of ten days following the date of the decision, or on such date as may be specified in the decision, the proposal of the Fisheries Commission shall become a binding measure on the Objecting Party; or
  - (ii) the measure adopted by the Fisheries Commission shall continue to be binding on the Objecting Party.
4. If the Panel determines the Objection to be valid:
  - (i) the proposal shall not become a binding measure on the Objecting Party, pursuant to Article XII(1) of the NAFO Convention; or
  - (ii) the measure shall cease to be binding on the Objecting Party, pursuant to Article XII(3) of the NAFO Convention.
5. In making its determination, the Panel shall consider the interests of all NAFO Contracting Parties, including those that are not Parties to this Protocol.

#### **ARTICLE XI: RELATION TO OTHER AGREEMENTS**

This Protocol shall be without prejudice to the rights and obligations of Parties under the UNFA Agreement or the UNCLOS Convention.

#### **ARTICLE XII: RULES OF PROCEDURE**

The Panel proceedings shall be conducted in accordance with the Rules of Procedure set out in the Annex. The Panel may adopt such additional rules of procedure, consistent with the NAFO Convention and this Protocol, as it deems necessary.

**ARTICLE XIII: ACCEPTANCE**

Any Contracting Party to the NAFO Convention may become a Party to this Protocol by written notification of acceptance to the Depositary.

**ARTICLE XIV: DEPOSITARY**

The Government of Canada shall be the Depositary.

**ARTICLE XV: ENTRY INTO FORCE**

This Protocol shall enter into force on the date of receipt by the Depositary of the notification of acceptance which brings the number of notifications of acceptances to \_\_\_\_\_

**ARTICLE XVI: WITHDRAWAL**

1. Any Party may withdraw from this Protocol on December 31 of any year by giving notice to the Depositary on or before the preceding June 30.
2. Any other Party may withdraw from this Protocol on the same December 31 by giving notice to the Depositary within one month of the receipt of a copy of a notice of withdrawal given pursuant to paragraph 1.

**ARTICLE XVII: NOTIFICATION**

The Depositary shall promptly notify the Executive Secretary in writing of the receipt of each notification of acceptance or withdrawal. The Executive Secretary shall thereupon transmit the information to all Contracting Parties to the NAFO Convention.

**ARTICLE XVIII: RESERVATIONS**

This Protocol shall not be subject to reservations.

**ANNEX: RULES OF PROCEDURE**

**OPERATION OF PANELS**

1. The Chair of the Panel shall preside at all of its meetings. A Panel may delegate to the Chair authority to make administrative and procedural decisions.
2. Except as otherwise provided in these rules, the Panel may conduct its business by any means, including by telephone, facsimile transmission or computer links.
3. If a Panelist dies, withdraws or is removed, a replacement shall be selected as expeditiously as possible in accordance with the selection procedure followed to select the Panelist.
4. Any time period applicable to the Panel proceeding shall be suspended for a period beginning on the date the Panelist dies, withdraws or is removed and ending on the date the replacement is selected.

**PLEADINGS**

5. The Objecting Party shall deliver its written submission to the Executive Secretary of NAFO no later than 10 days after the date on which the last Panelist is selected. The Objecting Party shall describe in its submission how the proposal or measure that is subject of the Objection is inconsistent with the provisions of the NAFO Convention or the UNFA Agreement, unjustifiably discriminates in form or in fact against the Objecting Party, or does not adequately take into consideration the provisions of Article XI, paragraphs 3 and 4, of the NAFO Convention with respect to quotas established in the Regulatory Area.
6. The Contesting Party shall deliver its written submission to the Executive Secretary no later than 10 days after the date of delivery of the written submission of the Objecting Party. Each Third Party and non-Party shall deliver its written submission to the Executive Secretary no later than the date on which the submission of the Contesting Party is due.
7. The Executive Secretary shall forward the written submissions immediately upon receipt by the most expeditious means practicable to the other participating Parties and to the members of the Panel.

**HEARING**

8. The Chair shall fix the date and time of the hearing in consultation with the participating Parties and the other members of the Panel.
9. The hearing shall be convened at the headquarters of NAFO, or at such other place as may be agreed by the Contesting and Objecting Parties, no later than thirty days following the formation of the Panel.
10. The hearing shall be conducted by the Panel in the following manner, ensuring that the Objecting Party or Parties and the Contesting Party or Parties are afforded equal time:
  - (i) Argument of the Objecting Party or Parties;
  - (ii) Argument of the Contesting Party or Parties;
  - (iii) Presentation of the Third Party or Parties; and
  - (iv) Presentation of the non-Party or Parties.



**DECISION OF THE PANEL**

11. Upon receipt of the decision of the Panel pursuant to Article X, the Chairman of the General Council, through the Executive Secretary, shall forthwith transmit the decision to all NAFO Contracting Parties. Reasons in writing shall be communicated to the Chairman of the General Council within ninety days of the decision. The Chairman of the General Council shall, through the Executive Secretary, promptly transmit such reasons to all Contracting Parties to the NAFO Convention.

**CLERK**

12. The Executive Secretary of NAFO shall serve as clerk to the Panel and provide for all necessary facilities and arrangements.

**EXPENSES, FEES AND COSTS**

13. The rules regarding expenses and the level of fees for Panelists and experts shall be established by the General Council.

**Annex 5. EU Proposal for a new Article relating to the settlement of  
disputes to be introduced by way of an amendment pursuant to  
Article XXI of the NAFO Convention  
(DSP Working Group W.P. 98/1)**

*Article...*

1. Contracting Parties shall cooperate in order to prevent disputes.
2. The provisions relating to the settlement of disputes set out in Part XV of the United Nations Convention on the Law of the Sea of 10 December 1982 (hereafter referred to as the "1982 UN Convention") or, where a dispute concerns one or more straddling fish stocks, in Part VIII of the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 August 1995 (hereafter referred to as the "1995 UN Agreement") shall apply mutatis mutandis to any dispute between Contracting Parties concerning the interpretation or application of this Convention, whether or not they are also Parties to the 1982 UN Convention or the 1995 UN Agreement.
3. Without prejudice to paragraph 2, any dispute concerning the interpretation or application of a proposal adopted by the Commission pursuant to Article XI of this Convention, or a matter related thereto, shall first be submitted to an ad hoc panel constituted as provided in Annex... to this Convention at the request of a Contracting Party. The panel shall confer with the Contracting Parties concerned and shall endeavour to resolve the dispute expeditiously without recourse to binding procedures for the settlement of disputes. To this end, the panel may make recommendations which it considers appropriate to preserve the respective rights of the Contracting Parties concerned and to prevent damage to the fish stocks in question. Any dispute of this character not so resolved shall, if one of the Contracting Parties concerned so requests, be referred to binding procedures for the settlement of disputes as provided in paragraph 2.
4. Pending the settlement of a dispute referred to in paragraph 3, the parties to the dispute shall apply provisionally any recommendation made by a panel, unless they otherwise agree on arrangements of equivalent effect or one of the parties concerned requests the court or tribunal to which the dispute has been submitted in accordance with paragraph 2 to prescribe any appropriate provisional measure.
5. Any court, tribunal or panel to which a dispute has been submitted under this Article shall apply the relevant provisions of this Convention, of the 1982 UN Convention and, as appropriate, of the 1995 UN Agreement, as well as generally accepted standards for the conservation and management of living marine resources and other rules of international law not incompatible with the 1982 UN Convention, with a view to ensuring the conservation of the fish stocks concerned.

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

1. The Executive Secretary shall establish and maintain a list of experts who are willing and able to serve as panelists. Each Contracting Party shall be entitled to nominate up to five experts whose competence in the legal, scientific or technical aspects of fisheries covered by this Convention is established.
2. A Contracting Party may request, by written notification addressed to the Chairman of the General Council, the establishment of a panel referred to in paragraph 3 of Article... . The notification shall be accompanied by a statement of the claim and the grounds on which it is based. The Chairman of the General Council shall promptly transmit a copy of the request, through the Executive Secretary, to each Contracting Party.
3. The panel shall consist of three members, unless the Parties to the dispute otherwise agree. Within [ ] days of the date of the transmission of the request to the Contracting Parties, the Party instituting proceedings and the other Party shall each select one panelist. Both Parties shall, within a period of [ ] days following the selection of the second panelist, agree on the selection of the third panelist, who shall not be a national of either Party and shall not be of the same nationality as either of the first two panelists. The third panelist shall chair the panel. If the Parties have not reached agreement within the prescribed period on the selection of the third panelist, that panelist shall be selected from the list, at the request of either Party and within [ ] days of the notification of this request, by a joint decision of the Chairman of the General Council and the Chairman of the Fisheries Commission, unless the Parties agree on any other means of selection of the third panelist.
4. Where more than one Contracting Party request the establishment of a panel related to the same subject-matter, a single panel shall be established. In disputes between more than two Contracting Parties, Parties of the same interest shall select one panelist jointly by agreement.
5. Any Contracting Party which is not a Party to the dispute may attend all hearings of the panel, make written and oral submissions to the panel and receive the submissions of each Party to the dispute.
6. On request of a Party to the dispute, or on its own initiative, the panel may seek information and technical advice from any person or body that it deems appropriate, provided that the parties to the dispute so agree.
7. Unless the Parties to the dispute otherwise agree, the panel shall, within [ ] days of the conclusion of the hearing, make its recommendation referred to in paragraph 3 of Article... . The recommendation shall be confined to the subject-matter of the dispute and state the reasons on which it is based. Reasons in writing shall be communicated to the Chairman of the General Council, through the Executive Secretary, within [ ] days of the recommendation.
8. The recommendation of the panel shall be made by a majority of its members, who may not abstain from voting.
9. The General Council shall establish the rules of procedure, ensuring that each Party to the dispute shall be given full opportunity to be heard and to present its case. The panel may adopt such additional rules of procedure as it deems necessary.

10. The rules regarding expenses and the level of fees for panelists shall be established by the General Council.

**Annex 6. Explanatory Memorandum to the EU Proposal**  
(DSP W.G. Working Paper 98/2)

**Broad Strategy to be Considered for a Possible NAFO  
Dispute Settlement Mechanism**

Disputes may arise in situations in which Contracting Parties hold clearly opposite views concerning the question of the performance or non-performance of obligations under the NAFO Convention. Whether there exists a dispute is a matter for objective determination. The mere claim of the existence of a dispute by a Contracting Party does not prove its existence.

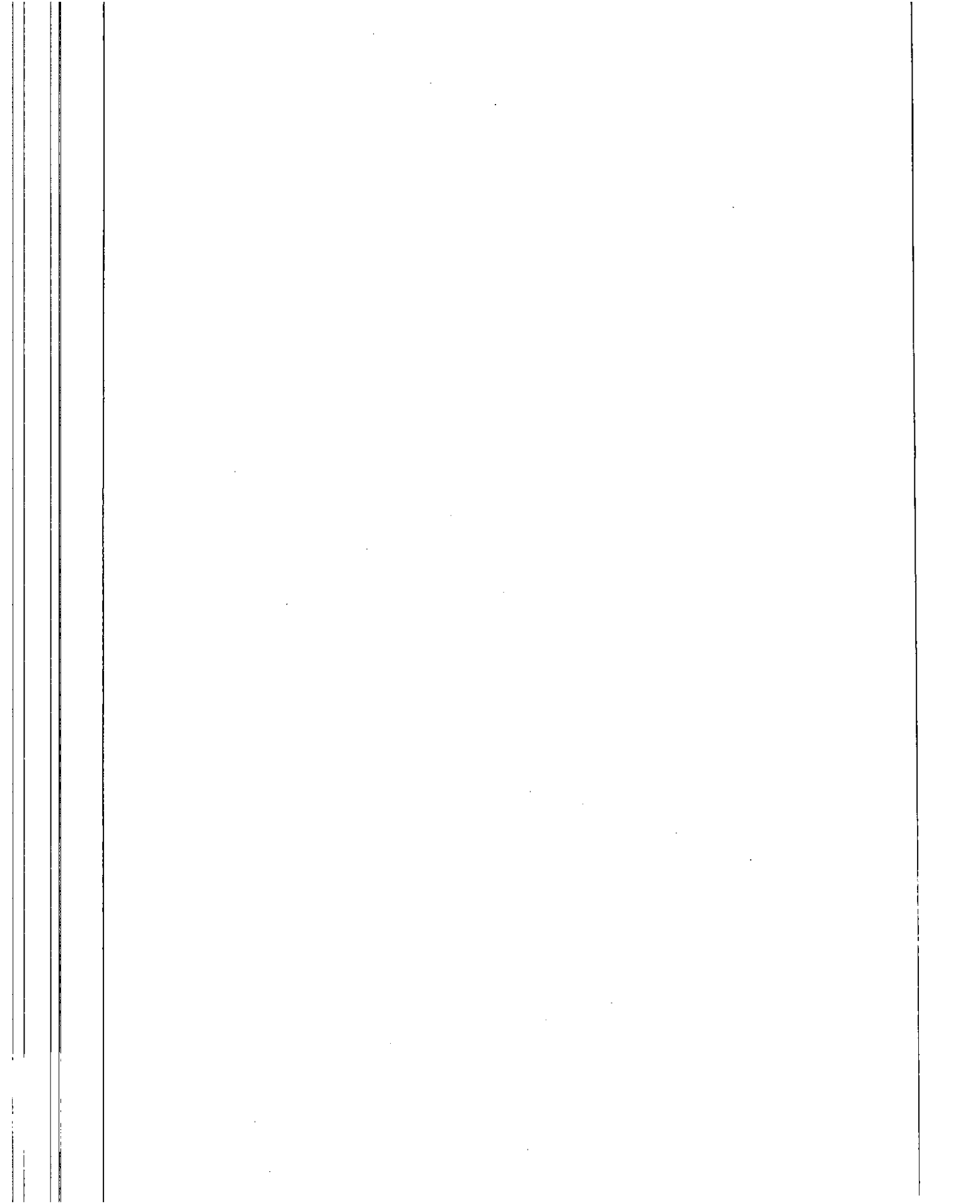
The objection procedure under Article XII of the NAFO Convention grants a Contracting Party a conventional right, the assertion of which cannot be construed as giving rise to a dispute in the proper sense.

A possible NAFO dispute settlement mechanism should cover all kinds of disputes, e.g. disputes concerning the conservation and management of both straddling fish stocks and "discrete stocks", enforcement issues, budgetary matters or rights of membership.

A possible NAFO dispute settlement mechanism could consist of an agreement of the Contracting Parties to apply *mutatis mutandis* the provision relating to the compulsory and binding settlement of disputes set out in Part XV of UNCLOS to any dispute arising within NAFO.

With a view to ensuring a timely dispute settlement mechanism for NAFO, consideration might be given to the incorporation of a pre-trial process through an ad hoc expert panel in order to resolve the dispute expeditiously. The decisions of such a panel, while not binding in nature, could form the basis for renewed consideration by the parties concerned of the matter out of which the dispute arose. If, as the result of this procedure the dispute is not settled, the decisions of the panel could be applied as provisional measures, pending the outcome of a final dispute settlement procedure if the parties concerned wish to pursue the matter through recourse to binding procedures for the settlement of disputes under Part XV of UNCLOS.

A possible NAFO dispute settlement mechanism should be applicable to all Contracting Parties, by way of an amendment pursuant to Article XXI of the NAFO Convention.

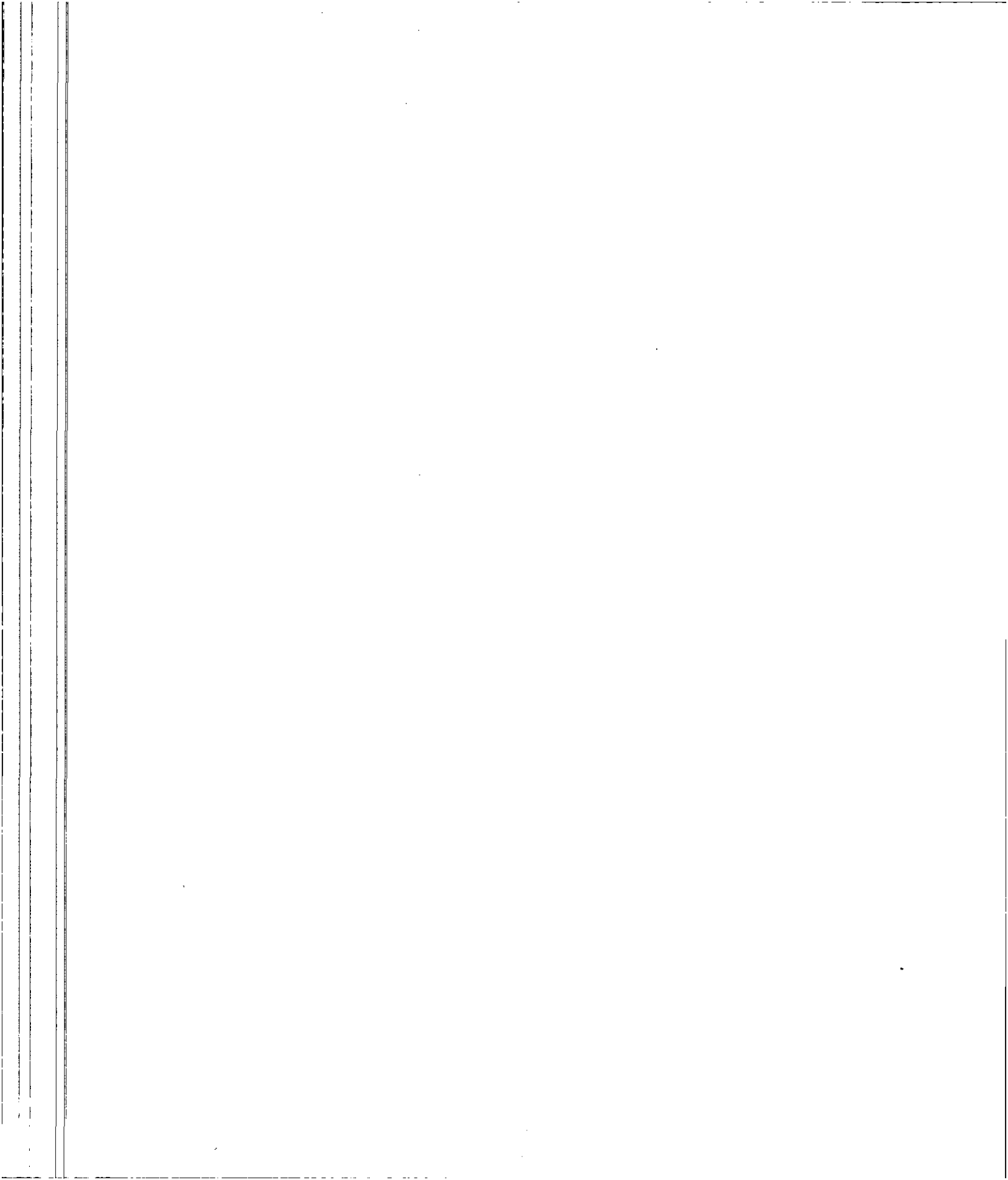


### SECTION III

(pages 55 to 65)

## Report of the Working Group on Precautionary Approach 12-13 May 1998 Copenhagen, Denmark

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**Report of the Working Group on  
Precautionary Approach**  
(FC Doc. 98/2)

**12-13 May 1998  
Copenhagen, Denmark**

The Working Group on Precautionary Approach met at Eigtveds Pakhus Copenhagen Denmark on 12-13 May 1998 to discuss recent activities of the Scientific Council as they pertain to the Precautionary Approach, and the possible implications regarding resources managed by the Fisheries Commission. The meeting was chaired by P. Gullestad (Norway) Chairman of the Fisheries Commission with H.-P. Cornus (EU) Chairman of Scientific Council as co-Chair. Representatives from Canada, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union, Iceland, Japan, Norway, Russia, and United States of America were present (Annex 1).

**1. Opening by the Chairman, P. Gullestad (Norway)**

The Chairman welcomed participants and expressed gratitude to the host Contracting Party (Denmark in respect of the Faroe Islands and Greenland) for the invitation and excellent facilities.

**2. Appointment of Rapporteur**

B. Atkinson and B. Brodie (Canada) were appointed rapporteurs for the meeting.

**3. Adoption of Agenda**

After discussion, it was agreed that Agenda Item #5, originally worded as *Discussion of the Scientific Council Workshop recommendations for their practical implementation* would be changed to read *Discussion of the Scientific Council Workshop recommendations* as it was seen to be premature to consider any possible "practical implementation" at this meeting. After this change, the Agenda was adopted as proposed (Annex 2).

**4. Introduction into the concept of "Precautionary Approach" and Management**

**a) Presentation by the co-Chairman H.-P. Cornus, Chairman of Scientific Council**

H.-P. Cornus gave an abbreviated overview of the information presented to the Fisheries Commission during the September 1997 Annual Meeting. He summarized the characteristics of the Precautionary Approach outlined in the FAO Code of Conduct and the UN Agreement on Straddling and Highly Migratory Fish Stocks. He described the concept of reference points, as well as interpretations of these by Scientific Council as adopted during their June 1997 meeting.

**b) Presentation by the Chairman P. Gullestad, Chairman of the Fisheries Commission**

P. Gullestad summarized how he envisioned the concept of Precautionary Approach as a manager. He considered the concept to not yet be fully defined in that it is still often possible to more easily say what is not precautionary rather than what is. He acknowledged that there is a lot of work in this area internationally, for example in

NAFO and ICES, and stressed that there needs to be co-ordination between these groups. He considered that NAFO must prioritize its activities and narrow its scope.

The areas of priority should be reference points and Harvest Control Rules (HCR's), but it is important to remember trade-offs such as economics when discussing target reference points. He believes that we can be "stupid" but still cautious. There must also be careful consideration of limit and buffer levels of target and by-catch species.

Spawning Stock Biomass (SSB) is perhaps the most important issue at present, and the target should be a sufficiently high SSB so the chance of good recruitment when conditions are right is high.

The Chairman considered that the biggest challenge faced by NAFO is the fact that at present for most stocks the  $SSB < BLIM$ , or  $BLIM < SSB < BBUF$ . Advice is needed from Scientific Council so NAFO is not faced with repeated openings and closings over the coming years. In addition there must be consideration of interactions among competing species, in particular by-catch species.

Considerable discussion followed. Delegates were appreciative of both presentations, and agreed it is important to provide feedback to Scientific Council prior to the June 1998 meeting. A number of different perspectives were put forward by delegates. It was noted that a lack of information should not be a reason to not use the Precautionary Approach and that the information gap should be closed as appropriate. The potential role of buffer points was emphasized in that they provide warnings before we get to the limit points. It was agreed that where buffer points are reached, remedial actions would be taken but that this may not necessarily imply automatic closures of fisheries. It was suggested that the Precautionary Approach cannot mean conservation at any cost; economic and social aspects need to be considered. It was also noted that although discussion had focussed on reference points and Harvest Control Rules, there were other possible precautionary measures such as closed areas, fish size restrictions, gear regulations and effort controls which may also be implemented. The Working Group agreed that in addition to development and implementation of Harvest Control Rules and reference points, other management tools and concepts need to be identified to enable the wide application of the Precautionary Approach within NAFO.

All delegates emphasized the importance of continued separation of the roles of science and management. For example, science should provide managers with explicit expressions of uncertainty associated with the determination of buffer reference points. The importance of consistent terminology between, for example, NAFO and ICES was also stressed.

#### **5. Discussion of Scientific Council Workshop Recommendations**

The co-Chairman H.-P. Cornus presented a summary of the results of the March 1998 Scientific Council Workshop on the Precautionary Approach. He indicated that it still needs approval of Scientific Council and this will take place during the June 1998 Meeting. The requirement for this approval is the reason there are no specific recommendations included in the report at present.

Delegates thanked the Chairman of Scientific Council for the report and discussed various aspects of it. Again the issue of respective roles of scientists and managers was raised and discussed (see item following). It was considered that some specific examples of Harvest Control Rules are needed in order to better understand the meaning of this concept although these are ultimately the

domain of managers. Also, we must be careful not to be too rigid because it is important that industry and fishermen “buy into” the concepts.

## **6. Discussion of the Contracting Parties’ Presentations on the Possible Management Actions of Precautionary Approach Regarding Their National Experience**

Various Contracting Parties summarized current activities in relation to the Precautionary Approach. The activities included both national and international interactions. Some important perspectives common to all activities included open and transparent discussions, other considerations beyond reference points (closed areas, mesh sizes, landing sizes, fleet capacity, etc.), pre-established control rules, and flexibility to encourage support from fishermen.

## **7. Presentation of Possible Management Actions and/or Management Options for the Stocks in the NAFO Regulatory Area (from the Scientific Council Workshop in March 1998)**

### **a) Relations between management objectives and advice on precautionary approach**

The Working Group was not in a position to discuss specifically possible management actions or the relationships between management objectives and advice during the meeting. Nonetheless, the Working Group considered it important to clarify the respective roles of scientists and managers in the process of implementation of the Precautionary Approach. Therefore the respective roles were discussed and are tabulated in Annex 3.

## **8. Recommendations to the Fisheries Commission**

The Working Group on Precautionary Approach would like to express its gratitude to the Scientific Council Workshop for producing the Report on the Precautionary Approach to Fisheries Management (NAFO SCS Doc.98/1).

Taking into account the broad range of issues relevant for the Precautionary Approach, it is a difficult task to recommend a limitation of future work on the concept. However, taking the Report of the Scientific Council Workshop as a point of departure, the Working Group on Precautionary Approach recommends to the Fishery Commission that priority for the Scientific Council be given to the following issues:

- Standardisation of concepts/nomenclature/abbreviations/definitions between ICES, NAFO and FAO as appropriate.
- Estimation of limit reference points
  - Biomass, specifically Blim and Bbuf
  - Fishing mortality, specifically Flim and Fbuf
- Calculate limit reference points and security margins which offer a high probability of not approaching established limit reference points
- Give the information as reflected in Figure 14a and 15 of the Workshop Report for as many stocks as possible.
- Review the Harvest Control Rule (HCR) concept provided by the Scientific Council Precautionary Approach Framework (SCS Doc 97/12, Scientific Council Report 1997, page 35), considering the respective responsibilities of scientists and managers.
- Give additional examples of reopening simulations for 3LNO American Plaice.

- Continuation of this Working Group as an instrument for a dialogue with the Scientific Council.

#### **9. Other Matters**

There were no other matters raised during the meeting

#### **10. Adoption of Report**

The report was adopted after minor modifications by the Working Group.

#### **11. Adjournment**

The Chair and co-Chair expressed their gratitude to all participants for making the meeting a success. Gratitude was extended to the NAFO Secretariat for their assistance during the meeting. There being no further business, the meeting was adjourned at 1325 hrs on May 13.

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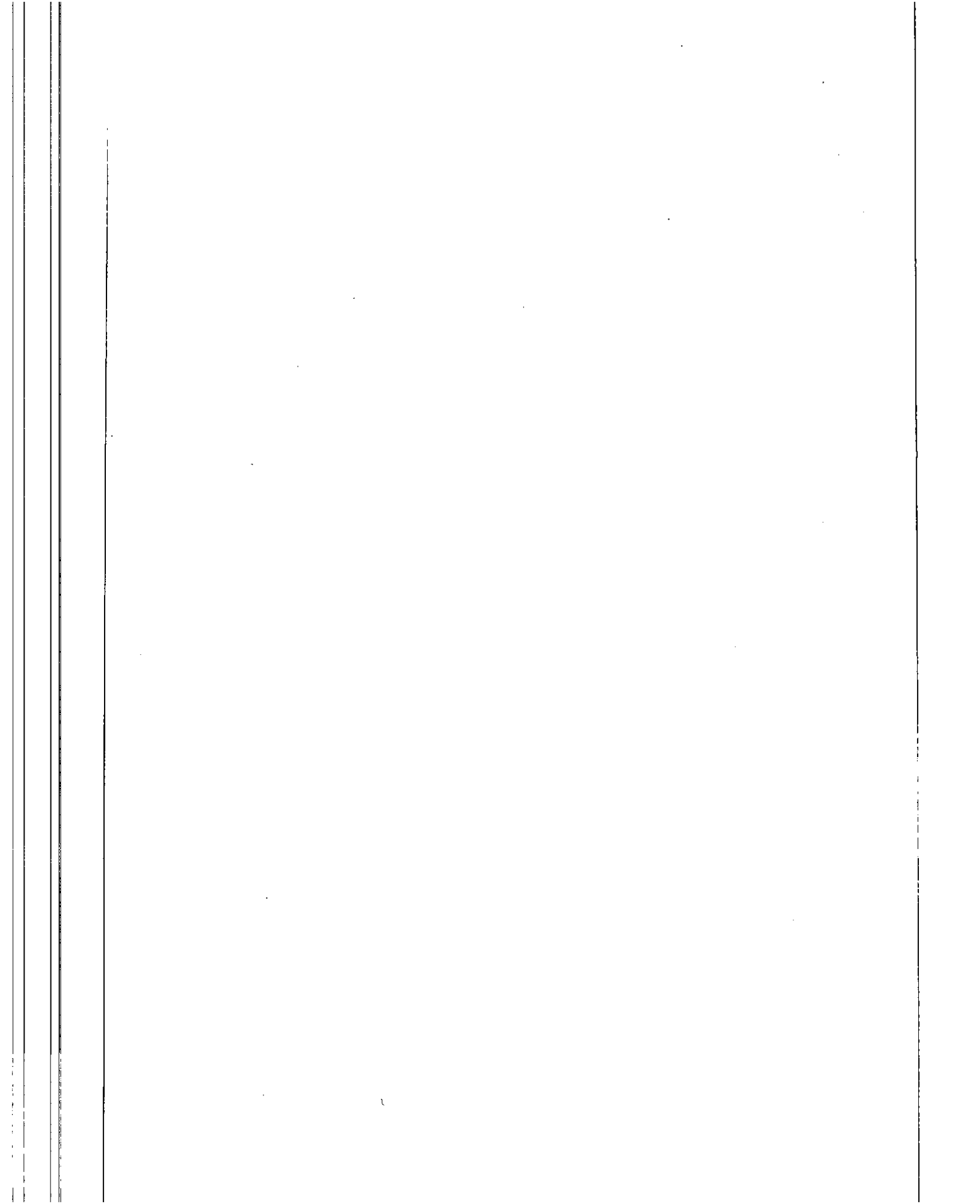
**Annex 2. Agenda**

1. Opening by the Chairman, P. Gullestad (Norway)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Introduction into the concept of "Precautionary Approach" and management:
  - a) Presentation by the Chairman P.Gullestad, Chairman of the Fisheries Commission
  - b) Presentation by the Co-Chairman, H.-P. Cornus, Chairman of the Scientific Council
5. Discussion of the Scientific Council Workshop recommendations
6. Discussion of the Contracting Parties' presentations on the possible management actions of precautionary approach regarding their national experience
7. Presentation of possible management actions and/or management options for the stocks in the NAFO Regulatory Area (from the Scientific Council Workshop in March 1998)
  - a) Relations between management objectives and advice on precautionary approach
8. Recommendations to the Fisheries Commission
9. Other matters
10. Adoption of Report
11. Adjournment



**Annex 3. Roles of Scientists and Fisheries Managers  
in Relation to the Precautionary Approach**

Scientific Council	Fisheries Commission
<ol style="list-style-type: none"> <li>1. Determine status of stocks.</li> <li>2. Classify stock status with respect to biomass/fishing mortality zones.</li> <li>3. Calculate limit reference points and security margins.</li> <li>4. Describe and characterize uncertainty associated with current and projected stock status with respect to reference points.</li> <li>5. Conduct risk assessments.</li> </ol>	<ol style="list-style-type: none"> <li>1. Specify management objectives, select target reference points, and set limit reference points.</li> <li>2. Specify management strategies (courses of actions) for biomass/fishing mortality zones.</li> <li>3. Specify time horizons for stock rebuilding and for fishing mortality adjustments to ensure stock recovery and/or avoid stock collapse.</li> <li>4. Specify acceptable levels of risk to be used in evaluating possible consequences of management actions.</li> </ol>

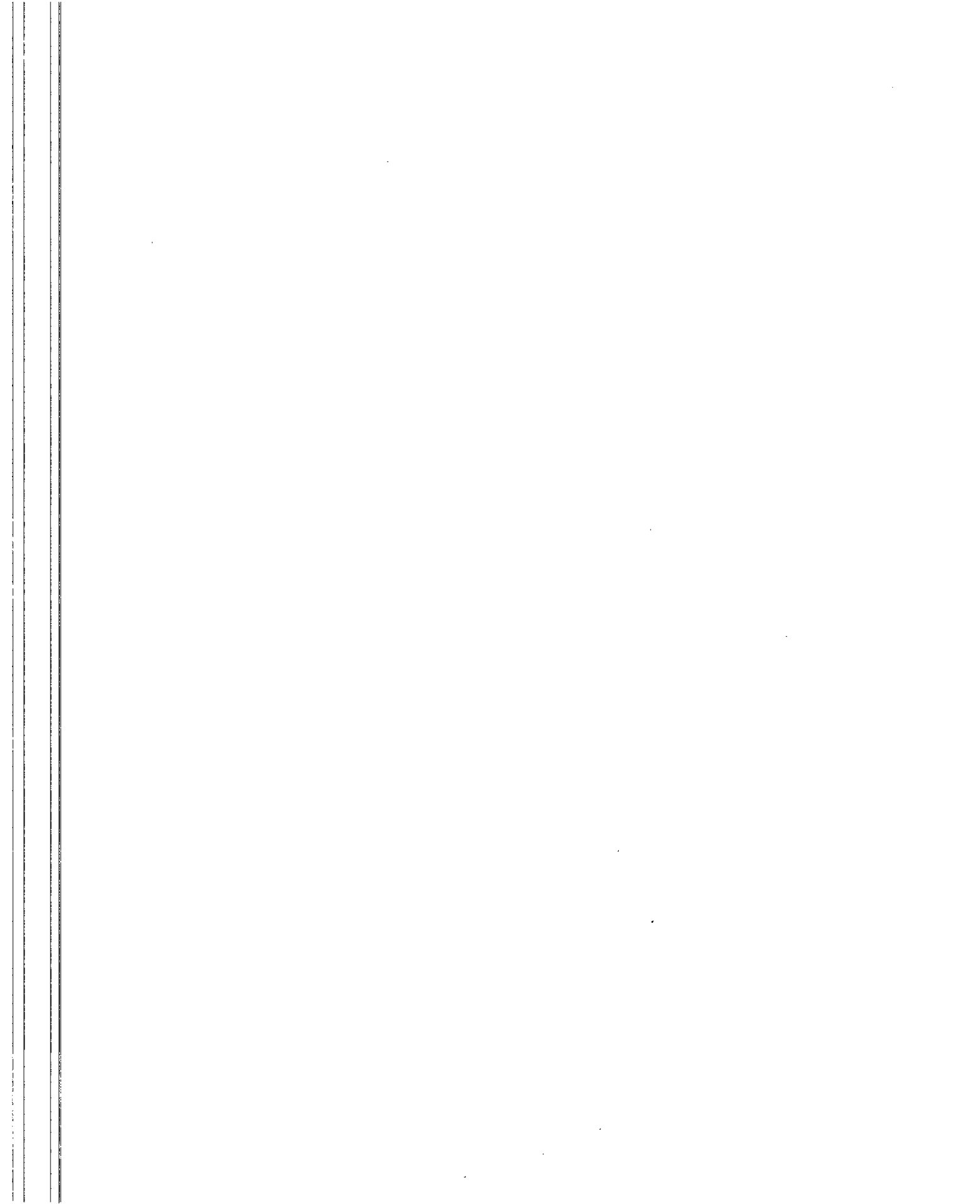


**SECTION IV**

(pages 67 to 84)

**Report of the Standing Committee on  
International Control (STACTIC)  
14-15 May 1998  
Copenhagen, Denmark**

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**Report of the Standing Committee on  
International Control (STACTIC)**  
(FC Doc. 98/3)

**14-15 May 1998  
Copenhagen, Denmark**

**1. Opening of Meeting**

The Chairman, D. Bevan (Canada) opened the meeting at 0930 on 14 May 1998. Representatives from the following Contracting Parties were present: Canada, Denmark (in respect of the Faroe Islands and Greenland), Estonia, the European Union (EU), Iceland, Japan, Norway, Russia and the United States (Annex 1).

**2. Appointment of Rapporteur**

Paul Steele (Canada) was appointed Rapporteur.

**3. Adoption of Agenda**

The agenda was adopted as attached (Annex 2).

**4. Review of Reports on the Pilot Project for Observers and Satellite Tracking**

The Chairman invited the Contracting Parties to provide any relevant updates of the reports that they had submitted at the June, 1997 STACTIC meeting in Copenhagen. Written reports were submitted by Canada (STACTIC Working Paper 98/1), Japan (98/2), the United States (98/3), Denmark, in respect of the Faroe Islands (98/4) and the European Union (98/5 and 98/6). Estonia gave an oral report to update the written report submitted by Estonia in 1997 (STACTIC Working Paper 97/17). In his oral report the representative from Estonia indicated that the data captured by Estonian observers has been computerized and is now available for the use of scientists. He also noted that all Estonian observer reports are being sent to the NAFO Secretariat.

The representative from Canada pointed out that Part VI.3.d of the NAFO Conservation and Enforcement Measures requires Contracting Parties to submit all observer reports to the NAFO Secretariat. He noted that not all Contracting Parties are currently complying with this obligation.

The representative from the European Union pointed out that, even though some Contracting Parties have submitted updated reports on the implementation of the pilot project, there continues to be a lack of clarity regarding certain issues. Specifically, the European Union representative listed the following questions which he asked each Contracting Party to address:

1. Who employs the observers, i.e. do they meet the requirements regarding independence and impartiality?
2. Is the 100% coverage requirement being adhered to?
3. Are all observer reports submitted to the NAFO Secretariat?
4. Are the observer reports available to scientists, and to what extent do they make use of the reports?
5. Are hailing requirements still being adhered to by all vessels, or are hails no longer required for vessels covered by satellite tracking?

6. Is satellite tracking data now being used to control fishing activity, e.g. to control effort days in the shrimp fishery?

Representatives from Denmark (in respect of the Faroe Islands and Greenland), Norway, Canada, Japan, Estonia, EU and Iceland responded orally to the questions. A summary of the responses is attached as Annex 3.

The Chairman asked that reports on implementation of the pilot project be submitted by all Contracting Parties who were not in attendance at this meeting, as well as by any other Contracting Parties which have not yet submitted written reports. He also asked that all Contracting Parties not in attendance submit written responses to the six questions posed by the European Union representative. Those Contracting Parties in attendance who had not provided complete answers for all six questions were asked to do so, in writing, to the NAFO Secretariat as soon as possible.

The representative for the Executive Secretary pointed out that the NAFO Secretariat has not been receiving notification from Contracting Parties regarding the names of vessels which will be equipped with satellite tracking devices while fishing in the Regulatory Area (such notification is required under Part III.E.4 of the Conservation and Enforcement Measures). The Chairman asked that all Contracting Parties provide this information to the Secretariat in the future.

### **5. Evaluation of the Pilot Project**

The Chairman requested comments on how to best proceed with the evaluation of the pilot project in comparison to the traditional means of control. The representative from Denmark pointed out that Contracting Parties had completed the evaluation framework document, which was developed at the June 1997 meeting, in different ways. He noted that this makes it difficult to analyze the results, and therefore Contracting Parties should attempt to agree on a uniform approach to completing the evaluation form.

The representative from Iceland expressed reservations about the using the evaluation framework, as he felt it was too restrictive in that it does not allow for comments and explanations of why some criteria are not applicable in certain fisheries.

After considerable discussion it was agreed that Contracting Parties would revise their individual evaluation framework tables, using a consistent methodology adopted by the committee, and that these individual reports would then be rolled up to produce a single evaluation framework table which could be submitted to the Fisheries Commission at the annual meeting in September, 1998. This approach was adopted on the understanding that the table is indicative and does not pre-judge the weights to be attached to individual elements, that Contracting Parties would be able to add footnotes to explain and elaborate on the information in the table, and that the written evaluation reports previously submitted by Contracting Parties would still stand. Furthermore, the qualifications high, medium and low should not be taken to indicate whether schemes are insufficient or sufficient. The summary table adopted by the committee is attached as Annex 4.

It was also agreed that a composite table would be developed to provide an overall summary of costs involved in delivering the three surveillance options, i.e. observer coverage, satellite tracking and traditional enforcement methods. This summary table is attached as Annex 5. During the discussion that followed, the Canadian and EU representatives noted the fact that the costs associated with the traditional surveillance methods are very high in comparison to the costs for satellite tracking and observer coverage. Canada also noted that NAFO membership comes not only with privileges but also with responsibilities.

The Chairman requested that Contracting Parties review the costing data and provide any corrections or other relevant information to the NAFO Secretariat as soon as possible. He also reminded Contracting Parties that, in order to maintain consistency, all cost data should be for the 1996 fishing year. The Chairman also asked that 1997 cost data be submitted to the Secretariat.

The Chairman also asked the Contracting Parties to provide the NAFO Secretariat with information with respect to fishing effort as per the table entitled Surveillance Results, 1992-1997 (Annex 6). The NAFO Secretariat will prepare a summary table based on the data received from Contracting Parties and the data held by the Secretariat on apparent infringements. The results will be finalized together with the data on the number of fishing days and patrol days in the Regulatory Area. The Executive Secretary will have to use his judgement in assigning the apparent infringements to the categories listed in the table.

#### **6. Possible Amendments to Improve the Current Scheme (to be considered at the 20th Annual Meeting of NAFO)**

The representative from the European Union pointed out that the future of the pilot project must be decided at the NAFO annual meeting in September 1998, and it will be important for all Contracting Parties to clearly make their positions known well in advance of the meeting. He indicated that if any Contracting Parties are not in favour of continuing the pilot project, they should submit alternative proposals to the NAFO Secretariat as soon as possible, so that other Contracting Parties will have an opportunity to fully consider the proposals before the annual meeting.

This approach was accepted by the Committee. The Chairman suggested that Contracting Parties wishing to propose changes to the pilot project should submit detailed proposals to the NAFO Secretariat by August 15, 1998.

The representative from the United States advised that they would be submitting a proposal regarding transshipments and inspections of Non-Contracting Party vessels.

The representative from Iceland noted that work is being done by the NEAFC with regard to data availability and transmission of catch data from vessels at sea. Iceland intends to propose similar improvements to the NAFO control scheme. Iceland will also want to discuss possible options to reduce the costs involved with the current pilot project. He indicated that Iceland will propose that satellite tracking coverage be increased from 35% to 100%, and that consideration be given to reducing the observer coverage requirements if improvements can be made in other areas such as data availability and data transfer.

The Canadian representative expressed strong support for the continuation of 100% observer coverage. He also agreed with the European Union regarding the need for clear position statements from all Contracting Parties regarding the future of the pilot project.

The representative from the European Union indicated that, although they have not yet developed a final position, the European Union will likely propose that all vessels fishing in the Regulatory Area be subject to satellite tracking by January 1, 2000. He also noted that the observer program has brought about improved compliance and should not be reduced from the 100% level at this time.

The representative from Russia noted that observer coverage is a very expensive element of the enforcement scheme, and that if Contracting Parties wish to reduce costs, the need for 100% coverage should be reviewed.

### **7. Consideration of means of allowing scientists access to and the use of data collected by observers under a permanent scheme**

The representative from the European Union pointed out that there seems to be a lack of communication between STACTIC and the Scientific Council regarding the type of observer data needed by scientists and the best methods for transmitting the data to them. Although there is general agreement that the best possible use should be made of the information gathered by observers, it appears that this may not always be the case, as observer data is sometimes not brought forward for consideration by the Scientific Council.

It was agreed that further clarification is required from the Scientific Council regarding their data requirements in relation to NAFO observer programs. It was suggested that the Scientific Council should be asked to develop a protocol which would give guidance as to how observer data should be collected, the volume and type of data required, and harmonized sampling procedures. Such a protocol would also help to bring some consistency to the manner in which Contracting Parties carry out their observer programs in the Regulatory Area.

It was agreed that the best approach to advancing this issue would be to propose a joint meeting of STACTIC and the Scientific Council during the week of the annual NAFO meetings in September, 1998. If the Chairman of the Scientific Council agrees, a short meeting will be scheduled at a mutually convenient time during that week.

The European Union representative offered to work with the European Union scientists to develop a draft protocol which can be used as a discussion document at the September meeting.

### **8. Other Business**

The representative of the Executive Secretary reminded Contracting Parties that a commitment was made at the September, 1997 STACTIC meeting that Contracting Parties would exchange data on discards prior to the May, 1998 meeting (please see STACTIC Report, item 8(a)). To date, only Canada and Norway have supplied the requested data. All other Contracting Parties were asked to forward their data to the NAFO Secretariat as soon as possible.

The representative from Iceland asked about the status regarding the implementation of the recommendations from the report produced in 1997 by the STACTIC Working Group on Satellite Tracking (STACTIC Working Paper 97/15). The representative from the European Union explained that while the Fisheries Commission has accepted submission of the report, it has not yet gone through a formal approval process, which would include a mail vote. The representative from Iceland stated that there is a need to continue the work begun by this working group. The representative of the Executive Secretary reported that two service providers had been asked to provide estimates on the work that would be required to enable the NAFO Secretariat to handle satellite tracking and hail reports on a real time basis. In-house networking and a mainframe computer have been installed at the Secretariat.

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

A draft report was reviewed by the meeting and comments presented by delegates. The Chairman requested the Secretariat to circulate the amended report by mail to Heads of Delegations present at the meeting for adoption.



### **10. Adjournment**

The delegate of Canada expressed gratitude to the Greenland Home Rule for providing the fine meeting facilities as well as the luncheon served. This was applauded by all delegates. The meeting was adjourned at 1500 hrs on Friday, 15 May 1998.

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## Annex 2. Agenda

1. Opening Remarks and Introductions
2. Appointment of the Rapporteur
3. Adoption of the Agenda
4. Review of reports on the Pilot Project for Observers and Satellite Tracking
  - Outstanding reports on the implementation of the Pilot Project for Observers
  - Update of reports on the implementation of the Pilot Project for Satellite Tracking
5. Evaluation of the Pilot Project for Observers and Satellite Tracking
6. Possible amendments to improve the current scheme, and which may reduce cost without compromising conservation and enforcement effectiveness, to be considered at the 20<sup>th</sup> Annual Meeting of NAFO with a view to implementing such a scheme on a permanent basis effective January 1, 1999.
7. Consideration of means of allowing scientists access to and the use of data collected by observers under a permanent scheme
8. Other business
9. Adoption of the Report
10. Adjournment

### **Annex 3. Contracting Party Responses to Questions Regarding the Pilot Project**

#### **Questions:**

1. Who employs the observers, i.e. do they meet the requirements regarding independence and impartiality?
2. Is the 100% coverage requirement being adhered to? (Is it prohibited to fish without an observer?)
3. Are all observer reports submitted to the NAFO Secretariat?
4. Are the observer reports available to scientists, and to what extent do they make use of the reports?
5. Are hailing requirements still being adhered to by all vessels, or are hails no longer required for vessels covered by satellite tracking?
6. Is satellite tracking data now being used to control fishing activity, e.g. to control effort days in the shrimp fishery?

#### **Denmark (in respect of Greenland)**

1. The observers are government employees.
2. Observer coverage is required at all times in the Regulatory Area.
3. All observer reports are sent to the NAFO Secretariat.
4. Observer reports are made available to scientists.
5. Greenland does not have a satellite tracking program for vessels fishing in the Regulatory Area.

#### **Norway**

1. The observers are supplied by a Canadian company.
2. Observer coverage is required at all times in the Regulatory Area.
3. All reports are sent to the NAFO Secretariat.
4. Observer data is used by scientists.
5. Satellite tracking is now used instead of the hail system.
6. Satellite tracking is used for control of fishing effort.

#### **Canada**

1. Observers are supplied by a private sector company.
2. Observer coverage is required at all times in the Regulatory Area.
3. All reports are sent to the NAFO Secretariat.
4. Observer reports are made available to the scientists.
5. All Canadian vessels are still required to submit hail reports.

#### **Estonia**

1. The observers are government employees.
2. The 100% observer coverage is adhered to by Estonian fishing vessels.
3. All reports are sent to the NAFO Secretariat.
4. The information is not yet used by scientists.
5. Satellite tracking could be used to replace hail reports.
6. Satellite tracking is used to monitor vessels' activities in the NRA.

**Iceland**

1. The observers are government employees.
2. Observer coverage is required at all times in the Regulatory Area and fishing is prohibited without an observer on board.
3. Not sure whether reports are submitted to the Secretariat; will check on this point.
4. Observer reports are used by scientists.
5. Satellite tracking has not replaced the hail system.

**Denmark (in respect of Faroe Islands)**

1. The observers are government employees and are certified by the government.
2. They are required 100% of the time.
3. Reports are not sent to the NAFO Secretariat.
4. The information is made available to scientists.
5. Satellite tracking has not replaced the hail requirements.
6. Satellite tracking is not used to control fishing effort.

**Japan**

1. The observers are trained by the Japanese Government and are Government employees.
6. Japan has not implemented a satellite tracking system.

**European Union**

1. Observers are contracted from private sector companies.
2. There is 100% coverage at all times in the Regulatory Area. Fishing is prohibited unless an observer is on board the vessel.
3. All observer reports are sent to the NAFO Secretariat.
4. All reports are supplied to scientists of the EU flag states.
5. EU will soon be advising the NAFO Secretariat that EU vessels equipped with satellite devices will be submitting hails through satellite transmission.
6. Satellite tracking is used for monitoring purposes.

Annex 4. Evaluation Framework Summary Table

Management Measures	Pilot Project Compliance Measures										Traditional methods of control (*)				
	Satellite Tracking					Observer Scheme									
	Relevance		Efficacy/Efficiency			Relevance		Efficacy/Efficiency			Relevance		Efficacy/Efficiency		
	YES	NO	H	M	L	YES	NO	H	M	L	YES	NO	H	M	L
<b>Fishing location</b>	Y		H			Y		H			Y		H		
<b>Fishing activities</b>															
No. of operation	Y		No Consensus			Y		H			Y				L
Time in the area	Y		H			Y		H			Y		H		
Fishing Time	Y			M		Y		H			Y				L
Gear used		N				Y		H			Y			M	
<b>Catch retained</b>															
By species		N				Y		H			Y		No Consensus		
By live weight		N				Y		H			Y			M	
<b>Discards</b>															
Juveniles		N				Y		H			Y				L
By-catches		N				Y		H			Y				L
High-grading		N				Y		H			Y				L
<b>Processing</b>															
By species		N				Y		H			Y			M	
By presentation		N				Y		H			Y			M	
By production weight		N				Y		H			Y			M	
<b>Landing/Transshipment</b>															
Port/Location	Y		H			Y		H			Y		H		
Quantities Landed		N					N				Y		H		

Efficiency/Efficacy – H(High), M(Medium), L(Low)

\*Traditional means: fishing and processing logbook, landing/transshipment declaration, sightings and inspections at sea (either by vessel or aircraft), hail-system and communication of catches, single mesh size, inspection ashore, etc.

1. Bolded ratings reflect consensus view, subject to explanatory notes.
2. Shaded areas reflect no consensus on efficiency/efficacy.

No. of operations (satellite tracking) - Efficiency/efficacy dependant on number and frequency of transmissions.

Catch retained by species (traditional) - Efficiency/efficacy subject to level of surveillance and fishery (shrimp versus multiple species).



Explanatory Notes

<u>Management Measure</u>	<u>Contracting Party</u>	<u>Note</u>
Catches retained on board	Denmark (Faroes & Greenland)	Observers assumed 100% effective.
No. of Operations	European Union	Satellite Tracking – Moderate, depending on number of positions per day.
Gear Used	European Union	Includes mesh size and sorting grid.
	Canada	Traditional – High during inspections.
Discards	European Union	Evaluation of discards goes beyond simple enforcement effectiveness.
Landing/Transshipments	EU/Norway	No transshipments observed.
Port/Location	EU	Observer-High, but not included in observer duties.
Efficiency/Efficacy (Observer)	Iceland	Overall – Not in terms of cost efficiency.
		Fishing location – High, in respect of accuracy but this is not real time location so it will not support inspection control.
		Juveniles – Not relevant for shrimp fishery.
Efficiency/Efficacy (Satellite)	Iceland	By-catches, high-grading and Processing by species – High, but not significant issue in shrimp fishery.
		All fishing activities (excluding gear used) – High, but due to low coverage, potential efficiency does not equal actual efficiency.
		Fishing time – High, can be obtained by calculation of vessel speed, although variable or lower speed may not necessarily indicate fishing.

Efficiency/Efficacy (Traditional)	Iceland	May be improved through enhanced use of electronic data exchange.
	Canada	Dependent on level of surveillance by platform type (aircraft, patrol vessel, dockside monitoring).
Overall	Iceland, Norway Denmark (Faroes & Greenland)	Evaluation based on experience in the shrimp the shrimp fishery only.

**Annex 5. Estimated Cost of Surveillance - NAFO Regulatory Area**  
**(Based on 1996 information)**  
 (in Canadian dollars)

CONTRACTING PARTY	Secretariat	Norway	Deni(Gr/Ind)	Canada	Latvia	USA	Deni(Far)	Japan	Estonia	Iceland	EU	Russia	Total	Average
Reference Documents	97/4	97/1,97/2	97/3,97/25	97/6,97/32	97/12	97/29	98/4	97/16	97/17	97/19	97/33,97/34			
<b>Satellite Tracking Technology</b>														
Capital	\$ 21,000	\$ 100,000			\$12,000	\$70,000	\$ 22,000		\$ 24,000	\$ 200,000			\$ 449,000	
Operating Costs	\$ 6,000	\$ 20,000		\$ 150,000	\$ 4,000	\$20,000	\$ 1,000		\$ 8,000	\$ 24,000	\$ 500,000		\$ 733,000	
Operations Center							\$ 20,000						\$ 20,000	
Other	\$ 5,000				\$ 2,000				\$ 3,000				\$ 10,000	
<b>Observer Coverage</b>														
Operating Costs(\$/sea day)		\$ 400	\$ 388	\$ 350	\$ 350	\$ 352	\$ 200	\$ 530	\$ 350	\$ 318	\$ 320		\$ 3,558	\$ 356
<b>Traditional Surveillance</b>														
Vessels				\$ 3,600,000							\$ 1,400,000		\$ 5,000,000	
Aircraft				\$ 5,500,000									\$ 5,500,000	
Administration				\$ 1,500,000							\$ 150,000		\$ 1,650,000	
Total Inspections				278							97		375	
Cost/Inspection				\$ 19,000							\$ 24,000		\$ 63,000	\$ 13,000
Number of Vessels (WG WP 98/4)		15	6	8	3		15	2	6	39	47		141	
Number of observer and fishing days (WP 97/21)		1550	172	179	171		1883	320	1085	5984	7678		19002	
<b>Total costs</b>														
Satellite Technology														
One Time	\$ 21,000	\$ 100,000			\$12,000	\$70,000	\$ 22,000		\$ 24,000	\$ 200,000			\$ 449,000	
Annual	\$ 11,000	\$ 20,000		\$ 150,000	\$ 6,000	\$20,000	\$ 21,000		\$ 11,000	\$ 24,000	\$ 500,000		\$ 763,000	
Observer Coverage	\$ 606,000	\$ 606,000	\$ 67,000	\$ 63,000	\$60,000	\$ 377,000	\$171,000		\$390,000	\$1,696,000	\$2,456,000		\$ 6,076,000	\$ 320
Traditional Surveillance				\$10,800,000							\$2,350,000		\$13,150,000	\$ 692

1. Costs for NAFO Secretariat based on satellite technology at headquarters
2. Some Contracting Parties exceeded the 35% satellite requirement
3. Fishing days for some Contracting Parties decreased in 1997
4. Canadian vessel surveillance excludes military vessel support (estimated at \$5.0M)

## Annex 6. Surveillance Results, 1992-1997

## Fishing Effort

Year	1992	1993	1994	1995	1996	1997
Number of Vessels						
Number of Days						

## Patrol Activity

Year	1992	1993	1994	1995	1996	1997
Sea-days						
Inspections						

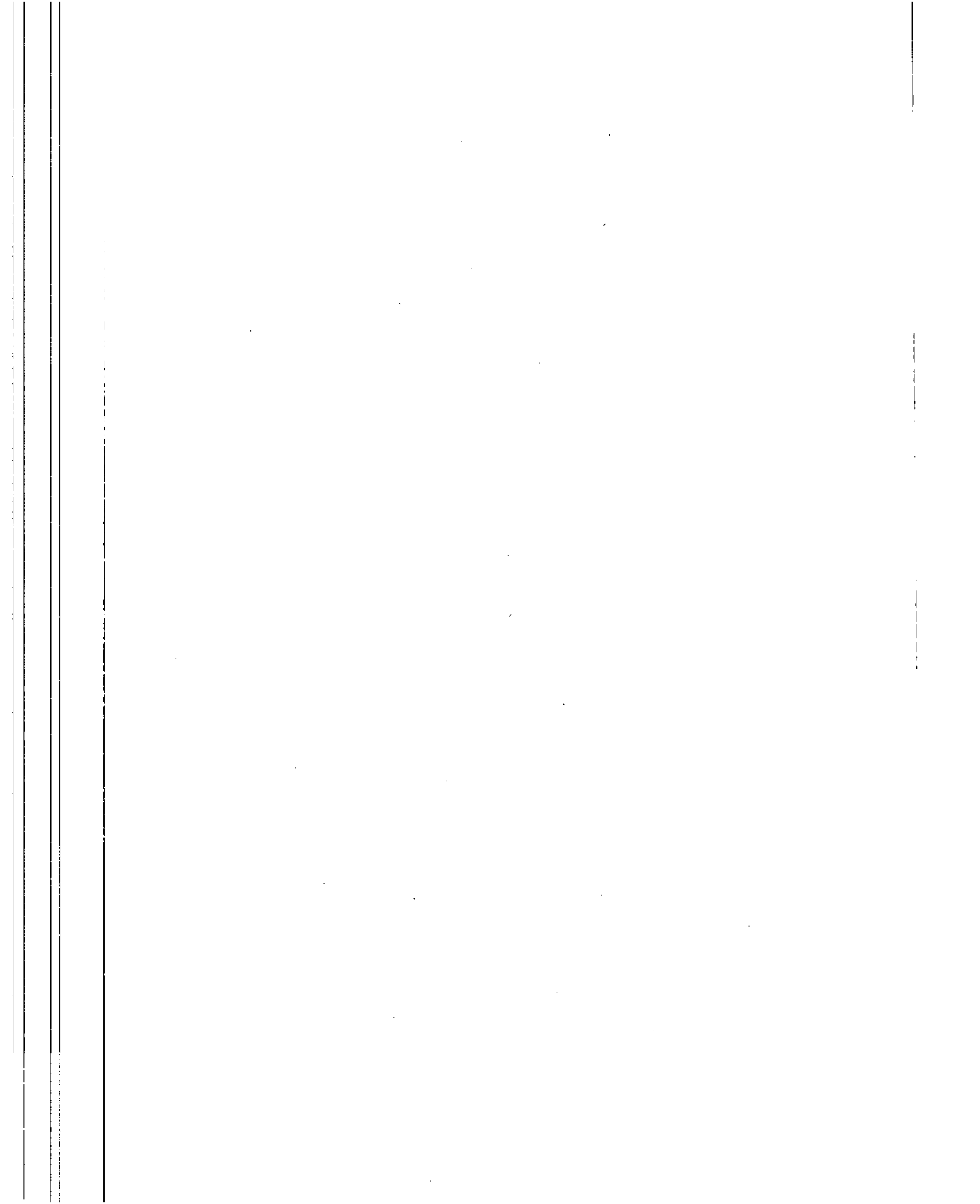
## Apparent Infringements

Year	1992	1993	1994	1995	1996	1997
<b>Fishing location</b>						
<b>Fishing activities</b>						
No. of operation						
Time in the area						
Fishing time						
Gear used						
<b>Catch retained</b>						
By species						
By live weight						
<b>Discards</b>						
Juveniles						
By-catches						
High-grading						
<b>Processing</b>						
By species						
By presentation						
By production weight						
<b>Landing/Transshipment</b>						
Port/Location						
Quantities landed						

**SECTION V**  
(pages 85 to 98)

**Report of the Working Group  
on Transparency  
27-29 May 1998  
Washington, D.C., USA**

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## **Report of the Working Group on Transparency**

(GC Doc. 98/3)

**27-29 May 1998**

**Washington, D.C., USA**

### **1. Opening by the Chairman**

The Chairman, D. Swanson (USA), opened the meeting and welcomed delegates to Washington, D.C. Representatives from the following Contracting Parties were present: Canada, Denmark (in respect of the Faroe Islands and Greenland), European Union, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Norway, Poland, Russia and the United States (Annex 1).

Opening remarks were made by the representatives of the USA, Canada, Iceland, Denmark (in respect of Faroe Islands and Greenland), European Union, France (in respect of St. Pierre et Miquelon), Japan, Norway, Korea, Russian Federation and Poland.

### **2. Appointment of Rapporteur**

P. Moran (USA) was appointed Rapporteur.

### **3. Adoption of Agenda**

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

### **4. Presentation of Papers by Delegates for Discussion**

The Chairman reviewed the papers which had been circulated long in advance of the Meeting. In addition, there were three new papers by Denmark (in respect of Faroe Islands and Greenland) and one from the United States. The primary papers (Transparency W.G. Working Paper 98/1 and 98/2) dealing with the work of this Working Group are attached as Annexes 3 and 4. After considering both primary papers, it was agreed that the Meeting should move point by point through the issues using the agenda as a guide to discussion.

### **5. Consideration of Concrete Requirements and Rules for Participation of Observers at NAFO Meetings**

#### **a) (i) Intergovernmental Organization and Non-member Government Observers**

Regarding this agenda item, it was agreed that discussion would be deferred until the Working Group had focused on agenda item 5(a)(ii). This discussion is reflected in the body of the Chairman's Paper (Annex 5).

#### **(ii) Non-Governmental Organizations**

The Working Group discussed issues relating to eligibility, selection, participation, costs and other provisions regarding NGO's. Many different views were expressed on these topics by the delegates. This discussion is reflected in the Chairman's Paper.

- b) Other access to and distribution of information on the work and decisions of NAFO in light of the Organization's relations with relevant interest groups and the general public.

The Executive Secretary summarized the current NAFO system of distribution of information noting that NAFO provides documents from the General Council, Fisheries Commission and Scientific Council to major fisheries organizations in North America and Europe. Information is also distributed to the United Nations, FAO and interested libraries in this region. Enquiries from the press of a Contracting Party are generally referred to the government of that Party. All other enquiries from the public are provided with condensed versions of NAFO activities. Furthermore, NAFO has developed an internet website which is currently being expanded.

Working Group delegates congratulated the Executive Secretary on the work of the Secretariat to increase NAFO's interaction with the public. Some delegates noted that perhaps this level of transparency was sufficient. Others expressed the view that Article XII of the UN Convention on Straddling Stocks identifies two elements to transparency - (1) the sharing of information and (2) access of observers to the decision-making procedure.

Regarding access of the press to NAFO meetings, the Executive Secretary clarified that the item "Publicity" is on the agenda of the General Council and Fisheries Commission each year. Standard practice has been that no statements to the press may be made during the meeting. At the end of the meeting, the Chairs of the General Council, Fisheries Commission and Scientific Council in cooperation with the Executive Secretary draft a press release which is adopted by the General Council and released.

Discussion of the Working Group on access of the press focused on concerns relating to how information should be released to the public, what information should be released, and the relationship between observer and press participation. It was generally agreed that the Working Group should not attempt at this meeting to draft recommendations to the General Council on this issue.

## **6. Report and Recommendations to the General Council**

After considerable discussion it was decided that the Working Group should recommend that the General Council authorize it to continue its work. The Working Group further recommended that Contracting Parties continue their consultations regarding issues discussed at this meeting. Finally, the Working Group requested that the Executive Secretary provide estimates of costs for observer participation at NAFO meetings.

The Working Group adopted the Report of its meeting.

## **7. Other Matters**

There were no other matters.

## **8. Adjournment**

The Meeting adjourned at 1155 hrs, Friday, 29 May 1998.



## **Annex 1. List of Participants**

### **CANADA**

#### **Head of Delegation**

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#### **Alternate**

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#### **Head of Delegation**

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**NORWAY****Head of Delegation**

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**SECRETARIAT**

L. I. Chepel, Executive Secretary

B. J. Cruikshank, Senior Secretary

## Annex 2. Agenda

1. Opening by Chairman, D. Swanson (USA)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Presentation of papers by Delegates for discussion
5. Consideration of concrete requirements and rules for participation of observers at NAFO meetings:
  - a) terms, conditions, procedures, and other relevant factors for participation in meetings of NAFO bodies as observers or otherwise, as appropriate, with respect to:
    - (i) IGO's
    - (ii) NGO's
      - eligibility
      - selection
      - participation
      - cost
      - other provisions, and
  - b) other access to and distribution of information on the work and decisions of NAFO in light of the Organization's relations with relevant interest groups and the general public.
6. Report and recommendations to the General Council
7. Other matters
8. Adjournment.

### **Annex 3. Paper Presented by the United States**

#### Introduction

The Nineteenth Annual Meeting of the General Council "asked the USA delegation to prepare its paper to the next Working Group Meeting [on transparency] and decided to call an intersessional Working Group Meeting in May 1998 (in USA)."

#### The Principle of Transparency

The United States supports improved levels of transparency in the decision-making processes of multilateral fisheries management organizations and arrangements. We note that the level of participation by NGOs in multilateral negotiations has increased for some time and that the United Nations recognizes this role in Article 71 of its Charter. Unprecedented levels of access and participation by NGOs in meetings of the UN Conference on Environment and Development (UNCED) and the UN Fish stocks Conference are further testament to the growing recognition of the useful contribution that these organizations can make in multilateral fora. Forward-looking multilateral fisheries organizations and arrangements should seek to embrace the benefits provided from such participation, and this is already happening.

On March 3, 1998, representatives of the Governments of Belize, Colombia, Costa Rica, Ecuador, El Salvador, France, Honduras, Japan, Mexico, Panama, Papua New Guinea, Spain, the United States, and Venezuela, meeting in La Jolla, California, reached the Agreement on the International Dolphin Conservation Program, which contains in Article XVII and Annex X significant provisions for the admission of observers, using sensible procedures and conditions, at meetings of the parties. This language has since been circulated to all NAFO Contracting Parties by the NAFO Executive Secretary.

#### Transparency in NAFO

The United States strongly encourages NAFO to take concrete steps to ensure appropriate participation by IGOs and NGOs in meetings of the General Council, the Fisheries Commission, and the Scientific Council. New rules of procedure should afford IGOs and NGOs a meaningful opportunity to take part in meetings of the NAFO General Council, the Fisheries Commission and the Scientific Council while at the same time ensuring the integrity of NAFO objectives and processes. The new rules should cover, among other things, the manner in which representatives of IGOs and NGOs may present information and views at such meetings and should provide for timely access of IGOs and NGOs to appropriate NAFO records and reports. They should include safeguards to prevent any disruption of NAFO meetings or any diminution of NAFO's effectiveness as an organization.

At the Nineteenth Annual Meeting of NAFO, the United States circulated a paper (GC Working Paper 97/4, Revised) setting forth a proposal to accomplish the objectives discussed above. The text of that paper is attached.

## Attachment

## U.S. Proposal on Transparency.

Delete 1.2 of the Rules of Procedure for the General Council and for the Fisheries Commission and 1.3 of the Rules of Procedure for the Scientific Council, substituting, in each case, the following:

## Rule 2. Admission of Observers

- 2.1. In exercising his or her responsibilities, the Executive Secretary, acting on behalf of Chairman of the General Council/Fisheries Commission/Scientific Council, shall grant observer status to:
  - \* intergovernmental organizations that have regular contacts with NAFO as regards fisheries matters or whose work is of interest to NAFO or vice versa; and
  - \* non-Member governments or entities identified as harvesting species to which the NAFO Convention is applicable in the Convention Area.
- 2.2. All non-governmental organizations (NGOs) with a demonstrated interest in the species under the purview of the Organization should be eligible to participate as an observer in all meetings of the General Council, Fisheries Commission, and Scientific Council, and, with permission of the presiding officer, any subsidiary body thereof, except extraordinary meetings held in executive session or meetings of Heads of Delegation.
- 2.3. Any eligible NGO desiring to participate as an observer in a meeting of the Organization or its subsidiary bodies shall notify the Secretariat of its desire to participate not less than 50 days in advance of the meeting. The Executive Secretary shall notify NAFO Contracting Parties of the names of NGOs desiring to participate as an observer in a specified meeting at least 45 days prior to the beginning of the meeting.
- 2.4. Any eligible NGO expressing a desire to participate as an observer may do so unless a majority of NAFO Contracting Parties formally objects for cause in writing at least 30 days prior to the beginning of the meeting, and in this case, the Executive Secretary shall notify the NGO and Contracting Parties accordingly.
- 2.5. Any eligible NGO admitted to a meeting may:
  - \* attend meetings, as set forth above, as an observer, but may not vote;
  - \* make oral statements during the meeting upon the invitation of the presiding officer;
  - \* distribute information relevant to proceedings at meetings; and
  - \* engage in other activities, as appropriate and as approved by the presiding officer.
- 2.6. NGO observers shall pay the marginal costs associated with their participation in meetings, but shall be assessed no fee in excess of such costs.
- 2.7. All observers admitted to a meeting shall be sent or otherwise receive the same documentation generally available to delegates.

- 2.8. All observers admitted to a meeting shall comply with these and all other rules and procedures applicable to other participants in the meeting.

Renumber remaining Rules accordingly.

#### **Annex 4. Paper Presented by Denmark (in respect of Faroe Islands and Greenland)**

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

(Note: these requirements correspond to those agreed to in Arctic Council).
3. NAFO's decision on each NGO application should be taken by consensus.
 

(Note: this also corresponds to Arctic Council).
4. Renewed decision on participation of each NGO should be taken regularly (e.g. every second year).
 

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

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

## Annex 5. Chairman's Draft – Procedures for Observers

### Observers from Inter-governmental Organizations and Non-Contracting Parties

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

### Observers from Non-governmental Organizations

#### 1. Eligibility

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

#### 2. Application

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

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

#### 3. Selection

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



#### B. Selection:

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

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

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

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

#### C. Duration:

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

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

### 4. Participation

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

[the General Council]

[the General Council and the Fisheries Commission]

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

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

#### B. Forms of participation: NGOs may:

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

- iii. [attend meetings and distribute documents,  
 [attend meetings, distribute documents and make oral statements:  
 [[at the discretion of the presiding officer]]  
 [[at the discretion of the presiding officer and subject to objection  
 by any Party]]  
 [attend meetings, distribute documents, and make oral statements at  
 fixed times, at the discretion of the presiding officer]
- iv. [engage in other activities as appropriate and at the discretion of the  
 presiding officer and subject to objection by any Party]
- v. [each NGO may send not more than two representatives to meetings]

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

### C. Conditions of Participation

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

#### 5. Costs

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

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

#### 6. Other

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

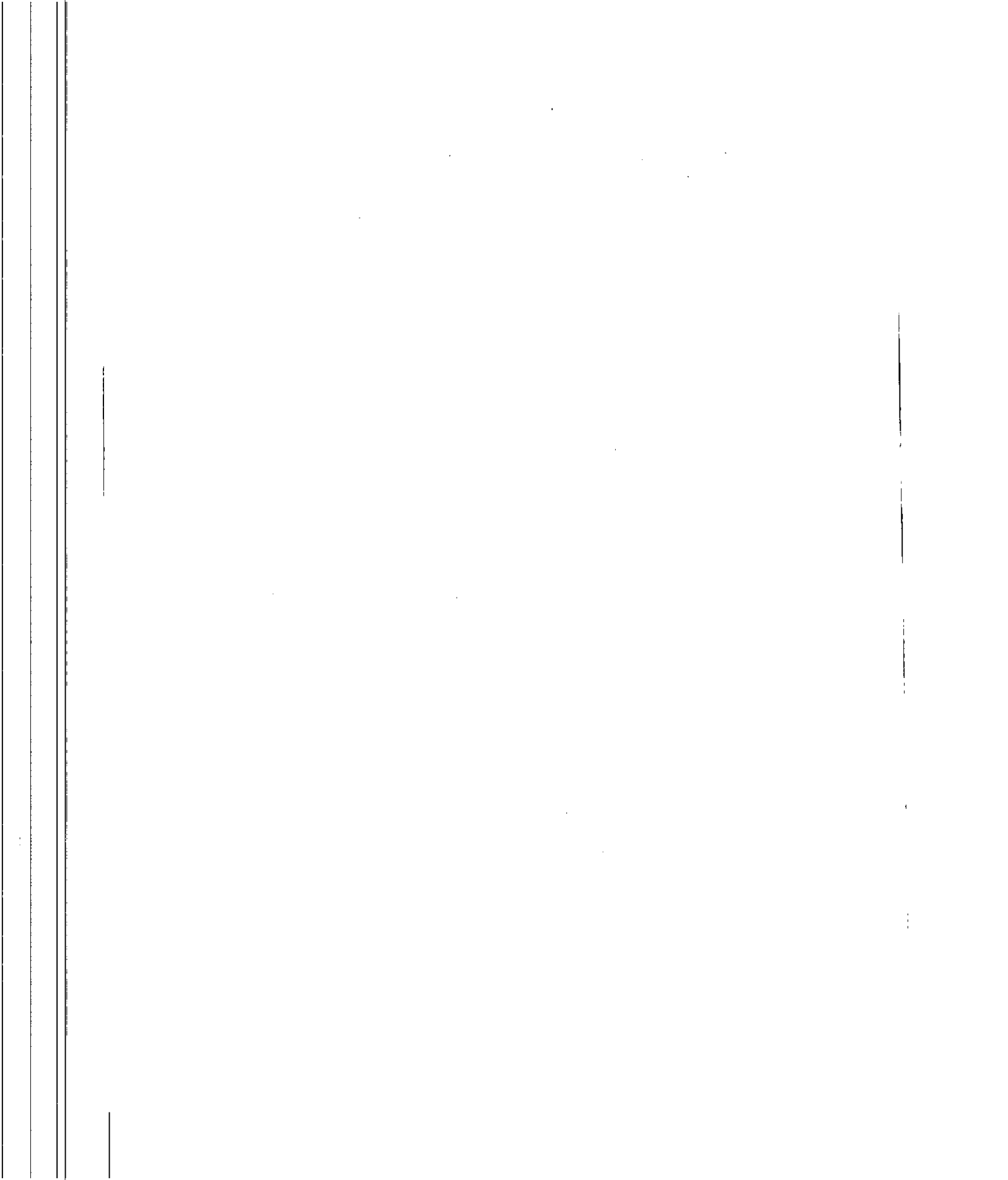
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14-18 September 1998  
Lisbon, Portugal**

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## PART I

### Report of the General Council Meeting

(GC Doc. 98/7)

#### 20th Annual Meeting, 14-18 September 1998

Lisbon, Portugal

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

- 1.1 The meeting was opened by the Chairman of the General Council, A. V. Rodin (Russia) at 10:20 a.m. on 15 September 1998.
- 1.2 Representatives from the following fifteen (15) Contracting Parties were present: Canada, Cuba, Denmark (in respect of Faroe Islands and Greenland), Estonia, European Union (EU), France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, Russia and the United States of America (USA). (Annex 1)
- 1.3 The Chairman welcomed the Delegates to the 20th Annual Meeting and expressed his opinion on traditional cooperation among Contracting Parties in the name of NAFO goals.  
  
He emphasized that the current EXPO '98 of the Year of the Ocean in Lisbon and NAFO work are very closely related important events. He hoped that the good NAFO tradition of cooperation will prevail during the coming days of this Annual Meeting. Mr. Rodin expressed his gratitude to the Government of Portugal for inviting this Annual Meeting to Lisbon.
- 1.4 The distinguished guests on behalf of the Government of Portugal, the Minister of Agriculture, Rural Development and Fisheries, Mr. Gomes Da Silva and Secretary of State on Fisheries, Mr. Marselos Vas Consalos, were present at the opening session. Minister Da Silva addressed the meeting with his welcome speech (Annex 2). The delegates met the welcome speech by the Minister with applause.
- 1.5 The Representatives from the European Union, Canada, France (in respect of St. Pierre et Miquelon), Russia and the United States addressed their opening speeches to the Meeting. (Annexes 3-7)
- 1.6 The meeting appointed the Executive Secretary as Rapporteur.
- 1.7 The provisional Agenda was adopted without any additional amendment. (Annex 8)
- 1.8 On presentation by the Chairman, the meeting acknowledged the presence of observers from two (2) international organizations: from NAMMCO, the delegate of Iceland, Mr. K. Skarphedinsson; and from ICES, Mr. H.-P. Cornus (EU).
- 1.9 For "Publicity", item 5, it was decided to deal with this as in previous years, and that no statements would be made to the media until after the conclusion of the meeting when a

press release was prepared by the Executive Secretary in consultation with the Chairmen of NAFO constituent bodies and issued at the closing session on 18 September 1998.

## **2. Supervision and Coordination of the Organizational, Administrative and Other Internal Affairs (items 6-9 of the Agenda)**

- 2.1 The Chairman noted that the membership of the General Council is presently 17 Contracting Parties, and the Fisheries Commission 15 Contracting Parties, excluding Bulgaria and Romania. These two Contracting Parties have not participated in NAFO and have not paid their contribution dues for many years: Romania from 1983 and Bulgaria from 1992. The total unpaid debt to NAFO by those Parties totals \$350,000 Cdn in 1998.

Pursuant to the Resolution (GC Doc. 97/7) adopted at the 19th Annual Meeting, the Contracting Parties reported on their contacts with the Governments of Bulgaria and Romania. There was not any positive information on the intention of the Government of Bulgaria regarding their participation in NAFO and/or repayment of the outstanding debts. The Government of Romania, in a letter dated 5 December 1997, indicated that it is interested in maintaining its membership in NAFO and indicated that it might pay the debt it owes to NAFO. The meeting **decided** to continue the contacts with Bulgaria and Romania during 1999 and assess the situation at the 21st Annual Meeting in September 1999. The Executive Secretary will investigate the practice of other international bodies to deal with similar situations and report his findings to the General Council.

- 2.2 Under item 7, "Report of the Working Group on Transparency in NAFO Activities and Decisions", the Working Group Chairman, Dr. D. Swanson (USA) presented its Report (GC Doc. 98/3) to the meeting. He noted that the Working Group discussed a broad range of issues on participation of observers of intergovernmental and non-governmental organizations in NAFO meetings, and the ideas regarding NAFO's interaction with the public (the press, media, publications, etc.). At this stage there were no concrete recommendations to the General Council on the noted issue, and the Working Group asked the General Council to authorize its continuation in 1999.

The Delegations exchanged views and the final agreement was to continue the Working Group discussions in 1999 (Annex 11, Working Group Meetings in 1999). The Working Group delegates were instructed to make their best effort to conclude this issue at the 1999 Annual Meeting. The terms of reference would be the same as agreed at the 19th Annual Meeting in 1997.

- 2.3 Item 8 of the Agenda, "Administrative Report", was referred to STACFAD, which reviewed the Report in detail during its sessions and recommended the Report for adoption by the General Council. At the closing session of the General Council, 18 September 1998, the Administrative Report was **adopted** by the meeting.
- 2.4 Under item 9 of the Agenda, "Place of the 22nd Annual Meeting in the Year 2000", the Chairman brought the Contracting Parties' attention to the invitation from the United States Government (letter signed by Mr. R. A. Schmitten, Assistant Administrator for Fisheries, NOAA) to host the meeting in the United States. This proposal was **adopted** by the meeting. The Chairman, on behalf of NAFO, thanked the USA Government and USA Delegation for the invitation.



### 3. Coordination of External Relations (items 10-11 of the Agenda)

- 3.1 Under item 10, "Communication with the United Nations", the Chairman informed the meeting that the Executive Secretary has communicated all required information to requests from the UN and according to the instructions from the General Council (NAFO GF/98-325 of 04.06.98 and GF/98-299 of 21.05.98).
- 3.2 Under item 11 of Agenda, "NAFO Participation at other International Organizations", the Chairman noted that the NAFO observer, H.-P. Cornus (EU) took part in ICES proceedings and a delegate of Norway attended the NAMMCO 1998 meeting. H.-P. Cornus reported to the NAFO Scientific Council, and the report from Norway was distributed to the delegates at the current meeting (GC Doc. 98/6).

For the future participation by NAFO observers, the General Council **decided** to delegate Dr. D. Swanson (USA) to the FAO meeting on sharks and other issues, in Rome, Italy, 26-28 October 1998, and Mr. P. Gullestad (Norway) and the Executive Secretary, at the Meeting of FAO and Regional Fishery Bodies, in Rome, Italy, 11-12 February 1999. This meeting will precede the FAO Committee on Fisheries meeting, which would discuss international fisheries management issues.

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

- 4.1 Under item 12 of the Agenda, "Consideration of Non-Contracting Parties Activities in the NAFO Regulatory Area", the Chairman asked the Meeting to address any relevant issue or additional task for STACFAC at this meeting. There were no comments from the Delegates on this item. The Executive Secretary brought the Delegates' attention to the Report (GC Doc. 98/1) on the NAFO Compliance Scheme (GC Doc. 97/6) asking Contracting Parties to participate in providing their data to such reports in the future.
- 4.2 The Chairman of STACFAC, Dr. J.-P. Plé (USA), informed that STACFAC met in advance (14 September) of the General Council opening session to discuss outstanding issues including a proposal regarding transshipments at sea and inspection of non-Contracting Party vessels fishing in the NAFO Regulatory Area. At the request of STACFAC/General Council, this proposal was forwarded to STACTIC/Fisheries Commission for consideration and incorporation in the NAFO Conservation and Enforcement Measures (see Fisheries Commission Report paragraph 3.9).
- 4.3 The item 13, "STACFAC Report", was presented to the meeting by the STACFAC Chairman, Dr. Plé (USA), underlining the following information and recommendations to the General Council (Part III of this Report):
- a) There was a notable decrease in the fishing activity by Non-Contracting Party vessels in the NAFO Regulatory Area, with four vessels, all from Sierra Leone, observed during 1998 (estimated catch of 350 mt against 1000 mt in 1997). The general view was that both the Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO and unfavourable fishing conditions contributed to the observed decrease.
  - b) During 1997/98 NAFO diplomatic demarches were delivered by Canada to the Governments of Honduras and Panama, and by USA, to the Governments of Belize and Sierra Leone. No replies have been received to-date from those countries.

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

- To again send the NAFO diplomatic demarches to the Governments of Belize, Honduras, Panama and Sierra Leone (Part III, Annexes 3-6).
- To seek closer inter-regional cooperation with other regional fishing organizations with the aim to share information and to promote respect for relevant measures by Non-Contracting Party vessels.
- To bring to the attention of all Contracting Parties the names of four (4) Non-Contracting Party vessels observed fishing in the Regulatory Area during 1998 and inform their national port authorities. The vessels are: the "Austral", "High Sierra", Porto Santo" and the "Santa Princesa" – all from Sierra Leone.

- 4.4 The General Council **adopted** the STACFAC Report and its recommendations. The proposal on transshipments and inspections concerning Non-Contracting Party vessels was adopted by the Fisheries Commission (see Fisheries Commission Report, paragraph 3.9).

The General Council **noted** that Dr. J.-P. Plé (USA) was re-elected as STACFAC chairman for a second term of two years and Mr. D. Silvestre (France)(in respect of St. Pierre et Miquelon) was elected Vice-Chairman.

- 4.5 Item 14, "Report of the Working Group on Dispute Settlement Procedures" (GC Doc. 98/4), was presented by the Chairman of the Working Group, Mr. Stein Owe (Norway). He also informed that the Working Group met on 14 September 1998 prior to the opening of the session of the General Council and, on the basis of a paper prepared by the Chairman, exchanged views on a number of questions (Part IV of this Report). In view of the importance and complexity of this issue, further scrutiny and discussions were considered to be necessary. The Chairman of the Working Group suggested that there might be a need for more than one intersessional meeting if the Working Group were to come to a successful conclusion in 1999.

The General Council **decided** to authorize the Working Group to continue its work and meet intersessionally in 1999 (Annex 11, Working Group Meetings in 1999).

- 4.6 Item 15, "Report of the Working Group on Allocation of Fishing Rights and Chartering of Vessels" (GC Doc. 98/2), was delivered by the Chairman of the Working Group, Mr. H. Koster (EU). He noted a number of different opinions on those issues and advised that the guidelines for any further discussions have been developed by the Working Group. The Working Group asked the Council to authorize that it continue its work during 1999.

At the USA Representative's request, the Chairman of the General Council clarified that the pending item will be dealt with only by the General Council (without additional consideration by the Fisheries Commission).

The Representative of France (in respect of St. Pierre et Miquelon) urged the meeting to find as soon as possible a solution on the chartering of vessels and brought attention to its GC Working Paper 98/6 regarding guidelines for chartering.

The meeting agreed to follow the agreement of last year's General Council meeting that no Party should charter fishing vessels to fish in the NAFO Regulatory Area until final resolution of this matter by the General Council.

The General Council **decided** that the Working Group should meet intersessionally (Annex 11, Working Group Meetings in 1999) and consider the GC Working Paper 98/6 (Annex 9) for reference purpose at the Working Group. The USA Representative proposed to host the Working Group in the USA and this invitation was **accepted**.

The meeting **agreed** that the Working Group should make its best effort to recommend a resolution on this issue to the General Council at the 21st Annual Meeting in September 1999.

#### 5. Finance (items 16-17 of the Agenda)

- 5.1 Items 8, 16 and 17 were referred to STACFAD for discussion.
- 5.2 The acting Chairman of STACFAD, Mr. A. Thomson (EU), reported the following information and recommendations to the General Council (full STACFAD proceedings are in Part II of this Report):
- a) Auditors' Report circulated to Contracting Parties in March 1998 and Administrative Report (administration and financial statements for 1998-GC Doc. 98/5) were recommended for adoption;
  - b) The participation of the NAFO Secretariat in the Pension Society Meeting (La Jolla, USA, May 1998) was approved by STACFAD with a special note that the new arrangements for administration of NAFO pension plans will reduce NAFO expenses by \$4,300 Cdn.;
  - c) The major budgetary items of the NAFO Secretariat were agreed as follows:
    - the budget for 1999 to be adopted in the amount of \$1,092,000 Cdn.;
    - the Accumulated Surplus Account be maintained at a level not less than \$75,000 Cdn.;
    - the outstanding contributions from Bulgaria and Romania should be written-off (and excluded from the Accumulated Surplus Account estimates).
  - d) For the automation of the hail system at the NAFO Headquarters, \$35,000 Cdn. shall be allocated to the 1999 budget.
  - e) On the term of the Executive Secretary's office, STACFAD recommended to renew the contract of the present Executive Secretary and further review the matter at the General Council.
  - f) The dates of the next Annual Meetings were recommended as follows:
 

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

2000	-	Scientific Council	-	13-22 September
	-	General Council	-	18-22 September
	-	Fisheries Commission	-	18-22 September
2001	-	Scientific Council	-	12-21 September
	-	General Council	-	17-21 September
	-	Fisheries Commission	-	17-21 September

- 5.3 The site of the 1999 Annual Meeting will be in Halifax Regional Municipality, Nova Scotia, Canada.

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

Considering the site of the 2001 Annual Meeting, the Chairman of the General Council noted that it was first scheduled in Halifax, N.S. area but there was information that one Contracting Party, Cuba, has expressed its intention to invite the year 2001 Annual Meeting to Cuba.

There was no formal motion presented to the Meeting from the floor on this matter and no decision made.

- 5.4 The other substantive issues from STACFAD were the following:

- to modernize the NAFO website and allocate at this first stage \$5,000 Cdn. subject to further review of the costs by STACFAD;
- to authorize the NAFO Secretariat to review the scheduling and time of Annual Meetings to ensure that the mandate of the Organization be adequately fulfilled.

- 5.5 The General Council reviewed all recommendations item by item and took the following decisions:

- to **adopt** the budget of \$1,092,000 Cdn. including all other budgetary elements recommended by STACFAD;
- the term of the present Executive Secretary shall be extended for one more period (4 years) and the NAFO Staff Rules be amended to read that the official term of the NAFO Executive Secretary shall be four (4) years subject to the possibility of renewal by the General Council for one (1) more four (4) year period. (Annex 10)

Note: At the Heads of Delegations Meeting, on 17 September 1998, the NAFO President, Mr. A. Rodin, presented the Executive Secretary's application for the extension of his Contract with NAFO for the next term of four (4) years from 01 January 1999 through 31 December 2002. This application was **endorsed** by all Delegations.

The STACFAD Report was **adopted** as a whole by the General Council.

- 5.6 The General Council reviewed and adopted the Schedule of NAFO Working Group Meetings during 1999 (Annex 11).

**6. Closing Procedures (items 18-21 of the Agenda)**

- 6.1 Item 18, "Time and Place of the Next Annual Meeting", was resolved in STACFAD Report. The 21st Annual Meeting will be scheduled in Halifax Regional Municipality, N.S., Canada, through 08-17 September 1999.
- 6.2 There were no other matters to discuss under item 19 "Other Business".
- 6.3 The Press Release was prepared by the Executive Secretary and circulated to all Contracting Parties. (Annex 12)
- 6.4 The 20th Annual Meeting of NAFO adjourned at 1330 hrs on 18 September 1998.

## Annex 1. List of Participants

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**Annex 2. Speech of His Excellency, the Minister of Agriculture, Rural  
Development and Fisheries, Mr. Gomes Da Silva**

(translated from Portuguese language)

The Minister of Agriculture and Fisheries of Portugal is very grateful for the opportunity to open this Meeting of the NAFO General Council, especially as we celebrate the International Year of the Ocean in this very special city, Lisbon, host to EXPO 98 and where so much of Portugal's history has been connected with the seas and the oceans of our planet.

Moreover, the fact that Portugal is one of the founding members of this prestigious regional fisheries organization, and that it is here that we are celebrating its 20th statutory meeting is all the more reason for the Portuguese to be proud, especially at a time in our history when we are seeking new ways of fitting into this tumultuous fishing industry.

We firmly opted for a gradual, but clear application of the new concepts defined in 1992 in Cancun, Rio de Janeiro, Rome and, more recently, in New York. We have been simultaneously fighting to elevate the standing of fishers. We have already introduced a law to regulate work on board fishing boats, and we will shortly be creating better social security conditions for these sea workers, who throughout history have systematically been pushed by society to the bottom rungs of civilization.

Ladies and Gentlemen

The history of the fisheries is also the history of Man and the difficult relationship that has always existed between him and that immense secret-strewn world of the oceans.

With emotion and marvel, on the one hand, and anguish, on the other, we continue to slowly discover the huge potential for life and resources that the oceans can offer us if they are well managed. But we are also becoming aware of all that must still be learned about that universe of questions which covers about 70% of the earth's surface and about the seriousness of the consequences which unregulated exploration of global fishing resources has had over the past 50 years.

We have been living in this very difficult reality for over a decade. With the impoverishment of the big global fisheries, many industries have been destroyed, causing unemployment and social and economic instability in many fishing communities and in various regions, many of which are almost entirely dependent on the fishing industry.

All of us, scientists, shipowners, industrialists, corporate managers or mere politicians know that it is no longer possible to ignore the critical situation in which many of the main fisheries and world resources are found. One way or another, many of us are suffering from the negative consequences of this problem.

Many of us are not aware that the diverse marine ecosystems in the coastal areas underwent, or are undergoing, incredible change due to human activities. These changes influence, in one way or another, the condition of local and regional fisheries.

This is why we have become deeply involved in defending the oceans and the fisheries. A few weeks ago, the Independent Ocean Commission formally presented its report to the United Nations. This report sounded an alarm: it's time to take measures and radically change people's behaviour.

In the meantime, Portugal, in addition to its quite active participation at the New York Conference and its unequivocal position with respect to the principles adhered to there, has completed the formal ratification process of the 1982 Conference.

We are partisans of this cause and, therefore, are looking to practice responsible fishing. With this in mind, all our ships operating out of the North Atlantic are equipped with a satellite remote control system to observe both their position and their activities. We have also published legislation designed to ensure compliance with the rules established for international and third country waters, especially as concerns flags of convenience.

Mr. President, Ladies and Gentlemen .

More important than the grave state of a significant amount of the more important resources, is our current, enhanced knowledge of the extreme vulnerability that characterizes the different species and the interdependent relationships between them and the environment in which they exist and live.

The critical experiences in more recent modern history, first in the North Sea then in the Central and South Pacific, with the big anchovy crisis in Peru and Chile, and more recently, in the North Atlantic and Pacific and in the South-East Atlantic, have been a good indication of how important it is for governments, administrations and economic sectors to act with greater care, making vast changes to their traditional exploration methods.

In brief, there is an urgent need to adjust economies to biological and ecological reality. We form part of a complex system and, as in the past, our future depends on how wise we are in harmoniously combining our needs and desire for progress with the levels of tolerance of this natural world we have penetrated.

One conclusion can be drawn from all the appeals and warnings which, since the 70s, have been launched at us – from the Rome Club to the von Brandt, Brundtland and, more recently, Soares reports: our living resources (because that is what we are dealing with here) are limited and, even more importantly, vulnerable. That is why the exploration methods must be adjusted to their self-sustaining capacity if we want to guarantee that this exploration will last forever.

It is in the context of the principle of precaution and its practical application, that is, a careful approach, that the general rule should be established. Last of all, it represents the safest path to avoiding greater disaster when the degree of uncertainty is significant, and even high.

It is, also, in this context that we can better understand the need to balance the measures, taking into account not only the biological and environmental aspects, but also the sociologic and economic ones.

We use all our means to fight the irresponsible attitude of men when they – due to a dominant culture and ideology – try to “shape” natural resources, using them solely for profit. The battle must be no less intense when social and economic issues are placed on secondary levels, reducing men as well to mere “things”, either through political ideology or in the name of the science of reduction.

We must urgently reflect on the need to change this at times present tendency in order to establish strict visionary and behavioural standards in the scientific world, a world that cannot be reduced to a simplified abstraction of a model, the convenience of a routine, nor the devaluation of the margins of error.



For all of these reasons, although it is quite normal to take restrictive measures whenever the state of our resources so requires, it is also normal to carefully reduce the weight of these limitations, lifting social and economic pressure, when resources improve.

The great challenge is in knowing how to measure, at each moment, the level of acceptable risk for a certain threshold of sustainable tolerance and, as strictly as possible, the currently known margin of error

In addition to establishing the reality of each situation concerning resources, the investigation into the fishing sector must also take into account margins and thresholds, with the same clarity, in such a way that politicians and managers may develop and give greater weight to more appropriate measures.

Mr. President, Ladies and Gentlemen

Finding a solution to the problems we are faced with today will not be easy. As responsible politicians for so delicate and difficult an area as the Portuguese fisheries, we have decided to create the conditions required to gradually get out of this slump. For this we need to adopt, at each moment, necessary measures without losing sight of man, his communities and the construction of a future on more solid and lasting foundations.

If we all work with this same objective in mind, in an environment of trust and transparency, it will be easier to meet this great challenge facing current and future generations: to ensure development based on sustainable levels, knowing, from the start, that development and progress are not necessarily synonymous with growth.

Lisbon, September 15, 1998

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

Mr. Chairman,

On behalf of my Delegation, I wish to echo the warm welcome to Portugal. It is especially fitting that this year's NAFO Annual Meeting is taking place here in Portugal. As you may know, Portugal is the point where the Atlantic Ocean first meets Europe. As a consequence, Portugal's history has been inseparably linked with the sea. I hope that Delegates will have the opportunity to enjoy Portugal's hospitality during your stay here.

The European Community believes that international cooperation in the conservation and management in the fish stocks of the Northwest Atlantic region is at an important juncture as our common interest as Contracting Parties as well as the complexity of the issues we are dealing with continue to increase over the years. It is also our hope that NAFO will continue to be at the forefront of international fishery management.

There are a number of important challenges ahead of us in the next few days. In this exercise, the European Community is fully committed to sound management of fishery resources based on the best scientific advice available. This commitment will be voiced throughout this week and will be the basis for our thinking at this Annual Meeting. We must also be aware of the fact that what we are doing is for the benefit of fishermen. Where strong decisions are required, they must be such that they meet the long-term interest of fishermen. Where scientific advice permits to do so, positive signals should be given so that fishermen see that they can benefit from the restraint which has been practised over the last several years. This shows that science and socio-economic considerations must and can be reconciled.

NAFO has been described as the regional fisheries organization with the most advanced control system of the world. This meeting is an opportunity to solidify this progress by adopting measures for enhancing this control system by modern technology.

Furthermore, we strongly support the conceptual work which is underway within NAFO and which may have repercussions for other regional fisheries organizations. We are very pleased that the adoption of a fine non-Contracting Party Vessels Scheme at last year's Annual Meeting has set the scene for other organizations (e.g. CCAMLR, ICCAT and NEAFC). In this same vein, NAFO will have to make important contributions to the application of the Precautionary Approach to fisheries management, to the issues of increased openness and transparency and to the peaceful settlement of disputes. In essence, this is to give real meaning to the new developments in international fisheries which have been brought about by the UN Agreement on Straddling and Highly Migratory Fish Stocks, the FAO Code of Conduct for Responsible Fisheries and the ensuing new spirit to address common conservation and management issues.

Mr. Chairman, may I wish everyone present from all Contracting Parties here today the very best from my Delegation and may we have success in our common work over the next few days. I look forward to working with you, Mr. Chairman, and all the delegates in the most constructive way possible in order that we can fulfil all the objectives and challenges ahead of us at this important meeting of our Organization.

#### **Annex 4. Opening Statement by the Representative of Canada** (P. Chamut)

Mr. Chairman, distinguished Delegates, ladies and gentlemen, it is a pleasure for Canada to participate at NAFO's 20<sup>th</sup> Annual Meeting in the historic and beautiful city of Lisbon with its rich seafaring past.

On behalf of the entire Canadian delegation, I wish to thank the Portuguese authorities for their hospitality and the opportunity to visit their marvellous World Exposition.

It is especially fitting that this year's NAFO meeting coincides with the International Year of the Oceans, the World Exposition and its related activities. It provides an appropriate backdrop to remind us all of the global importance of our oceans and the need for responsible fishing practices to ensure sustainable fisheries.

As Minister Da Silva has reminded us this morning, we are facing serious challenges in our fisheries program. Important fish stocks have declined significantly in almost all the major fishing areas of the world and this has had devastating impacts on coastal communities. We concur with his admonition that we must radically change our approach and adjust to these new biological and economic realities. His words have highlighted the challenge which faces us in NAFO – the conservation and rebuilding of the once plentiful stocks of the Northwest Atlantic.

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

The Scientific Council recommends continuing in 1999 most of the moratoria on fishing for groundfish stocks. However, it is heartening to see some positive signs for 2+3KLMNO Greenland halibut and 3LNO yellowtail flounder.

While there are some positive signs that investments in rebuilding are beginning to pay off, we must also remain alert to the danger signals reported by the Scientific Council. In particular, we need to heed their concerns about the high proportion of catches of young, immature fish, either in the directed fishery or caught as bycatch.

Canada's objective is to have sustainable fisheries in the northwest Atlantic. I am sure this objective is shared by all. However for most of the NAFO stocks currently under moratoria, it is not yet time to benefit from the restraint we have practised over the past several years nor can we think that the challenge has been met. For some issues, we may also need to consider modifying or extending some conservation measures or introducing new ones.

Three years ago NAFO adopted strengthened Conservation and Enforcement Measures. These were rightly hailed as a milestone on the road towards enhanced international cooperation towards a common purpose. That purpose is to ensure that high seas fishing activities are conducted in a rational, sustainable and responsible manner. A comprehensive NAFO enforcement regime is essential to the viability and sustainability of NAFO stocks, and to meeting our collective obligations under the Convention.

These new measures have provided NAFO with an enforcement regime that is demonstrably more effective and has rebuilt confidence in the Organization. The number of infringements is sharply down as a direct consequence of the observer program and other measures. We have witnessed a

marked increase in compliance with NAFO rules. Fishing by non-Contracting Parties has been halted.

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

I am also encouraged by the new international agreements that have been signed or adopted in recent years, including the United Nations Agreement on Straddling and Highly Migratory Fish Stocks, the FAO Compliance Agreement, and the FAO Code of Conduct for Responsible Fishing.

Canada applauds those governments that have already ratified the UN Fish Agreement. Legislation has been introduced in the Canadian Parliament to bring our laws into line with the Agreement. Canada will then be able to ratify it. We encourage all NAFO members who have not already done so to ratify the Agreement with a view to expediting its entry into force.

I would also like to acknowledge the work of the Scientific Council and fisheries managers who continue to develop a framework for a precautionary approach to fisheries management in the NAFO Regulatory Area. While a framework may take time to implement, the meetings to date represent concrete steps in introducing this management approach to NAFO stocks.

As Contracting Parties to the NAFO Convention, we all share the responsibility for conservation of the resources in the NAFO Regulatory Area. We must ensure that achievement of that responsibility remains our primary objective, rather than accommodating short term narrow interests. If we fail to take care of our entire garden, its full productive bounty will not be realized.

This 20<sup>th</sup> annual meeting of NAFO will be an especially critical one for this Organization, as we are facing a number of important issues which will have significant implications for the future.

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

**Annex 5. Opening Statement by the Representative of France  
on behalf of Saint-Pierre and Miquelon  
(G. Grignon)**

For the last three years, France on behalf of Saint-Pierre and Miquelon has been playing an active role within NAFO. The political and economic leaders of the Archipelago wanted to join NAFO for obvious reasons.

The first reason is that during its five centuries of existence the sole production activity of the islands and indeed their very reason for being has traditionally been the fishery, in particular the cod fishery, as well as fish processing.

The second reason is that the Archipelago and its maritime zone are fully encompassed by the NAFO regulated area. Our fishers have a natural calling to develop their traditional fisheries in the areas managed under NAFO guidelines.

There is also a third reason. Despite the serious economic crisis brought about by the cod moratorium in French and Canadian exclusive economic zones, we believe that the future of the Archipelago remains linked to the sea and development activities that rely on marine resources.

These three essential reasons compel us to continue taking an active part in the work of NAFO with an aim to developing an integrated resource management and conservation policy.

These last two years, we have attended almost all of the working group sessions. In particular, this year, we actively contributed to the working group on transparency and the working group on the allocation of fishing rights to contracting parties of NAFO and the chartering of vessels between contracting parties.

With respect to the first working group, we are open to an adequate participation of NGOs provided they comply with the conditions set out in NAFO's by-laws.

As far as the second group is concerned, we believe it is important to continue the discussion on the allocation of fishing rights, but we also believe NAFO should allow the chartering of vessels between contracting parties provided they ensure proper monitoring of operations. France on behalf of Saint-Pierre and Miquelon will be submitting a proposal to this effect during this annual meeting of NAFO.

Allow me to add that the reports prepared by the working group leaders provide a sound basis to build on. The same can be said of the report of the working group on the settlement of disputes, which is another fundamental issue for NAFO.

The ongoing work of NAFO with respect to these important issues attests to its leadership role in the international community and we are proud to be associated with these efforts.

But it is also obvious that France on behalf of Saint-Pierre and Miquelon is here because it is hopeful its presence will translate into the possibility of developing certain fisheries to meet the economic needs of the Archipelago.

This concludes, Mister Chairman and heads of delegation, the statement France on behalf of Saint-Pierre and Miquelon wished to make at the opening of this NAFO session. I would like to end by thanking our Portuguese hosts for inviting us into their beautiful city.

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

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen:

First of all, let me express our appreciation to the European Union for their invitation to host the 20<sup>th</sup> Annual Meeting of NAFO in Portugal and the opportunity offered thereby to visit the Expo-98 Exhibition.

This Annual Meeting is being held during the time of significant changes within NAFO, the time when we face serious challenges with respect to developing an efficient system of conservation and management of marine living resources in the Northwest Atlantic.

By combining our efforts we are to do the best we can to restore fish stocks to the level where fishermen of all NAFO Contracting Parties could carry out economically beneficial fishery in the NAFO Regulatory Area.

In our endeavors to achieve sustainable fisheries, of major importance as tools of international law are the UN Agreement on Straddling Fish Stock and Highly Migratory Fish Stocks and the FAO Code of Conduct for Responsible Fishery.

I would like to express our hope that the 20<sup>th</sup> Annual Meeting of NAFO will be successful and its decisions will further the progress to achieve goals set by us.

Thank you for your attention.

**Annex 7. Opening Statement by the Representative of the  
United States of America  
(A. Rosenberg)**

Mr. President, Distinguished Delegates, Ladies and Gentlemen,

The United States is very pleased to take part in the 20th Annual Meeting of NAFO in this beautiful and hospitable city of Lisbon. We would also like to thank our hosts, the Government of Portugal, for their generosity in hosting the meeting and providing this venue for our work.

The United States supports implementing the advice of the Scientific Council and calls on NAFO to use the opportunity provided by this advice to improve our management practices. We must act now to improve these practices so that they are all in place to regulate fishing when key stocks recover. Only by taking the necessary steps now can we avert the risk of recreating the current state of affairs.

The United States strongly supports the early implementation of the UN Fish Stocks Agreement as a guide for the work of NAFO. The Minister's opening statement emphasized the need for action to improve management of fisheries resources, and the Fish Stocks Agreement is an important step in that direction. In this regard, the United States looks forward to working with our fellow NAFO Contracting Parties in moving forward with our efforts to develop improved procedures for quota allocation, implementation of the precautionary approach to fisheries management, and increased transparency of our decision-making process by allowing observers from interested intergovernmental and non-governmental parties access to our meetings.

The United States is pleased with the efforts made by NAFO intersessionally to address these issues and encourages continued work at this meeting and during the coming year on all of these fronts.

Again, I welcome the opportunity of this meeting to work with friends and colleagues, in this beautiful and historic setting, to make NAFO the model regional fisheries management organization for the world.

Thank you very much.

**Annex 8. Agenda****I. Opening Procedure**

1. Opening by Chairman, A. V. Rodin (Russia)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Admission of Observers
5. Publicity

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

6. Review of Membership
  - a) General Council
  - b) Fisheries Commission
  - c) Review of Reports from Contracting Parties on their communication with Bulgaria and Romania
7. Report of the Working Group on Transparency in NAFO Activities and Decisions
8. Administrative Report
9. Place of the 22nd Annual Meeting in the year 2000

**III. Coordination of External Relations**

10. Communication with the United Nations (Resolutions 51/35 and 51/36)
11. NAFO Participation at other International Organizations (NAMMCO, ICES, CWP-FAO)

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

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



**V. Finance**

16. Report of STACFAD at the Annual Meeting
17. Adoption of the Budget and STACFAD recommendations for 1999

**VI. Closing Procedure**

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

**Annex 9. Draft resolution concerning the chartering by an operator of a Contracting Party of vessels flying the flag of another Contracting Party to conduct fishing operations in the NAFO regulated area**

(Paper Submitted by France on behalf of Saint-Pierre and Miquelon)

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

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

## Annex 10. Amendment of the NAFO Secretariat Staff Rules

### Introduction

The NAFO Secretariat Staff Rules were adopted by the General Council at the 13th Annual Meeting in September 1991 (General Council Annual Meeting Report, item 5.2, and Part II, item 14, Annex 6).

### Decision

At the 20th Annual Meeting, the General Council decided (GC Report, item 5.5) to amend Rule 4.1 of the Staff Rules with additional provision on the term of the Executive Secretary office as follows (underline):

### **SECTION 4. Recruitment and Appointment**

#### Rule 4.1

In accordance with Article XV.2 of the Convention, the General Council shall appoint the Executive Secretary and shall establish tenure, remuneration and other conditions and entitlements as appropriate, *within the principles of these Rules*. The term of the Executive Secretary's office shall be four (4) years subject to the possibility of renewal by the General Council for one (1) additional four (4)-year period.

**Annex 11. Schedule of NAFO Working Group Meetings during 1999**  
(adopted at the closing session of the General Council on 18 September 1998)

<b>Working Group</b>	<b>Time</b>	<b>Place</b>
Dispute Settlement Procedures at NAFO	February 3-5	Bergen, Norway
Transparency of NAFO Activities and Proceedings	March 2-4	NAFO Headquarters Dartmouth, N.S. Canada
Quota Allocation Practices and Chartering Vessels	April 13-15*	Washington, DC United States
Precautionary Approach in Management of NAFO Stocks (joint Scientific Council and Fisheries Commission Working Group)	May 3-5 (April 26-30)**	San Sebastian, Spain

\*Note: These dates would be finalized at later stage by mail exchange between USA delegation, Contracting Parties and the NAFO Secretariat.

\*\*Note: NAFO Scientific Council experts will meet in advance of the W.G. meeting.

## Annex 12. Press Release

1. The 20th Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO) was held in Lisbon, Portugal, during 06-18 September 1998, under the chairmanship of Alexander Rodin (Russia), President of NAFO. The NAFO constituent bodies - General Council, Fisheries Commission and Scientific Council convened their sessions at the Altis Hotel.
2. The meeting was attended by 200 participants from fifteen Contracting Parties - Canada, Cuba, Denmark (in respect of Faroe Islands and Greenland), Estonia, European Union, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, Russia and United States of America.
3. Prior to the 1998 Annual Meeting, the following seven NAFO meetings were held: Working Group on Allocation of Fishing Rights to Contracting Parties of NAFO and Chartering of Vessels between Contracting Parties (Brussels, March 1998); Scientific Council Workshop on Precautionary Approach (NAFO Headquarters, March 1998); General Council Working Group on Dispute Settlement Procedures (NAFO Headquarters, April 1998); Scientific Council/Fisheries Commission Working Group on Precautionary Approach (Copenhagen, May 1998); Standing Committee on International Control (STACTIC), (Copenhagen, May 1998); General Council Working Group on Transparency (Washington, DC, May 1998); Regular Scientific Council Meeting (Dartmouth, Canada, June 1998). The reports and documents from the above-noted meetings were distributed to Contracting Parties for the preparation and discussions at the Annual Meeting.
4. The Scientific Council, under the chairmanship of H.-P. Cornus (EU-Germany), reviewed and assessed the state of 25 fish stocks in the NAFO Regulatory and Convention Areas. The scientific advice and recommendations for the management, conservation and utilization of the fishery resources were forwarded to the Fisheries Commission noting that all cod stocks remained at low abundance and should continue under moratoria in 1999. The Council also recommended continuation of moratoria in 1999 for 3LNO and 3M American plaice, 3LN Redfish, 3NO Capelin and 2J3KL witch flounder.

The cod stock in 3M has collapsed and was put under a moratorium.

The Council also recommended that the 3LNO Yellowtail flounder TAC be increased from 4,000mt to 6,000mt and that the Flemish Cap redfish (3M) TAC be set significantly below (in the order of 50%) the current level of 20,000mt. The Greenland halibut stock is showing signs of improved recruitment and recommendation was that an increase in catch would not impede recovery.

The Scientific Council continued its progress in developing a precautionary approach to the management of NAFO stocks and proposed new elements to its Action Plan and schedule for new discussions during 1999.

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

The Commission agreed to put under moratoria in 1999 on the following stocks: Cod in Divisions 3M and 3L (that portion within the Regulatory Area) and 3NO, Redfish in Div. 3LN, American plaice in Divisions 3M and 3LNO, Witch flounder in Div. 3NO and 3L

(that portion within the Regulatory Area) and Capelin in 3NO. The TAC for Greenland halibut increased to 33,000 mt (from 27,000mt) of which 24,444mt was allocated to the Regulatory Area. The Quota Table for 1999 was adopted (see attached).

New conservation and enforcement measures were agreed as follows:

- Concerning the shrimp fishery on the Flemish Cap in Division 3M, there was agreement that the existing effort allocation Scheme in the shrimp fishery would continue, and that the fishing days should be 90% of maximum number of those observed by Contracting Parties for their vessels in one of the years during 1993-1995 and these days should not be transferable between Contracting Parties. There will be no directed shrimp fishery in part of 3L.
- There was agreement on 100% coverage by observers, and satellite tracking devices should be installed on all vessels fishing in the Regulatory Area not later than 1 January 2001, with the understanding that the program will be reviewed for application in 2001 and thereafter. The NAFO Secretariat will be equipped in the near future with updated hardware and software to handle the satellite tracking information.
- Formats for Electronic Transmission of NAFO hail reports from Contracting Parties to the NAFO Secretariat were adopted and incorporated into the Conservation and Enforcement Measures.
- Contracting Parties of NAFO shall ensure that their fishing vessels do not receive transshipments of fish from non-Contracting Party vessels which have been sighted in fishing activities in the NAFO Regulatory Area.

On other important management issues, the Fisheries Commission considered that more accurate data, and control should be introduced to account for all discards and by-catches. It was the agreement in conjunction with the Scientific Council, on consistent formats and procedures for scientific data collection by observers on board fishing vessels. This information would provide additional tools for stock assessments.

On the subject of the precautionary approach, the Fisheries Commission jointly with the Scientific Council decided to call a special intersessional Working Group meeting in spring 1999. The meeting will progress further with the idea of "case specific studies" and develop a precautionary management strategies for three groundfish stocks (Cod 3NO, Yellowtail flounder 3LNO, Shrimp 3M).

6. The General Council, under the chairmanship of A. Rodin (Russia), deliberated several outstanding issues regarding internal and external NAFO policy and resolved the following:
  - For improving transparency in NAFO proceedings and decisions, the agreement was to continue the work in a Working Group to develop recommendations to the General Council at the 21<sup>st</sup> Annual Meeting, September 1999.
  - On dispute settlement procedures, the Council agreed that the Working Group should continue its work and report to the next Annual Meeting, 1999.

- NAFO should seek closer inter-regional cooperation with other regional fisheries organizations with the aim to share information and to promote respect for relevant conservation measures by Non-Contracting Party vessels.
- The President of NAFO, A. Rodin (Russia), signed diplomatic demarches to the Non-Contracting Party flag-States whose vessels fished in the NAFO Regulatory Area in 1998, namely Belize, Honduras, Panama and Sierra Leone.
- To improve control of the fisheries by the Contracting Parties, the General Council resolved to prohibit any charter vessel arrangements until a comprehensive set of rules is developed by NAFO.

7. The following elections of NAFO officers took place:

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

- Dr. J.-P. Plé (USA)  
(re-elected)
- Mr. D. Silvestre (France-  
in respect of St. Pierre et  
Miquelon)

Chairman of the Standing Committee on  
Fisheries and Environment (STACFEN)

- M. Stein (EU-Germany)  
(re-elected)

NAFO General Council  
18 September 1998

NAFO Secretariat  
Lisbon, Portugal

QUOTA TABLE. Total allowable catches (TACs) and quotas (metric tons) for 1999 of particular stocks in Subareas 3 and 4 of the NAFO Convention Area. The values listed include quantities to be taken both inside and outside the 200-mile fishing zone, where applicable.

Contracting Party	Cod		Redfish		American plaice		Yellowtail	Whitch	Capelin	G. halibut	Squid (Illex) <sup>2,3</sup>
	Div. 3M	Div. 3NO*	Div. 3M	Div. 3LN*	Div. 3M*	Div. 3LNO*	Div. 3LNO	Div. 3NO*	Div. 3NO*	Div. 3LMNO	Subareas 3+4
1. Canada	0	0	500	0	0	0	5850 <sup>7</sup>	0	0	3 667	N.S. <sup>4</sup>
2. Cuba	0	-	1750	0	-	-	-	-	0	-	1 125
3. Denmark (Faroe Islands and Greenland)	0	-	69	-	-	-	-	-	-	-	-
4. European Union	0	0	3 100	0	0	0	120 <sup>7</sup>	-	0	13 530	N.S. <sup>4</sup>
5. France (St. Pierre et Miquelon)	-	-	69	-	-	-	-	-	-	-	1 000
6. Iceland	-	-	-	-	-	-	-	-	-	-	-
7. Japan	-	-	400	-	-	-	-	-	0	2 506	1 125
8. Korea	-	-	69	-	-	-	-	-	-	-	1 000
9. Norway	0	-	-	-	-	-	-	-	0	-	-
10. Poland	0	-	-	-	-	-	-	-	0	-	500
11. Estonia	-	-	-	-	-	-	-	-	-	-	-
12. Latvia	0	0	13 850 <sup>1</sup>	0	0	0	-	0	0	-	2 500 <sup>1</sup>
13. Lithuania	-	-	-	-	-	-	-	-	-	-	-
14. Russia	-	-	-	-	-	-	-	-	-	-	-
15. United States of America	-	-	69	-	-	-	-	-	-	-	1 000
16. Others	0	0	124	0	0	0	30 <sup>7</sup>	0	-	1 624 <sup>5</sup>	1 750
Total Allowable Catch	*	*	13 000 <sup>6</sup>	*	*	*	6 000 <sup>8</sup>	*	*	24 444	75 000

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

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

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

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

<sup>5</sup> Of which no more than 40% (650 t) may be fished before 1 May 1999 and no more than 80% (1299 t) may be fished before 1 October 1999.

<sup>6</sup> Each Contracting Party shall notify the Executive Secretary bi-weekly of catches taken by its vessels from this stock. The Executive Secretary shall notify without delay all Contracting Parties of the date on which, for this stock, accumulated reported catch taken by vessels of the Contracting Parties is estimated to equal 100 percent of the TAC for that stock. At that date each Contracting Party, to which a quota has been allocated or which vessels are engaged in fishing under the "Others" quota, shall prohibit fishing by its vessels for that stock.

<sup>7</sup> Contracting Parties shall inform the NAFO Executive Secretary before 1 December 1998 of the measures to be taken to meet the advice of the NAFO Scientific Council.

<sup>8</sup> The provisions of Part I, Section A.5b) of NAFO Conservation and Enforcement Measures shall apply.

\* No directed fishing - The provisions of part I, Section A.5b) of NAFO Conservation and Enforcement Measures shall apply.



**Annex 13. List of Decisions and Actions by  
the General Council  
(20<sup>th</sup> Annual Meeting, 14-18 September 1998)**

Substantive issue (propositions/motions)	Decision/Action (GC Doc. 98/7, Part I; item)
1. Participation in NAFO by two Contracting Parties – Bulgaria and Romania	Contracting Parties will continue their contacts with the Bulgarian and Romanian authorities during 1999. The Executive Secretary shall investigate the practices of other International Bodies regarding membership provisions: item 2.1
2. Transparency of NAFO Activities and Decisions	The Working Group on Transparency will meet intersessionally (2-4 March 1999) at NAFO Headquarters; item 2.2
3. Report of STACFAC to the Meeting: - New diplomatic demarches to Belize, Honduras, Panama, Sierra Leone - Re-elect Dr. J.-P. Plé as STACFAC Chairman	Adopted; item 4.1  Agreed; item 3.1 Noted; item 4.4
4. Working Group on Allocation of Fishing Rights and chartering of vessels: - The mandate to decide on the issue of chartering fishing vessels by Contracting Parties to fish their allocations in the NAFO Regulatory Area. - Contracting Parties shall not charter fishing vessels to fish in the Regulatory Area until final resolution of this matter. - Working Group on Chartering	-Clarified by the Chairman of General Council- This issue will be considered and decided only within the General Council authority. Agreed; item 4.6 -Agreed; item 4.6  -The W.G. will meet intersessionally in USA (time will be specified later).
5. Report of STACFAD to the meeting: - Auditors' Report (1997) - Accumulated Surplus Account - Bulgaria's and Romania's non-collectible debt for 1998	Adopted; item 5.2a Adopted; maintain the level not less than \$75,000 Agreed: To write-off from the Accumulated Surplus Account.
6. Budget for 1999 - incl. special amount for satellite tracking	Adopted; item 5.5; \$1,092,000 Cdn \$35,000.00 Cdn
7. Term of the Executive Secretary of NAFO	Agreed: item 5.5; - the term of the present Executive Secretary extended for four (4) years (01.01.99-31.12.2002) - amendment to NAFO Staff Rules to include an extension of the NAFO Executive Secretary's term for one (1) additional four-year period.
8. Annual NAFO Meetings, 1999-2001	Agreed on time and place of the Annual Meetings; item 6.1 and Part II, item 13.

## **PART II**

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

#### **1. Opening by the Chairman**

The first session of the Standing Committee on Finance and Administration (STACFAD) was opened by the Executive Secretary, L. Chepel, on behalf of Mr. F. Kingston (European Union) at 1500 hrs on 14 September 1998. The Executive Secretary informed the Committee that Mr. F. Kingston was not able to attend this meeting. The Vice-Chairman, Mr. J.-P. Plé (United States of America) was also not able to attend the beginning of STACFAD due to other commitments.

In the absence of a Chairman and Vice-Chairman, Mr. A. Thomson (EU) was elected as interim Chairman.

The Chairman welcomed all delegates and in his opening remarks noted that the agenda had a number of issues for consideration, which have direct financial consequences to the Organization. He hoped that STACFAD would be able to give the General Council its recommendations with full knowledge that those responsibilities have been fulfilled. Delegates from the following Contracting Parties were present: Canada, Cuba, Estonia, European Union, Japan, Latvia, Lithuania, Norway, Russian Federation, and the USA (Annex 1).

#### **2. Appointment of Rapporteur**

F. Keating, Administrative Assistant and S. Goodick, Accounting Officer of the NAFO Secretariat were appointed Rapporteurs.

#### **3. Adoption of Agenda**

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

#### **4. Auditor's Report for 1997**

The Executive Secretary presented the Auditors' Report and Financial Statements of the Northwest Atlantic Fisheries Organization for the Year Ended 31 December 1997. The Executive Secretary indicated that the Auditors' Report, signed by Deloitte & Touche, was circulated to the Heads of Delegation on 30 March 1998 and no comments had been received on the Report.

**STACFAD recommends to the General Council that the 1997 Auditors' Report be adopted.**

#### **5. Meeting of the Pension Society**

The International Fisheries Commissions Pension Society (IFCPS) administers the pension plans and benefits for employees of NAFO and other international fisheries commissions based in North America. The annual meeting was held during 20-22 May 1998 in La Jolla California, USA. The next annual meeting of the IFCPS is scheduled to take place in Ottawa, Canada during 20-21 April 1999.

The Administrative Assistant presented STACFAD Working Paper 98/2 summarizing the annual meeting, which was attended by the NAFO Secretariat staff F. Keating and S. Goodick. The following items were noted:

- a) The IFCPS signed a contract with Eckler Partners Limited as the new Administrative Agent, who will provide pension consulting, actuarial and administrative services. The new contract will reduce NAFO's annual share of the contract by approximately \$4,300 from the previous year's contract of \$6,000.
- b) The IFCPS is reviewing the premium rates for Group Life Insurance and Long Term Disability Insurance in an effort to reduce costs.
- c) A new set of investment guidelines for an improved asset mix of the Canadian Pension Plan Funds is being established. The new guidelines should be prepared and submitted for approval by the next annual meeting of the IFCPS.

#### **6. Review of Cost Implications of the Hail and Satellite Tracking Systems in the Regulatory Area**

STACFAD Working Paper 98/1 (Annex 3) was distributed and reviewed by the Committee.

The Executive Secretary noted that computer system to handle reports has been upgraded in stages over the previous four years. In 1998, NAFO Headquarters installed a network and server, which could provide opportunities to handle the hail system. The cost for the system upgrade is being covered within the annual operating expense budget.

The General Council, at the 19th Annual Meeting of NAFO, allocated \$35,000 to the 1998 budget for the automation of the hail system. A STACTIC Working Group met in October 1997, although, they could not recommend any specific hardware/software to be installed at the Secretariat.

It is anticipated that the 1998 budgetary amount of \$35,000, for the automation of the hail system equipment at NAFO Headquarters, will not be expended during the fiscal year, therefore, it will be returned to the Accumulated Surplus. Since STACTIC is still exploring this technology, **STACFAD recommends that \$35,000 be allocated to the 1999 budget.**

#### **7. Administrative and Financial Statements for 1998 (July)**

The Executive Secretary presented the Administrative Report and Financial Statements (NAFO GC Doc. 98/5).

The Committee, noting the following, reviewed the financial statements in detail:

- the total 1998 estimated expense obligation of \$1,035,000 is \$42,000 below the 1998 approved budget of \$1,077,000.
- the Annual Meeting (and other meetings) and Scientific Council Meeting expenditures were over budget by \$21,500 due to unbudgeted intersessional meetings.

The Chairman informed the participants that payment for the amount of \$15,576.06 had been received from Cuba (1997 contribution) since the financial statements were prepared as of 31 July 1998.

The representative from the USA informed STACFAD that a payment of \$158,192.10 was issued and it hopes to provide the outstanding 1998 balance of \$12,805.33, pending needed USA Congressional action.

It was also noted that contributions were not received from Bulgaria and Romania.

### 8. Review of the Accumulated Surplus Account

The Executive Secretary reviewed the accumulated surplus account and it was noted that the year-end balance is estimated to be \$237,862 provided that all outstanding member contributions (excluding Bulgaria/Romania) are received.

**As in past years, STACFAD recommends that \$75,000 be maintained as a minimum balance in this account in order to fulfil NAFO's financial obligations in early 1999 until contributions are received.**

The remaining estimated accumulated surplus balance (\$162,862) at the end of 1998 would be used to reduce contributions due from Contracting Parties.

### 9. Preliminary Budget Estimate for 1999

The Executive Secretary presented the preliminary budget estimate for 1999 (GC Working Paper 98/2).

The Committee reviewed the preliminary budget estimate in detail and noted:

- salary levels included a 2% cost of living adjustment (COLA), although no COLA salary increases will be given until an agreement is finalized between the PSSA and the Canadian Government;
- computer services includes an additional \$5,000 for year 2000 upgrading, \$5,000 for modernizing/enhancing the NAFO Website and \$35,000 for automation of the hail system;
- the meeting account has been itemized to reflect budget estimates for the various meetings scheduled during 1999. At least four inter-sessional meetings are scheduled for 1999 (Annex 4);
- the preliminary budget estimate for 1999 is \$1,092,000 (Annex 4);
- the preliminary calculations of the 1999 billing is \$929,138 (Annex 5).

**STACFAD recommends to the General Council that the budget of \$1,092,000 be adopted for 1999.**

Committee members brought to the attention of STACFAD the potential of at least four inter-sessional meetings for 1999 as a result of issues being deferred from the General Council or Fisheries Commission. The concern was of the potential cost implications of all of the inter-sessional meetings being held. The Committee reflected the cost estimate of these meetings in the 1999 budget.

The Secretariat provided cost estimates of holding meetings in various venues (Annex 6).

Contracting Parties should be aware of the costs to themselves, however, some kind of balance should be struck which reflects both economies for NAFO and for Contracting Parties. It was noted that the European Union and also the United States have offered to host one inter-sessional

meeting each. One party suggested that NAFO travel costs could be reduced by having the host countries of inter-sessional meetings away from NAFO headquarters provide secretarial services for the Executive Secretary. Other Contracting Parties noted that, although more costly, it would be more efficient for the NAFO Executive Secretary to be accompanied by his Secretary to these meetings.

#### **10. Term of Office of the Executive Secretary**

The provisions regarding the Office of the Executive Secretary of NAFO are spelled-out in Article XV of the NAFO Convention. The Executive Secretary presented NAFO document GF/90-079 of 7 March 1990 on the term of the Executive Secretary, which included the terms of the appointment of current Executive Secretary.

The Term of Office of the Executive Secretary was proposed for discussion by the Canadian delegation. Canada's purpose for adding this item to the agenda was not to call into question the term of office of the current Executive Secretary but to discuss the desirability of developing some guidance for General Council on the term of employment for future NAFO Executive Secretaries. Some international fisheries commissions have developed the practice or rule to hire an Executive Secretary for a fixed period of time, i.e. 4 or 5 year term, with the possibility of renewing for one second term. The rationale for this practice is to clearly define the term of employment and thus to avoid any expectations of indefinite employment; and secondly, to allow the position to be rotated among interested applicants from other Contracting Parties. This latter point is an important consideration for many Contracting Parties as there is considerable interest in the executive positions of international fisheries commissions.

Canada believes the term of office question should be specifically 'codified' under Section 4 of the NAFO Staff Rules and conforms to the period noted above.

**STACFAD recommends that the General Council examine the matter of Executive Secretary's term of office with a view to future appointments.**

**Furthermore, STACFAD recommends the renewal of the contract of the present Executive Secretary for a determined period.**

#### **11. Review of NAFO Measures to address the year 2000 computer challenge**

The Executive Secretary informed the Committee that concern regarding NAFO measures to address the year 2000 computer challenge was forwarded to the NAFO Secretariat by the Canadian Delegation. STACFAD Working Paper 98/3 was circulated for discussion.

It was noted that arrangements had been made for a year 2000 audit of the computer hardware and software used within the NAFO Secretariat. Costs incurred to ensure that the NAFO Secretariat's computing infrastructure is Year 2000 compliant would be in the range of \$5,000. This amount has been included in the 1999 computer services budget estimate.

#### **12. Preliminary Budget Forecast for 2000**

STACFAD noted the preliminary budget forecast for 2000 would be reviewed in detail during the 21st Annual Meeting (Annex 7).

### 13. Time and Place of 2001 Annual Meeting

The location of the Annual Meeting for 1999 is scheduled for Dartmouth, Canada unless an invitation is extended by a Contracting Party and accepted by the General Council. STACFAD noted that the annual meeting for 2000 is scheduled to take place in Boston, USA. The 2001 Annual Meeting will be held in Halifax, Canada if no invitations to host the Annual Meeting are extended by a Contracting Party and accepted by the Organization.

The dates of the next Annual Meetings are as follows:

1999	-	Scientific Council	-	08-17 September
	-	General Council	-	13-17 September
	-	Fisheries Commission	-	13-17 September
2000	-	Scientific Council	-	13-22 September
	-	General Council	-	18-22 September
	-	Fisheries Commission	-	18-22 September

**STACFAD recommends that the dates of the 2001 Annual Meeting be as follows:**

2001	-	Scientific Council	-	12-21 September
	-	General Council	-	17-21 September
	-	Fisheries Commission	-	17-21 September

### 14. Other Issues

a) The following item was referred over from the General Council for the consideration of STACFAD.

Financial Requirements for Modernizing/Enhancing the NAFO Website (GC Working Paper 98/8, Annex 8)

STACFAD discussed the request by the Scientific Council for \$16,000 for 1999 for Modernization of the NAFO Website and \$8,000 annually thereafter for the maintenance of the NAFO Website. The Committee members were concerned about the 200 hours of work required and how the financial implications were derived. It was unclear if the amounts were estimated by the Scientific Council or if a computer specialist had been consulted on this issue.

In order for the Committee to reach a consensus on the financial request, additional information on the make up of costs would be required.

**STACFAD recommends that an amount of \$5,000 be allocated for the Modernization/Enhancement of the Website for the 1999 budget and that the Executive Secretary be instructed to review the costs associated with the proposal in conjunction with STACFAD.**

b) The Committee had concerns that because of the number of working groups and time constraints at the Annual Meeting, sufficient time may not have been set aside for full discussions at the annual meetings.

Noting the continual increase in administrative challenges during annual meetings, **STACFAD recommends that the General Council authorize the Secretariat to review the scheduling and**

**time of annual meetings to ensure that the mandate of the Organization be adequately fulfilled.**

Considering a number of proposals from NAFO bodies with impact on the budget, STACFAD would like to draw the Contracting Parties' attention to the decision by the General Council at the *16th Annual Meeting of NAFO (September 1994)* with requirement that all proposals with cost implications to the NAFO budget should be presented well in advance with cost estimates for this purpose of further discussions in STACFAD (FC Doc. 94/8, item 5.5).

#### **15. Adjournment**

The final session of the STACFAD meeting adjourned on 16 September 1998 at 1810 hrs.

**Annex 1. List of Participants**

<b><u>Name</u></b>	<b><u>Contracting Party</u></b>
A. Sarna	Canada
R. Dominguez	Cuba
R. Aps	Estonia
O. Tougaard	European Union
A. Thomson	European Union
S. Segura	European Union
H. Nakayama	Japan
H. Isobe	Japan
A. Ukis	Latvia
A. Rusakevicius	Lithuania
T. K. Rorvik	Norway
V. Fedorenko	Russian Federation
S. Kinney	USA
J.-P. Plé	USA
L. I. Chepel	NAFO Secretariat
S. M. Goodick	NAFO Secretariat
F. D. Keating	NAFO Secretariat



**Annex 2. Agenda**

1. Opening by the Chairman, A. Thomson (EU)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Auditor's Report
5. Meeting of the Pension Society
6. Review of Cost Implications of the Hail and Satellite Tracking Systems in the Regulatory Area
7. Administrative and Financial Statements for 1998 (July)
8. Review of Accumulated Surplus Account
9. Preliminary Budget Estimate for 1999
10. Term of Office of the Executive Secretary
11. Review of NAFO Measures to address the year 2000 computer challenge
12. Preliminary Budget Forecast for 2000
13. Time and Place of 2001 Annual Meeting
14. Other issues including questions from the General Council
15. Adjournment

**Annex 3. Cost Implications of the Hail and Satellite Tracking  
Systems in the Regulatory Area, 1998 (STACFAD Working Paper 98/1)**

I. Hail System

The Hail System is provisioned in the NAFO Conservation and Enforcement Measures, Part III.E. Pursuant to the provisions, the NAFO Secretariat receives and verifies the hail reports from Contracting Party vessels and, then, transmits the reports to the Contracting Parties with inspection presence in the NAFO Regulatory Area. In 1997 there were two (2) Contracting Parties with inspection presence - Canada and the European Union.

a) Cost of Hard/software (\$CAD)

The computer system to handle hail reports was upgraded in several stages:

- In 1995 to accommodate the database conversion of statistical information and Hail Report procedures.

- In 1996 a consultant was hired to conduct the database implementation plan of converting all data files from the old system (Dbase) to the new database (Microsoft Access 7.0), to create report options for the system and to provide all hail information via X.25 connection to Contracting Parties with inspection presence.

- In 1997 all hail reports were directed to Canada and European Union via X.25 connection.

- In 1998 a complete computerized networking was installed at the NAFO Headquarters with a Central Server (AMD K6-233 processor with MMX, 128 MB of RAM, with 4 gigabyte harddrives), which could provide unlimited power and opportunities to handle hail system and as well, satellite tracking information. These costs will be included in the funds for satellite tracking.

b) Communication costs of transmissions of Hail Reports from the Secretariat to Contracting Parties with inspection presence during 1995-1998

Year	Telefax		Inmarsat		Maritime Tel & Tel		Total \$CAD
	Canada	EU	Canada	EU	Datapac	Network Service	
1995	90.9	540	-	3,101	201	3,181	7,113
1996	80.0	373	-	3,473	614	3,120	7,660
1997	-	-	-	-	855.17	3,120	3975.17
1998	-	-	-	-	796.88	3,120	3916.88

II. Satellite Tracking and Observers Pilot Project

The Pilot Project for Observers and Satellite Tracking is provisioned in the NAFO Conservation and Enforcement Measures, Part VI. According to the provisions, the NAFO Secretariat receives messages from the vessels equipped with satellite devices and transmits those to the Parties with inspection vessels in the Convention Area.

a) Cost of Hard/software

The decision had been made by the General Council at the 19th Annual Meeting, September 97, for allocation of funds of \$35,000 Cdn to the NAFO budget for the satellite tracking business. The Working Group (of STACTIC) met in October 1997 recommending standardized formats of satellite tracking reports from Contracting Parties to the NAFO Secretariat. This recommendation will be considered by the Fisheries Commission during the current meeting. The Working Group could not recommend any specific hardware/software to be installed at the Secretariat. The Secretariat on its own approached several local providers in Canada, but could not find any reliable company. The charges of some companies were too high even for a research stage (up to \$15,000), which was not acceptable for the Secretariat. At this stage, our negotiations are continuing with one company – "STRATOS Mobile Networks" to identify services and costs.

The NAFO Secretariat undertook the following practical steps to build-up a technological/computer base for a future automated system for satellite tracking (and hail reports):

- Complete computer networking/cabling at 100 MB/sec to handle any future technology/upgrades; Costs – \$2500 Cdn (lump sum).
- Central server of 128 MB of RAM and 4 gigabyte harddrives (2); Costs would be in the range of \$1,035.00 per month starting in June for the year 1998.
- New E-mail address – NAFO@ISTAR.ca for pilot trial dispatch of satellite reports; Costs \$50.00 per month for the year 1998.

Total costs for 1998 would be \$10,095.00.

These costs will be covered from the funds of computer services up to \$2,850.00 Cdn and \$7,245.00 Cdn shall be covered from contractual services. None of the allocated funds (\$35,000) for satellite tracking is anticipated to be used.

The amount of \$35,000.00 will be returned to the Accumulated Surplus Account.

The allocation of funds to satellite tracking technology for 1999 will depend on the Fisheries Commission/STACTIC recommendations and decision of the General Council.

b) Costs of communication

There was a very limited number of satellite tracking reports sent to the Secretariat during 1998. Three (3) reports from Norway were received by fax in hail format and included with hails transmitted to Canada and European Union. Approximately 200 reports were received from EU via X.25 connection in form of hail reports. All the reports were circulated to Canada and EU as hail reports. There were no extra costs for this.

**Annex 4. Budget Estimate for 1999**  
(Canadian Dollars)

	Approved Budget for 1998	Projected Expenditures for 1998	Preliminary Budget Forecast for 1999	Budget Estimate for 1999
1. Personal Services				
a) Salaries	\$ 620,000	\$ 611,000	\$632,000	\$632,000 <sup>a</sup>
b) Superannuation and Annuities	84,000	75,000	65,000	77,000
c) Additional Help	1,000	1,000	1,000	1,000
d) Group Medical and Insurance Plans	47,000	44,000	48,000	47,000
e) Termination Benefits	22,500	18,000	21,000	23,000 <sup>b</sup>
f) Accrued Vacation Pay	1,000	1,000	1,000	1,000
g) Termination Benefits Liability	10,000	10,000	10,000	10,000
2. Travel	26,000	21,000	10,000	8,000 <sup>c</sup>
3. Transportation	1,000	1,000	1,000	1,000
4. Communications	61,000	62,000	62,000	63,000
5. Publications	27,000	27,000	27,000	27,000
6. Other Contractual Service	34,000	35,000	35,000	42,000 <sup>d</sup>
7. Materials and Supplies	30,000	30,000	32,000	30,000
8. Equipment	5,000	5,000	5,000	5,000
9. Meetings				
a) Annual Meeting and June Scientific Council Meeting	57,500	59,000	37,000	42,000 <sup>e</sup>
b) Inter-sessional Meetings	-	20,000	-	23,000 <sup>f</sup>
10. Computer Services	50,000	15,000	15,000	60,000 <sup>g</sup>
	\$1,077,000	\$1,035,000	\$1,002,000	\$1,092,000

<sup>a</sup> Collective Bargaining with the Canadian Government is in progress with respect to Cost of Living Adjustments (COLA's). The budgeted 1998/99 COLA's will again be withheld until an agreement is finalized.

<sup>b</sup> This figure is for 1999 credits and conforms with NAFO Staff Rule 10.4(a).

<sup>c</sup> Travel costs for 1999 includes the Assistant Executive Secretary's attendance at the 18th Session of the CWP in Luxembourg, July 1999 and two persons to meeting of Directors and Executive Secretaries of the seven International Commissions located in North America re discussion of pension scheme for employees, April 1999, Ottawa, Canada.

<sup>d</sup> This figure includes the costs for NAFO Computer Networking.

<sup>e</sup> This figure includes the cost for Annual Meeting, September 1999, and the Scientific Council Meeting, June 1999, Halifax, N.S., Canada.

<sup>f</sup> WG on Allocation of Fishing Rights and Chartering of Vessels; WG on Transparency in NAFO Activities and Decisions; Joint Scientific Council/Fisheries Commission WG on the Precautionary Approach; and WG on Dispute Settlement Procedures.

<sup>g</sup> This figure includes \$5,000 for the Year 2000 upgrading for NAFO Computer system, \$5,000 for modernizing/enhancing the NAFO Website, and \$35,000 for automation of the hail system.

### Annex 5. Preliminary Calculation of Billing for 1999

Preliminary calculation of billing for Contracting Parties against the proposed estimate of \$1,092,000 for the 1999 financial year (based on 17 Contracting Parties to NAFO) (Canadian Dollars)

Budget Estimate.....	\$1,092,000.00
Deduct: Amount from Accumulated Surplus Account.....	<u>162,862.00</u>
Funds required to meet 1999 Administrative Budget.....	<u>\$ 929,138.00</u>

60% of funds required = \$557,482.80  
 30% of funds required = 278,741.40  
 10% of funds required = 92,913.80

Contracting Parties	Nominal Catches for 1996	% of Total Catch in the Convention Area	% of Total Catch in the Convention Area			Amount Billed
			10%	30%	60%	
Bulgaria	-	-	-	\$16,396.55	-	\$ 16,396.55
Canada <sup>1</sup>	403,833	53.01	\$53,991.42	16,396.55	\$295,521.63	365,909.60
Cuba	1,501	0.20	-	16,396.55	1,114.97	17,511.52
Denmark (Faroes and Greenland) <sup>1,2</sup>	100,461	13.19	13,431.37	16,396.55	73,531.98	103,359.90
Estonia	1,986	0.26	-	16,396.55	1,449.46	17,846.01
European Union <sup>1</sup>	22,867	3.00	-	16,396.55	16,724.48	33,121.03
France (St. Pierre et Miquelon)	43	0.01	5.75	16,396.55	55.75	16,458.05
Iceland	20,680	2.71	-	16,396.55	15,107.78	31,504.33
Japan	3,763	0.49	-	16,396.55	2,731.67	19,128.22
Republic of Korea	-	-	-	16,396.55	-	16,396.55
Latvia	1,253	0.16	-	16,396.55	891.97	17,288.52
Lithuania	1,585	0.21	-	16,396.55	1,070.71	17,567.26
Norway <sup>1</sup>	7,429	0.98	-	16,396.56	5,463.33	21,859.89
Poland	-	-	-	16,396.56	-	16,396.56
Romania	-	-	-	16,396.56	-	16,396.56
Russian Federation <sup>1</sup>	5,793	0.76	-	16,396.56	4,236.87	20,633.43
United States of America <sup>1</sup>	190,619	25.02	25,485.26	16,396.56	139,482.20	181,364.02
	761,813	100.00	\$92,913.80	\$278,741.40	\$557,482.80	<u>\$929,138.00</u>
Funds required to meet 1 January - 31 December 1999 Administrative Budget						<u>\$929,138.00</u>

<sup>1</sup> Provisional Statistics used when calculating 1996 nominal catches due to outstanding reports from some Contracting Parties.

<sup>2</sup> Faroe Islands = 11,878 metric tons  
 Greenland = 88,583 metric tons

**Annex 6. Travel and Meeting Costs Estimates for the NAFO Secretariat**  
 (STACFAD Working Paper 98/4-Revised)  
 (Canadian Dollars)

**Travel Costs Estimate for NAFO Secretariat**

Meeting of FAO and Non-FAO Regional  
 Fishery Bodies, 11-12 February 1999,  
FAO Headquarters, Rome

	<u>Costs</u>	<u># of Staff</u>		<u>Total Cost</u>
Airfare	\$1,500			
Hotel	800			
Per Diem & Misc	<u>800</u>			
Total Travel Costs Estimate	<u>\$3,100</u>	x 1	=	<u>\$3,100</u>

Inter-sessional Meeting – Brussels

Airfare	\$1,500			
Hotel	1,000			
Per Diem & Misc	<u>700</u>			
Total Travel Costs Estimate	<u>\$3,200</u>	x 2	=	<u>\$6,400</u>

Inter-sessional Meeting – Copenhagen

Airfare	\$1,500			
Hotel	1,200			
Per Diem & Misc	<u>700</u>			
Total Travel Costs Estimate	<u>\$3,400</u>	x 2	=	<u>\$6,800</u>

Inter-sessional Meeting – Washington

Airfare	\$ 600			
Hotel	1,200			
Per Diem & Misc	<u>700</u>			
Total Travel Costs Estimate	<u>\$2,500</u>	x 2	=	<u>\$5,000</u>

Inter-sessional Meeting – Spain

Airfare	\$1,500			
Hotel	1,250			
Per Diem & Misc	<u>750</u>			
Total Travel Costs Estimate	<u>\$3,500</u>	x 2	=	<u>\$7,000</u>

**Meeting Costs Estimate for NAFO Secretariat**Inter-sessional Meeting – NAFO Secretariat

Airfare	\$ 0		
Hotel	0		
Per Diem & Misc	<u>0</u>		
Total Travel Costs Estimate	\$ <u>0</u>	=	\$ <u>0</u>

Inter-sessional Meeting – Dartmouth Holiday Inn

Hotel Rental	\$3,500		
Equipment Rental	500		
Phone/Fax Lines	<u>500</u>		
Total Meeting Costs Estimate	\$ <u>4,500</u>	=	\$ <u>4,500</u>

**Annex 7. Preliminary Budget Forecast for 2000**  
(Canadian Dollars)

1.	Personal Services	
	a) Salaries	\$ 644,000
	b) Superannuation and Annuities	50,000
	c) Additional Help	1,000
	d) Group Medical and Insurance Plans	48,000
	e) Termination Benefits	20,000 <sup>a</sup>
	f) Accrued Vacation Pay	1,000
	g) Termination Benefits Liability	10,000
2.	Travel	20,000 <sup>b</sup>
3.	Transportation	1,000
4.	Communications	64,000
5.	Publications	27,000
6.	Other Contractual Services	35,000
7.	Materials and Supplies	30,000
8.	Equipment	5,000
9.	Meetings	
	a) Annual Meeting and June Scientific Council Meeting	50,000 <sup>c</sup>
	b) Inter-sessional Meetings	20,000 <sup>d</sup>
10.	Computer Services	<u>15,000</u>
		<u>\$1,041,000</u>

<sup>a</sup> This figure is for 2000 credits and conforms with NAFO Staff Rule 10.4(a).

<sup>b</sup> Travel costs for 2000 include two persons to meeting of Directors and Executive Secretaries of the seven International Commissions located in North America re discussion of pension scheme for employees, April 1999; the Assistant Executive Secretary's attendance at the intersessional meeting of CWP; and the Executive Secretary's home leave to Russia.

<sup>c</sup> This figure includes the cost for Annual Meeting, September 2000 in Boston, MA, USA and the Scientific Council Meeting, June 2000, in Halifax, N.S., Canada.

<sup>d</sup> This figure is a contingency for possible inter-sessional meetings during the year 2000.



**Annex 8. Financial Requirements for Modernizing/Enhancing  
the NAFO Website (GC Working Paper 98/8 – by Scientific Council)**

**Background:** In June 1997, the Scientific Council of NAFO endorsed the recommendation of STACPUB to establish a NAFO Website. The website was subsequently created in September 1997 and has since undergone some minor revision and enhancement.

**Addressing the Customer:** The NAFO Website should provide data and information reflecting the broad array of NAFO scientific and management activities and accomplishments. At a minimum, the Website should provide information on the most recent: (1) stock assessment results; (2) scientific recommendations/advice; and (3) agreed management measures (TACs). Data summaries should also be provided on recent environmental conditions in the NAFO area. In addition, NAFO symposium/meeting announcements and selected Scientific Council/Fisheries Commission/General Council reports should be available on the Website.

**Technical requirements:** To meet the above requirements, a modern designed Website with hyperlinks to other sources of information is necessary. The Website should have links to the NOAA or BIO servers [which furnish information on daily environmental conditions in the NAFO area] and to MEDS and other international scientific and management organizations like ICES, PICES, CCAMLR, etc. Internal links should also exist to the scientific results from previous Scientific Council and Annual Meetings (e.g. abstracts and figures of selected reports and documents).

**Financial requirements:** Modernization of the NAFO Website will require about 200 hours of specialists work during the first year. Once the Website has been modernized, the annual amount of workload might be reduced to 100 hours per year. Both the enhancement and maintenance of the Website can be accomplished by qualified computer consultant, which offer their services at about 80\$CDN/hour. **For this work , the Scientific Council therefore requests that NAFO allocate 16000\$CDN for 1999 for modernization, and 8000\$CDN annually thereafter for the maintenance of the NAFO Website.**

## PART III

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

#### 1. Opening by the Chairman, J-P. Plé (USA)

The meeting was called to order by the Chairman, J-P. Plé (USA) at 1415 hrs on 14 September 1998. The following Contracting Parties were present: Canada, Denmark (in respect of the Faroe Islands and Greenland), European Union (EU), France (in respect of St. Pierre et Miquelon), Iceland, Japan, Norway, Russia and the United States of America (USA) (Annex 1).

#### 2. Appointment of Rapporteur

P. Heller (EU) was appointed rapporteur.

#### 3. Adoption of Agenda

The agenda was adopted (Annex 2).

#### 4. Review of 1998 information on activities of Non-Contracting Party Vessels in the Regulatory Area

Canada presented a paper (STACFAC WP 98/3) on the activities of Non-Contracting Party (NCP) vessels in the NAFO Regulatory Area (NRA) from 1 January to 31 August 1998. The paper indicated that four vessels, the "Austral", the "High Sierra", the Porto Santo" and the "Santa Princesa", all registered in Sierra Leone, were sighted fishing in the NAFO Regulatory Area during the period 1 January to 31 March 1998.

None of the NCP vessels indicated above were boarded during 1998. However, total catches from these vessels are estimated to be 350 tons and are believed to consist mainly of cod and redfish. All information on NCP activity for 1998 regarding vessel registry and crew nationality are based on the latest information available and may be different at present. It was also noted that, thus far, there had been a decrease in the total number of NCP vessels sighted fishing in the NRA compared to the five NCP vessels sighted during 1997.

Several Contracting Parties asked whether the observed decrease in NCP presence is due to the adoption of the "NAFO Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO", or to the general depletion of the stocks. The general view was that both the adoption of the Scheme and poor fishing conditions contributed to the observed decrease in NCP fishing in the NRA.

The Committee noted that a scheme similar to the NAFO Scheme was adopted by the members of the Commission for the Conservation of Antarctic Living Marine Resources (CCALMR) in October 1997 and that a scheme similar to the NAFO Scheme is also being considered by the members of the North-East Atlantic Fisheries Commission.

The EU emphasized the apparent success of the NAFO Scheme in relation to NCP activities, but warned that such activities have now moved to other areas; to areas either without regional fishery organizations or where such organizations not yet have implemented such a scheme. In this

respect, the EU asked for an increase in inter-regional cooperation with established organizations, as well as with organizations currently being negotiated.

Iceland reported sightings of many NCP vessels in the North-East Atlantic Fisheries Commission Area and Norway noted the presence of the same four vessels, mentioned earlier, in the Barents Sea "Loophole" during 1998.

#### **5. Review of 1998 information on landings and transshipments of fish caught by Non-Contracting Party vessels in the Regulatory Area**

Among those Contracting Parties present, none reported that local authorities were aware of landings and transshipments of fish caught by NCP vessels sighted fishing in the NRA in their respective ports.

#### **6. Review of information on imports of species regulated by NAFO from Non-Contracting Parties whose vessels have fished in the Regulatory Area**

No new information was presented.

#### **7. Reports by Contracting Parties on diplomatic contacts with Non-Contracting Party Governments concerning fishing in the Regulatory Area**

In accordance with last year's General Council decision, diplomatic demarches were delivered to the non-Contracting Party Governments whose vessels fished in the Regulatory Area in 1997 or in previous years. Canada delivered such demarches to Honduras and Panama; the USA to Sierra Leone and Belize. Canada and the USA reported that they had so far received no formal responses to the demarches. However, Canada noted that it had received a report that the vessel "Danica", a vessel previously sighted fishing in the NRA, has been de-registered by Honduras.

#### **8. Review of the performance of the Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO**

As 1998 marks the first full year of the Scheme, the first report of the Executive Secretary, as called for by paragraph 14 of the Scheme, will be prepared by 1 April 1999. The Committee reviewed GC Doc. 98/1, which provided preliminary information on the implementation of the Scheme by Contracting Parties. The document included reports from Canada, Lithuania, Norway and USA.

The Chair asked Contracting Parties on their national implementation of the NAFO Scheme. The following information was provided by Contracting Parties:

- EU: Implementation is underway in the framework of a general revision of EU control legislation; the implementation will be in place before the end of 1998.
- Iceland: National legislation enacted in January 1997 includes the measures of the NAFO Scheme; foreign landings in Icelandic ports will always be inspected.
- France (on behalf of St. Pierre et Miquelon): Implementation is under way and will be completed in the near future.

- Japan: General legislation on landings by foreign fishing vessels cover the measures in the NAFO Scheme.
- USA: Under previously enacted legislation, foreign fishing vessels are generally prohibited from entering U.S. ports.
- Denmark (in respect of the Faroe Islands and Greenland): Legislation is in place; administrative procedures are under way.

The representative of the USA presented a paper (STACFAC WP 98/1) on provisions for possible inclusion in the NAFO Conservation and Enforcement Measures to enhance the Scheme. The paper proposed to include the Scheme's prohibition to receive transshipments from sighted NCP vessels and the sharing/distribution of information of sightings of NCP fishing activities in the NRA.

Norway pointed out that the proposed textual amendments did not ensure an entire consistency between the two schemes, but found otherwise the proposal to be useful. Several other delegations supported the objectives put forward in the Working Paper. Japan noted that it has legal difficulties implementing the proposed measure to regulate transshipments from NCP vessels to Japanese transport vessels.

(Note: STACFAC WP 98/1, Revision 1, was presented to the General Council on September 15th for referral to the Fisheries Commission. The document noted the importance to ensure consistency of Conservation and Enforcement Measures with the Scheme. The General Council referred this item to the Fisheries Commission for appropriate action.)

### **9. Report and Recommendations to the General Council**

The STACFAC recommends to the General Council that:

1. it refer STACFAC WP 98/1, Revision 1, to the Fisheries Commission for discussion and appropriate action;
2. demarches, in the form of letters signed by the President of NAFO, be made to the flag-States of NCP vessels which were sighted fishing in the NRA in 1998 or in previous years, in an effort to discourage vessels from these countries from fishing in the NRA (Annexes 3, 4, 5 and 6);
3. NAFO seek closer inter-regional cooperation with other regional fisheries organizations with the aim to share information and to promote respect for relevant conservation measures by NCP vessels;
4. it bring to the attention of all Contracting Parties the names of the four NCP fishing vessels sighted fishing in the NRA during 1998 with the view that this information be shared with appropriate port authorities.

### **10. Election of Chairman and Vice-Chairman**

Dr. Jean-Pierre Plé (USA) was re-elected as Chairman.

Mr. Daniel Silvestre (France) (in respect of St. Pierre and Miquelon) was elected as Vice-Chairman.

**11. Other Matters**

No other matters were raised.

**12. Adjournment**

The formal session of STACFAC adjourned at 12:30 hours, Wednesday, 16 September 1998.

### Annex 1. List of Participants

<u>Name of Participant</u>	<u>Contracting Party</u>
N. Bouffard	Canada
E. Lemche H. Fischer	Denmark (in respect of Faroe Islands and Greenland)
P. Heller	European Union
F. Wieland	" "
R. Akesson	" "
S. Whitehead	" "
I. Ybahez	" "
M. Folque	" "
L. Heredia	" "
D. Silvestre	France (in respect of St.Pierre et Miquelon)
K. Skarphedinsson	Iceland
H. Inomata	Japan
I. L. Opdahl	Norway
S. Owe	"
V. Dvorynkov	Russia
G. Gusev	"
G. Martin	United States of America
J.-P. Plé	" " "

**Annex 2. Agenda**

1. Opening by Chairman, J.-P. Plé (USA)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of 1998 information on activities of non-Contracting Party vessels in the Regulatory Area
5. Review of 1998 information on landings and transshipments of fish caught by non-Contracting Party vessels in the Regulatory Area
6. Review of information on imports of species regulated by NAFO from non-Contracting Parties whose vessels have fished in the Regulatory Area
7. Reports by Contracting Parties on diplomatic contacts with non-Contracting Party Governments concerning fishing in the Regulatory Area
8. Review of the performance of the NAFO Scheme to deal with non-Contracting Parties fishing in the NAFO Regulatory Area
9. Report and Recommendations to the General Council
10. Election of Chairman and Vice-Chairman
11. Other Matters
12. Adjournment

### Annex 3. Proposed letter to the Government of Sierra Leone

The Honourable  
Secretary of State  
Sierra Leone

Dear Mr. Minister:

Further to my letter of September 1997, I have been instructed by all members of the Northwest Atlantic Fisheries Organization (NAFO) present at its 20th Annual Meeting to raise again at the highest level their concern about the continued fishing activity by vessels flying your flag in the NAFO Regulatory Area.

The Contracting Parties are deeply concerned that Non-Contracting Parties permitting vessels flying their flags to fish in the NAFO Regulatory Area do not comply with their obligations to cooperate in conservation and management and that such vessels have continued to be present in the NAFO Regulatory Area fishing on resources which are at historically depleted and critical levels. The "Austral", the "High Sierra", the Porto Santo" and the "Santa Princesa", all registered in Sierra Leone, were again observed fishing in the area to the severe detriment of critical resources.

NAFO again urges the Government of Sierra Leone to withdraw its vessels forthwith and to take effective measures to prevent their return to the Regulatory Area. There is real urgency for the immediate withdrawal of these vessels given the critical state of many of the NAFO-managed fish stocks. The Government of Sierra Leone should take note that the only Non-Contracting Party fishing vessels observed fishing in the NAFO Regulatory Area during 1997, and thus far in 1998, were registered in Sierra Leone.

The Contracting Parties to NAFO have collectively and individually taken diplomatic initiatives to urge States which do not cooperate with NAFO to withdraw their vessels from the Regulatory Area. Several States have already complied.

The Contracting Parties to NAFO again draw the attention of the Government of Sierra Leone to the FAO's Compliance Agreement, adopted at the November 1993 meeting of the FAO Council, and the Agreement for the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, adopted at the August 1995 session of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. These Agreements establish the general principles for the regulation of high seas fishing by flag-States and the conservation and management of straddling fish stocks and highly migratory fish stocks, and provide a suitable basis on which the Government of Sierra Leone could prevent its vessel from fishing in the NAFO Regulatory Area, undermining the conservation measures applied by NAFO Contracting Parties.

The Contracting Parties also draw attention of the Government of Sierra Leone to the Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO, which was adopted by the Contracting Parties to NAFO in 1997, and which calls for measures to be taken against Non-Contracting Party vessels sighted fishing in the NAFO Regulatory Area. A copy of the Scheme is attached.



On behalf of the Contracting Parties to NAFO present at its 20th Annual Meeting: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union, France (in respect of St. Pierre and Miquelon), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, the Russian Federation and the United States of America.

(DATE)

A. Rodin  
President and  
Chairman of General Council

**Annex 4. Proposed letter to the Government of Belize**

The Honourable  
Minister of Foreign Affairs  
Belize

Dear Mr. Minister:

I have been instructed by all members of the Northwest Atlantic Fisheries Organization (NAFO) present at its 20th Annual Meeting to express concern that they have not received a reply to my letter of September 1997, regarding fishing activity by vessels flying your flag in the NAFO Regulatory Area in previous years.

Although the NAFO Contracting Parties are encouraged that vessels registered in Belize have thus far not been observed fishing in the area during 1998, they request that you respond to my earlier letter and urge the Government of Belize to prevent the return of its vessels to the Regulatory Area.

On behalf of the Contracting Parties to NAFO present at its 20th Annual Meeting: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union, France (in respect of St. Pierre and Miquelon), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, the Russian Federation and the United States of America.

(DATE)

A. Rodin  
President and  
Chairman of General Council

**Annex 5. Proposed letter to the Government of Honduras**

The Honourable  
Minister of External Relations  
Honduras

Dear Mr. Minister:

I have been instructed by all members of the Northwest Atlantic Fisheries Organization (NAFO) present at its 20th Annual Meeting to raise with you certain matters regarding fishing activity by vessels flying your flag in the NAFO Regulatory Area in previous years.

The NAFO Contracting Parties are encouraged to have learned that the fishing vessel "Danica", previously observed fishing in the NAFO Regulatory Area, while flying the flag of Honduras, is no longer registered in Honduras. The NAFO Contracting Parties welcome this action and requests to know the disposition of the vessel following its loss of Honduran registry.

Although the NAFO Contracting Parties are also encouraged that vessels registered in Honduras have thus far not been observed fishing in the area during 1998, they request that you respond to my letter of September 1997 regarding fishing activity by vessels flying your flag in the area in previous years and urge the Government of Honduras to prevent the return of its vessels to the Regulatory Area.

On behalf of the Contracting Parties to NAFO present at its 20th Annual Meeting: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union, France (in respect of St. Pierre and Miquelon), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, the Russian Federation and the United States of America.

(DATE)

A. Rodin  
President and  
Chairman of General Council

**Annex 6. Proposed letter to the Government of Panama**

The Honourable  
title  
Panama

Dear Mr. Minister:

I have been instructed by all members of the Northwest Atlantic Fisheries Organization (NAFO) present at its 20th Annual Meeting to express concern that they have not received a reply to my letter of September 1997, regarding fishing activity by vessels flying your flag in the NAFO Regulatory Area in previous years.

Although the NAFO Contracting Parties are encouraged that vessels registered in Panama have thus far not been observed fishing in the area during 1998, they request that you respond to my earlier letter and urge the Government of Panama to prevent the return of its vessels to the Regulatory Area.

On behalf of the Contracting Parties to NAFO present at its 20th Annual Meeting: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union, France (in respect of St. Pierre and Miquelon), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, the Russian Federation and the United States of America.

(DATE)

A. Rodin  
President and  
Chairman of General Council

## PART IV

### Report of the Working Group on Dispute Settlement Procedures (DSP)

#### 1. Opening by the Chairman

The Chairman, Mr. Stein Owe (Norway), who welcomed all the delegates, opened the meeting at 1020 hrs on 14 September 1998. The following Contracting Parties were represented at the meeting: Canada, Denmark (in respect of the Faroe Islands and Greenland), European Union, France (in respect of St-Pierre et Miquelon), Iceland, Japan, Latvia, Lithuania, Norway, Russian Federation and the United States of America (Annex 1).

#### 2. Appointment of Rapporteur

Mr. Andrew Thomson (EU) was appointed as the rapporteur.

#### 3. Adoption of Agenda

The agenda consisted of one item, namely the presentation of the Chairman's Paper (GC Working Group (DSP) Working Paper 98/3 – Annex 2).

#### 4. Review of the Chairman's Paper

The Chairman of the Working Group, Mr. Owe, introduced his paper. The structure of the Chairman's Paper followed the lines of the EU paper (GC Working Group (DSP) Working Paper 98/1 as introduced at the Working Group's meeting in April 1998), but with additions which he considered relevant in the light of earlier discussions. The Chairman proceeded to explain his paper paragraph by paragraph after which he gave the Contracting Parties the opportunity to ask questions and make comments.

The Chairman was congratulated on his efforts. Parties felt that the paper could serve as a good basis for the further work of the Working Group. In a productive round of clarification and comment, a number of questions were touched upon, which are summarised as follows:

- Should the 1995 UN Agreement rather than the UN Convention on the Law of the Sea (UNCLOS) be taken in the first instance as the basis for the NAFO Dispute Settlement Procedure (DSP)? Parties had different views on this point.
- On the declaration of intent proposed in the new paragraph 4 to Article XII, concern was expressed that this might be construed as a limitation on the right to object. Such a requirement could also shift disputes from issues of substance to questions of a more formal nature.

Some delegations stressed the need for such a declaration of intent. It was important to be able to determine whether the intended post-objection behaviour gives rise to a dispute.

It was clarified that the wording of this new paragraph is designed to cover intentions as to the possible follow up of any objection or notice of intent not to be bound, regardless of the subject of the relevant proposal or measure.

- The Parties noted that the 1995 UN Agreement as well as UNCLOS would apply "*mutatis mutandis*".

- By-catches were pointed out as a potentially complicating factor if disputes regarding straddling stocks and discrete stocks are not governed by the same rules. However, it was the view of some delegations that such situations could be handled within the framework of the present proposal.
- Attention was drawn to the fact that under the present wording of the proposal, the ad hoc panel does not have to make a recommendation. This could create problems for the proper functioning of the scheme.  
  
On the other hand, it was stressed that situations could arise where it would not be possible for the panel to make a recommendation. Similar wording is found in other relevant texts.
- The issue of provisional measures and related matters, including the question of the binding nature of provisional measures recommended by the *ad hoc* panel, was raised.
- If the Chairman of the General Council is required to choose the third member of the ad hoc panel (where the Parties to the dispute are unable to reach an agreement), a special solution is needed where the Chairman is a national of one of the Parties to the dispute.
- Additional to these comments, editorial and linguistic comments were made.

These preliminary reactions to the Chairman's Paper clearly show the need for further analysis and deliberation in the Working Group.

### 5. Conclusions

The Working Group agreed to recommend to the General Council that the group should be authorised to continue its work and to meet inter-sessionally before the next NAFO Annual Meeting in September 1999.

### Annex 1. List of Participants

<u>Contracting Party</u>	<u>Participants</u>
Canada	R. Rochon N. Bouffard D. Caron
Denmark (in respect of Faroe Islands and Greenland)	E. Lemche J. H. Toftum C. Benner
European Union	O. Tougaard F. Wieland A. Thomson  I. Ybanez R. Akesson S. Feldthaus S. Whitehead E. Monteiro M. H. Figueiredo M. Folque V. M. Fernandes C. R. Gomes
France (in respect of St. Pierre et Miquelon)	D. Silvestre
Japan	H. Isobe
Latvia	N. Riekstins
Lithuania	R. Survila A. Rusakevicius
Norway	S. Owe T. Lobach I. L. Opdahl
Russian Federation	G. V. Goussev
United States of America	G. S. Martin J.-P. Plé D. E. Swanson

**Annex 2. Chairman's Paper**  
(DSP Working Group W.P. 98/3)

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

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

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

*Article...*

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

Nevertheless, where a dispute between Contracting Parties concerns one or more straddling fish stocks, Part VIII of the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 August 1995 (hereafter referred to as the "1995 UN Agreement") shall apply.

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

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

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

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

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



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

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

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

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

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

4. Where more than one Contracting Party request the establishment of a panel related to the same subject-matter, a single panel shall be established. In disputes between more than two Contracting Parties, Parties of the same interest shall select one panelist jointly by agreement.
5. Any Contracting Party which is not a Party to the dispute may attend all hearings of the panel, make written and oral submissions to the panel and receive the submissions of each Party to the dispute.

6. On request of a Party to the dispute, or on its own initiative, the panel may seek information and technical advice from any person or body that it deems appropriate, provided that the parties to the dispute so agree.
7. Unless the Parties to the dispute otherwise agree, the panel shall, within ( ) days of hearing the case, make its recommendation referred to in paragraph 3 of Article... . The recommendation shall be confined to the subject-matter of the dispute and state the reasons on which it is based. Reasons in writing shall be communicated to the Chairman of the General Council, through the Executive Secretary, within ( ) days of the recommendation.
8. The recommendation of the panel shall be made by a majority of its members, who may not abstain from voting.
9. The General Council shall establish the rules of procedure, ensuring that each Party to the dispute shall be given full opportunity to be heard and to present its case. The panel may adopt such additional rules of procedure as it deems necessary.
10. The rules regarding expenses and the level of fees for panelists shall be established by the General Council.

## SECTION VII

(pages 171-238)

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## PART I

### Report of the Fisheries Commission Meeting

(FC Doc. 98/13)

20th Annual Meeting, 14 - 18, September, 1998

Lisbon, Portugal

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

- 1.1 The meeting was called to order by the Chairman, Mr. P. Gullestad (Norway) on 15 September 1998. Representatives from the following Contracting Parties were present: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, the European Union (EU), France (in respect of St. Pierre et Miquelon), Iceland, Japan, the Republic of Korea, Latvia, Lithuania, Norway, Poland, Russia and the United States of America (Annex 1).
- 1.2 Ms. K. Rodrigues (USA) was appointed Rapporteur.
- 1.3 The provisional agenda was **adopted** (Annex 2).
- 1.4 ICES and NAMMCO were admitted as observers in the Fisheries Commission consistent with their previous admission in the General Council.
- 1.5 It was **agreed** that the normal NAFO practice regarding publicity should be followed and that no statements would be made to the media until after the conclusion of the meeting when a press release would be issued by the NAFO Secretariat.

#### 2. Administrative (item 6)

- 2.1 The review of the Commission membership was discussed at the opening session of the General Council (under the provisions of Article XIII.1 of the NAFO Convention). There are no new members to the fifteen members of the Fisheries Commission.

#### 3. Conservation and Enforcement Measures (items 7-14)

- 3.1 With respect to Agenda item 7, Report of the Working Group on Transparency in NAFO Activities and Decisions (participation of inter-governmental and non-governmental organizations), it was **agreed** that this item was covered during the previous session of the General Council which referred the matter to the Joint GC/FC Working Group on Transparency, and needed no further discussion by the Fisheries Commission.
- 3.2 With respect to Agenda item 8, Consideration on the Establishment of a Permanent Scheme for Observers and Satellite Tracking and Agenda item 9, Report of STACTIC (FC 98/3 and 97/15), the chair of STACTIC, Mr. D. Bevan (Canada) reported on two intersessional meetings of STACTIC following the 19th Annual Meeting.

Mr. Bevan presented the results of the October 1997 Working Group on Satellite Tracking, which considered and made recommendations for automation of a satellite-based hail system

and noted that STACTIC is seeking Fisheries Commission approval of a common hail message format. The Fisheries Commission agreed to adopt the format referenced in NAFO FC Doc. 97/15 (Annex 3 – Note: New document, FC Doc. 98/10, as notified to the Contracting Parties, GF/98-482 of 25 September 1998) with the stipulation that the formats are harmonized with the Northeast Atlantic Fisheries Commission (NEAFC).

Further discussion of the satellite system occurred during the May 14-15, 1998 STACTIC meeting in Copenhagen which noted that the system had not been fully implemented in terms of the ability to transmit data to inspection vessels. STACTIC determined that, overall, the hail system has improved. To enable a comparative evaluation of the methods of inspection for presentation at this annual meeting, STACTIC agreed to a uniform approach to reporting the performance data of these programs. STACTIC also identified the need to meet with the Scientific Council to discuss the use of observer data and the best means to collect such data. This meeting was to take place during the annual session.

With respect to discard and retention rules and protocols, Mr. Bevan reported that STACTIC will attempt to obtain further information from Contracting Parties to determine the extent of the problem. Toward this result, he asked each Contracting Party to provide discard data to the Secretariat in the format used by Norway (STACTIC Working Paper 98/14). Regarding the issue of sampling protocols, it was determined by STACTIC that no further action is needed at this time.

- 3.3 With respect to agenda item 10, the Report of STACTIC, Mr. Bevan reported that the evaluation of the pilot project contains strong empirical evidence of a positive change in compliance as demonstrated by the reduction in apparent infringements. STACTIC discussed the evaluation of the pilot project during this annual session and did not reach consensus on the reason for this change; the improvement could not be attributed to a single factor.
- 3.4 Referring to the evaluation of the pilot project presented in the STACTIC report, the Representative of Iceland noted that the pilot program lacked a control by which a comparison of variables could be made to determine which factor is producing the positive effect.
- 3.5 The Representative of Canada agreed with the conclusion that there had been substantial improvement in compliance. Furthermore, the types of infringements that most jeopardize stocks have all but been eliminated. He expressed the view that observer programs are more effective and fairer in terms of cost distribution among Contracting Parties which benefit from the resources. A comprehensive enforcement regime that includes 100% observer coverage is the key to restoring the public trust and confidence in NAFO's ability to conserve stocks. Other methods are unable to address certain issues such as bycatch, dumping, and discarding. The observer program may also prove beneficial by providing valuable scientific data or for implementing early-warning systems. He believes it is time to move forward to implement permanently the full observer program to the Conservation and Enforcement Measures.

The Representative of the USA stated that he supports efficiency in compliance programs and believes that valuable information could be derived from such programs, such as needed bycatch and discard information which cannot be obtained from satellite programs alone. The current observer program should be continued until there is an evaluation indicating there is no need for 100% coverage. The Representative of France (in respect of St. Pierre

et Miquelon) agreed that the satellite program is effective and supports continuation of 100% observer coverage.

- 3.6 The Representative of Norway expressed the view that 100 % observer coverage in single species fisheries is not effective and that the costs are not justified. He noted that the shrimp grate provided a clean fishery and there is no incentive to avoid compliance with conservation and enforcement measures. The Representatives of Denmark (in respect of the Faroe Islands and Greenland) and Estonia supported Norway's position that a single species fishery in the Flemish Cap does not need 100 % observer coverage.
- 3.7 The Representative of the EU expressed concern regarding a permanent commitment to the level of expenditures necessary to implement the 100% observer coverage and illustrated this view with an inspection cost estimate of \$0.5 Canadian per kilo of harvest. The EU believes that full use of satellite technology would reduce costs and suggested that it become a feature of all fishery control schemes. This view was supported by Iceland and Estonia. The Representative of the EU noted that Agenda Item 12, regarding an increase in obligatory inspection vessel presence in the NAFO Regulatory Area is pertinent to this discussion and he proposed reducing the threshold to 10 vessels. He stressed the need to revert to this matter at the 21st Annual Meeting in September 1999. The Representative of Denmark (on behalf of the Faroe Islands and Greenland) did not agree to reduce the threshold from 15 vessels to 10 vessels explaining that the management measures have to take into account that there are nations fishing in the Regulatory Area that, from an economic point of view, do not have possibilities to send an inspection vessel to the area. However, in co-operation with other Contracting Parties with inspection vessels operating in the Regulatory Area, they may be able to have inspectors available. The Representatives of Latvia, Lithuania, Iceland and Russia also questioned the cost-effectiveness of the observer program citing the expense of providing observers and analyzing data on an ongoing basis, profitability of fisheries considering the distance to the fishing grounds and the cost of running parallel systems. The Representative of Canada demonstrated that the EU estimate was grossly out of proportion with real costs and expressed the view that cost is an investment in rebuilding which will provide significant future benefits. The Representative of the USA pointed out that the analysis indicates there are major benefits of observer coverage but no analysis showing that a lower level would achieve the same result. Therefore, he concluded that the 100 % level should be maintained until parties could develop specific analysis showing that another level would achieve the same compliance rates.
- 3.8 Following an agreement which was reached during the Heads of Delegation meeting, the Fisheries Commission **adopted** a "Program for Observers and Satellite Tracking" as given in FC Working Paper 98/18 (Annex 4 – Note: New document, FC Doc. 98/7, as notified to the Contracting Parties, GF/98-482 of 25 September 1998). The agreement requires all Contracting Parties to employ 100% observer coverage on their vessels fishing in the Regulatory Area as from January 1, 1999; and, as soon as possible but no later than January 1, 2001, to require all vessels fishing in the Regulatory Area to be equipped with satellite tracking devices. The Representative of Iceland noted that the final position of Iceland is subject to further deliberation by appropriate Icelandic authorities.
- 3.9 It was agreed to refer to STACTIC the matter of how to amend the Conservation and Enforcement Measures requiring Contracting Parties to ensure their fishing vessels do not receive transshipments of fish from a Non-Contracting Party vessel engaged in fishing activities in the NAFO Regulatory Area (to implement the Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Enforcement Measures

Established by NAFO). FC Working Paper 98/17 was **adopted** (Annex 5 – Note: New document, FC Doc. 98/8, as notified to the Contracting Parties, GF/98-482 of 25 September 1998) with the recognition that Japan will be unable to enforce the measure against transport vessels due to a lack of authority in Japan's legislation.

- 3.10 The Report of STACTIC was **adopted** (Part II of this Report).
- 3.11 With respect to Agenda item 11, Report of the Working Group on the Precautionary Approach, the Chairman of the Scientific Council, Mr. H. P. Cornus (EU) summarized the meetings relevant to the development of the precautionary approach in fisheries management. A Scientific Council Workshop involving worldwide participation was held 17-27 March 1998. This Workshop reviewed developments on the precautionary approach elsewhere, discussed the theoretical basis of the precautionary approach and the application of this approach to NAFO-managed stocks. A joint FC/SC Working Group on the Precautionary Approach met in Copenhagen in May 1998 where it agreed that dialogue between scientists and managers was important and recommended to the Fisheries Commission a continuation of the joint Working Group through an intersessional meeting in the spring of 1999.

At the regular June 1998 meeting of the Scientific Council, participants reviewed the conclusions of the Workshop and examined methods for the determination of reference points, decision rules and criteria for re-opening fisheries, and developed specific reference points for selected NAFO-managed stocks. American plaice was selected as an example to explore the application of the precautionary approach because of the sufficiency of available data. Also examined were reference points for 3NO cod, yellowtail flounder and capelin with limited results. No conclusive reference points were developed for the remaining stocks under the responsibility of the Fisheries Commission due to many problems related to short time series and data quality problems. Mr. Cornus reported some general conclusions and findings: that stock-specific decision rules are needed, that the biology of a stock is thought to be different during depletion, as opposed to rebuilding, that the precautionary approach does not have to be limited to spawning stock biomass and mortality rates, and that establishing survey index-based reference points is considered to be a key to implementing the precautionary approach.

- 3.12 The Chair of the Fisheries Commission summarized his reflections on the Joint Working Group meeting. He noted the difference in the process of the Working Group from the normal one of formalized question and answer. In this case, it was a joint working group where scientists and managers were sitting at the same table as two cultures trying to work together.

The discussions of the Joint Working Group revealed that the perception of what the precautionary approach is and how it should be applied and implemented varied much between participants. The Working Group focused on the question of how to apply the precautionary approach when setting a TAC or, more generally, when developing a management strategy or a decision rule for a certain stock which, in turn, will apply when fixing the TAC. In this context the precautionary approach is typically relevant when the stock or spawning stock biomass is at a low level. The precautionary approach has therefore to be an element integrated into whatever explicit or implicit management strategies NAFO applies for various stocks.

The Working Group also discussed the respective roles of managers and scientists. It was generally agreed that when a stock is beneath a threshold level where it is threatened by



depletion, then biology and the precautionary approach should be decisive, whereas when the stock is in good shape, bioeconomics, stability in catches, socioeconomic considerations, etc. are taken into account.

Sophisticated theoretical models and tools that in theory could be helpful for the development of reference points seldom are so in real life because of insufficient input data, specific stock peculiarities, etc., exposing the need to develop more pragmatic and thorough reference points on a stock by stock basis. It is also necessary to take into account explicitly the uncertainties of both stock assessment and stock projections when considering precautionary reference points. Managers must assess the risk of bringing a stock into a depleted state when making management decisions.

The Chair concluded his thoughts by noting a proposal by the Scientific Council to the Fisheries Commission to continue the Joint Working Group through an intersessional meeting. The Joint Working Group would develop a precautionary approach for 3 model stocks: one for closed fisheries (3NO cod), one for which a fishery is open, (3LNO yellowtail), and one for which there is only limited data (3M shrimp).

The Representative of the USA supported the proposal for the continuation of the Joint Working Group and suggested, in addition to the model stocks, that the principles and results be applied to other stocks.

The Representative of Canada remarked on the evident progress in bringing meaning to this concept, noting that it will bring about much needed change. The next step for Canada will be to take the work done to date and make it more operational. The Joint Working Group would bridge the two cultures and bring about a collective understanding of how the precautionary approach can be made to work in a practical sense. He expressed the view that the precautionary approach need not be limited to the development of limits and reference points and that it can include measures to protect juveniles and the spawning stock such as closed area nurseries, gear restrictions and bycatch protection. He asked if the Scientific Council had taken these measures into consideration in their deliberations of the precautionary approach. Mr. Cornus responded that the precautionary approach need not be limited to spawning stock biomass limits and mortality rates but explained that the process is very slow to develop other measures, especially for stocks with limited data. He suggested that such a discussion could take place at the proposed joint Working Group meeting.

The Representatives of the EU and Denmark (in respect of the Faroe Islands and Greenland) support wide application of the precautionary approach and suggested that it should be developed in coordination with ICES. The Representative of the EU expressed the view that a clear line should be drawn between the task of scientists and that of managers and noted that reference points can be overcautious. He supported the meeting of the Joint Working Group.

- 3.13 It was **agreed** to hold an intersessional meeting of the Joint Scientific Council and Fisheries Commission Working Group in the spring of 1999. The meeting will be structured to allow the Scientific Council to meet for 3 days in advance to prepare information, and followed immediately by a 2-day joint meeting with the managers. The Chair noted that no decisions are to be made at that meeting, it is to be a Working Group meeting for technical experts in the field of management. The meeting will develop simulations of a precautionary approach for three model stocks for presentation to the Fisheries Commission and Scientific Council.

- 3.14 The Chair referenced working papers FC 98/7 and 98/9 regarding the Scientific Council's proposal to implement a biennial assessment schedule for certain stocks under moratoria and for a change to the 3M shrimp schedule. The purpose of the proposal was to make some efficiencies of performance and time for the Scientific Council. The Representative of the USA strongly supported both proposals and noted an additional recommendation by the Scientific Council for the collection of elasmobranch catch data that the Fisheries Commission needs to consider. The Representative of the EU stated his strong preference to continue the usual schedule of assessments on an annual basis.

The Representative of Canada noted the need to reduce the burden of the annual workload, especially when there is not likely to be significant change in the status of stocks under moratoria. He supported the proposal based on the fact that bycatch would remain part of the reports provided to the Scientific Council and because these stocks will be monitored annually for significant changes. The Representative of the USA strongly agreed with Canada about the sufficiency of monitoring for changes through bycatch and other data and noted that observer data could potentially provide information for quick response if necessary. The Scientific Council proposals were adopted (Annex 6 - Note: The NAFO Secretariat issued FC Doc. 98/11 based on the Scientific Council proposals).

- 3.15 With respect to Agenda item 12, no agreement was reached regarding an increase of inspection presence in the NAFO Regulatory Area.
- 3.16 With respect to FC Agenda item 13, Report of the Working Group on Allocation of Fishing Rights and Chartering of Vessels, the Chair noted that this issue was dealt with by the General Council and there were no new interventions.
- 3.17 With respect to item 14 of the FC Agenda, Consideration and Improved Planning and Control of Research Vessels in the Regulatory Area, the Representative of Canada expressed the view that scientific research can be effective using commercial vessels and that a protocol to guide such research should be developed to avoid potential abuses. The Representative from the USA agreed and suggested that the Scientific Council consider guidelines that research vessels should follow. It was **agreed** to include this item as a request for advice to the Scientific Council.

#### 4. Conservation of Fish Stocks in the Regulatory Area (items 15-19)

- 4.1 With respect to item 15 of the FC Agenda, Summary of Scientific Advice, the Chairman of the Scientific Council, Mr. H. P. Cornus (EU) presented a summary of NAFO SCS Doc. 98/17, "Report of the Scientific Council, 3-18 June, 1998" which provides the scientific advice for the management of stocks in the NAFO Regulatory Area for 1999 and addresses special requests to the Scientific Council. He summarized this advice as in the table below.

American Plaice 3M	no directed fishery + lowest possible bycatch
Cod 3M	no directed fishery + lowest possible bycatch
Redfish 3M	reduce TAC by 50% + lowest possible bycatch of juveniles in the shrimp fishery (10,000t)
Shrimp 3M	catch should not exceed 30,000t

Cod 3NO	no directed fishery + lowest possible bycatch
Witch flounder 3NO	no directed fishery + lowest possible bycatch
Redfish 3LN	no directed fishery + lowest possible bycatch
American plaice 3LNO	no directed fishery + lowest possible bycatch
Capelin 3NO	no advice possible
Yellowtail flounder 3LNO	catch should not exceed 6,000t
Short-finned squid SA 3+4	using low abundance model catch should be set between 19,000 - 34,000t
Greenland halibut 2 +3KLMNO	catch of about 30,000t should not impede recovery
Shrimp 3LNO	no advice possible
Cod 2J+3KL	no advice requested
Witch flounder 2J+3KL	no directed fishery

- 4.2 With regard to the special request for *Illex squid*, Mr. Cornus reviewed the biology of the species noting that it is an annual species comprised of a unit stock throughout its range from Newfoundland to Florida. The information on this species is not sufficient to allow a specific TAC. The Scientific Council recommended that the TAC be set within the range appropriate to a low productivity period. Additional research is needed to enable forecasting of the productivity level.
- 4.3 Inquiries were made to the Chairman of the Scientific Council to clarify several questions regarding the scientific advice.
- 4.4 With regard to shrimp, the Representative of the USA questioned how **bycatch of Greenland halibut occurs in the shrimp fishery**, which requires the use of a grate and questioned what might account for the significant increase in 3L shrimp biomass? Mr. Cornus responded that the cause of the increase is unknown although it may be due to migration. The Representative of the USA asked that ways to reduce the bycatch of 3LN-3M redfish should be investigated.

The Representative of Denmark (in respect of the Faroe Islands and Greenland) expressed the view that the **3L shrimp fishery** is likely to increase due to the improved stock and noted that the bycatch rates of Greenland halibut are low while juvenile natural mortality is high and explained that a proportion of juveniles do not survive to contribute to the adult stock. He noted that the level of Greenland halibut bycatch is approximately 2.4%, according to the Scientific Council and expressed the view that this small level of bycatch is not of consequence. Based on these observations, he proposed an exploratory fishery in 3L during the period March - August, for the years 1999, 2000 and 2001. Each Contracting Party would report catch and bycatch and be limited to 2 vessels at a time, and a total allocation of 200 days per year.

In response to questions from Denmark (in respect of the Faroe Islands and Greenland) regarding whether the Scientific Council considers 3L shrimp to be at a level to allow a commercial shrimp fishery and whether the bycatch of Greenland halibut from the shrimp

fishery could be quantified by area, Mr. Cornus stated that sustainable yields for 3L shrimp could not be determined at this time and that bycatch from the shrimp fishery could not be quantified by area because bycatch data are not area specific. The Representative of Latvia expressed sympathy with the proposal for an exploratory fishery based on the desire to use resources in the best available way and consistency with scientific advice.

The Representative of Canada expressed strong opposition to increased activities in areas where there are fisheries under moratoria, citing the devastating cost to Canada's fishing communities from the moratoria and the concern that juveniles could be caught in the grate. He referenced Canada's steps to maximize rebuilding potential (FC Working Paper 98/6) and stated that the impacts on other stocks from an exploratory fishery of this magnitude needed to be considered. The Representative of the USA stated that he could not support the proposal as written based on its magnitude and the appearance of developing an allocation scheme through an exploratory fishery proposal. He repeated the suggestion that scientific input is needed to guide the design of exploratory fisheries.

- 4.5 The Representative of Canada noted that the **skate fishery** is unregulated and asked the Chairman of the Scientific Council to comment on the susceptibility of skates to overfishing as compared to groundfish. Mr. Cornus responded with a general comment that this type of species is more vulnerable than others. The Representative of the USA noted that skates are vulnerable to overfishing but there is not enough information to answer precisely at this time. He stated that this situation is a good example, therefore, for the application of the precautionary approach.
- 4.6 In response to a question from the Representative of the European Union, with regard to the Fisheries Commission request for an evaluation of the **impact from 155mm versus 130mm mesh** in the Greenland halibut fishery, Mr. Cornus stated that the insufficiency of data prevents the Scientific Council from an assumption other than that there would be no difference in its escapement mortality.
- 4.7 In response to a question from the Representative of the European Union, Mr. Cornus stated that although the Scientific Council is concerned about bycatch measures to address bycatch from the **yellowtail fishery**, they have not been discussed.
- 4.8 In response to a question from the Representative of the European Union regarding whether it is possible to scale down the **3M redfish TAC** more gradually, Mr. Cornus stated that there is a lack of precise information and it was decided that a 50% reduction would be an effective and significant measure. The Representative of Japan noted that the TAC for 3M redfish has been set at 20,000t for the past 5 years but the catch has been much below that level. He assumed that the TAC was set to allow recovery and sustainability and does not see new evidence to indicate that a 50% reduction is necessary. Mr. Cornus explained that more precision in the scientific advice is not possible at this time. The Scientific Council noted that the **spawning stock biomass is declining** and considered a TAC equal to 20,000t to be absolutely too high and detrimental to the spawning stock, which is at a low level. Preliminary information from the 1998 survey indicates a drastic decline in the 3M stock but this information won't be fully evaluated until next year.

The Representative of Japan stated he was not convinced by the evidence of the need for a 50% reduction, but because the present catch does not exceed 10,000t, there could be little reason to object to a reduction. The Representative of the EU accepts the reduction of the TAC and noted, in response to a comment by the Representative of the USA that many of

these issues arise from the lack of a clear allocation process, that the EU is willing to discuss allocation issues in the Working Group forum. The Representative of Russia stated that he believes that the evidence presented by the Scientific Council must be used as basis to set the TAC on this stock and supports further discussion on the allocation of the TAC.

4.9 The Representative of the European Union noted there seemed to be some uncertainty with regard to the TAC recommendation for **Greenland halibut** based on the use of the term "about" and asked if the Scientific Council could evaluate the upper limit in 1999 of catches that would still generate recovery of the stock, especially on whether minor changes such as 2-4,000t in 1999 would endanger the recovery. He expressed the view that the advice concerning the TAC is a clear signal to increase catch from this stock and that such an increase in catch should not impede recovery. The Representative of the USA stated that it is the advice of the Scientific Council that the direction of the TAC should be 30,000t or less.

4.10 The Representative of Canada raised the issue of the distribution of fishing effort for Greenland halibut (FC Working Paper 98/11), and requested the Scientific Council to provide advice on how catches and effort should be distributed. The Representative of the European Union requested that the evaluation look at the effect of that effort distribution on the stock.

4.11 Canada stated that it had increased the mesh size used in the **Greenland halibut fishery** in Canadian waters from 130 to 145mm due to concern about juveniles. He noted that the Fisheries Commission has an obligation to ensure consistency in the NAFO Regulatory Area with measures taken by the coastal State (Article XI.3 of the NAFO Convention). He stated that other species would also benefit from an increase in mesh size.

4.12 The Representative of Norway noted that the **bycatch of Greenland halibut in the shrimp fishery** is reduced almost to zero by the grate. Experience in Norwegian waters show great effectiveness even during periods of high abundance of groundfish and notes that the advice by the Scientific Council is cautious because the evaluation occurred from a period of low abundance. The USA noted a similar experience with the grate in its waters. The Chair of the Scientific Council acknowledged that the Scientific Council does not have any experience of bycatch when abundance is increasing.

In response to a question from Denmark (in respect of the Faroe Islands and Greenland) regarding clarification of Canadian bycatch of Greenland halibut in the shrimp fishery and what precautions have been taken, the Representative of Canada explained that shrimp quotas have increased in the Canadian zone and that the bycatch was 0.5% in 1997 and declined to 0.2% in 1998 as a result of further restrictions such as decreased grate spacing, longer toggle chains on the footrope as well as the increased experience of the captains with the gear. He reported there is virtually no bycatch of other groundfish species.

4.13 With regard to bycatch of **3LNO American plaice**, the Representative of Canada noted that bycatch has more than doubled since 1995 from the Greenland halibut and unregulated skate fisheries and asked whether this level of bycatch would impede recovery and whether the Scientific Council could recommend measures that could be implemented to reduce bycatch.

The Representative of the EU expressed the intent to explore ways to reduce bycatch of American plaice and welcomed ideas from other delegations. In his view, the change in mesh size from 130 to 145mm would not be effective as both would catch juveniles. He firmly believed that fishermen should be given the opportunity to fish an increase within the bounds

of the scientific advice. The Representative of the USA suggested Canada's bycatch standard of 5% per tow could be adopted as a standard for American plaice bycatch.

- 4.14 The Chair requested delegates to put their questions and requests for scientific investigations in writing for submission to the Scientific Council for future evaluation.
- 4.15 With respect to FC Agenda item 16, Management and Technical Measures for Fish Stocks in the Regulatory Area, the Chair noted that the Scientific advice for 3NO cod, 3LN redfish, 3LNO American plaice, 3NO capelin 2J3KL cod and 2J3KL witch flounder, is to continue the moratoria. It was **agreed** by the Fisheries Commission to continue the moratoria for these stocks for the 1999 fishing year.
- 4.16 The Representative of Denmark (in respect of the Faroe Islands and Greenland) noted the importance of **3M cod** to Denmark and expressed the view that the Fisheries Commission has acted responsibly about 3M cod and proposed a continuation of the 1998 quota of 2000 mt.

The Representative of Canada noted that the **3M cod stock** has collapsed and stated his support for the scientific recommendation of no directed fishery in 1999. The Representatives of Norway and the USA concurred with Canada and the scientific advice to introduce a moratorium. The Representative of the USA stated his view that there was no justification to allow a fishery on a collapsed stock.

- 4.17 With regard to **3M shrimp**, Denmark (in respect of Faroe Islands and Greenland) noted a special interest in this stock as some of its trawlers depend totally on it. The Scientific Council noted that biomass is increasing and recommended using a period of stability in the fishery upon which to base conservation measures. Denmark understood this period to be 1993 - 1995 and proposed that the number of days for 1999 be the same as in 1998, which is 90 % of the 1996 level.

The Representative of Canada raised a general concern with regard to **effort control systems** and advocated a change to a TAC management system to ensure conservation objectives are met. In his view, the effort system does not cap fishing mortality and creates a large incentive to improve vessel capacity to maximize harvest opportunity. He further pointed out the potential to catch 80,000t based on the allocation of days times a catch estimate of 8,000t per day. The Representative of the USA noted that the issue is again the lack of a clear allocation process. He noted there is little basis to change the current management system until there was a clear process for determining allocation.

- 4.18 The Representative of Denmark (in respect of the Faroe Islands and Greenland) tabled a paper FC Working Paper 98/10 proposing that the Western slope of the Flemish Cap be considered part of the **3L shrimp stock** for management purposes, consistent with the scientific acceptance of the Flemish cap as one unit stock. He proposed that a small portion of 3L should be incorporated into Division 3M and allowed to be fished under the 3M allocation. The Representatives of Estonia and Norway supported this proposal, with Norway noting that the fishery is a clean fishery because of the grate. Latvia also agreed on the basis of creating more fishing possibilities.

4.19 Management Measures for Shrimp in Div. 3M for 1999 **was adopted** by the Fisheries Commission at the closing session, on 18 September 1998 (Annex 7 – Note: A new document, FC Doc. 98/9 was issued and circulated to all Contracting Parties).

4.20 Regarding **3LNO yellowtail flounder**, the Representative of France (with respect of St. Pierre et Miquelon) stated that in his view, the quota for this stock allocated to the EU should instead have been allocated to St. Pierre et Miquelon and that this issue should have been resolved. He stated that France may distribute a paper on this issue in the future.

In response to a question from the Representative of the USA, Canada reported that it had taken several measures to protect juveniles and minimize **bycatch of American plaice** in the yellowtail fishery. Although there has not been time to evaluate the effectiveness of these steps, Canada is continuously monitoring bycatch, which is about 3% for American plaice during the August-early September fishery. Canada regards yellowtail as a positive story and recommends an increase in the TAC while maintaining a conservatively low exploitation rate.

In response to a concern raised by the Representative of the EU, Canada noted that the bycatch of cod from the fishery is 0.4% and that every manner of restriction is put on the fishery to manage it conservatively.

4.21 Regarding ***Illex* squid**, the Representative of Canada noted that the abundance of squid could fluctuate from low to high productivity and that the onset of this fluctuation could be sudden. Because it is a short-lived species, it is desirable to have the appropriate quota in place during periods of high productivity so as not to lose fishing opportunity. He asked the Scientific Council to recommend improvements in predicting the periods of high or low productivity.

Regarding squid in areas 3 & 4, the Representative of Japan proposed that the status quo TAC of 150,000t be continued for 1999. Acknowledging the scientific advice, he noted that the timing of the fishery is such that information to determine the biomass is not available until it is too late. He shared Canada's concern that a high abundance year could be missed. He requested that the Scientific Council give further consideration to the matter and suggested the setting of 2 TACS respectively for high and low productivities and ask Canada to determine the appropriate quotas based on test fisheries. He concluded that he saw little likelihood of a sizeable catch in the next year which would allow the Scientific Council to address its concerns and develop a scheme for the future.

The Representative of the USA noted the importance of the **squid fishery** in US waters (SA 5 and 6) and explained that because it is a unit stock, the existing level of TAC creates a potential to undermine the health of the stocks for entire coast. The situation argued for taking a precautionary approach and, in any case, there was no possible justification for maintaining a quota at least 10 times the maximum fishery level in 1998. Because there is no means to adjust the TAC in season, the precautionary approach would be not to overfish during periods of low productivity. He stated that the TAC should be set at 19,000t.

The Representative of Canada agreed that a TAC of 150,000t is scientifically unsubstantiated and contrary to the precautionary approach. He noted, however, that a low TAC was not appropriate under a quickly changing situation and that there needed to be some flexibility to adjust if the stock status were to change from low to high productivity.

4.22 The Chair noted that **agreement** was reached in the Heads of Delegation meeting on a package containing the following measures:

Cod 3M	no directed fishery
Redfish 3M	13,000t
American plaice 3M	no directed fishery
Shrimp 3M	effort limitation (with amendments in NAFO FC Working Paper 98/13-second revision). Portion of 3L division on the Flemish Cap may be fished under the effort limitation scheme.
Cod 3NO	no directed fishery
Redfish 3LN	no directed fishery
American plaice 3LNO	no directed fishery
Yellowtail flounder 3LNO	6,000t
Witch flounder 3NO	no directed fishery
Capelin 3NO	no directed fishery
Squid (Illex)(SA 3&4)	75,000t with the understanding that this is a transitional year .
Shrimp 3LNO	no directed fishery
Greenland halibut 3LMNO	24,444t
Cod 2J3KL in NRA	no directed fishery
Witch 2J3KL in NRA	no directed fishery

- 4.23 The Fisheries Commission **then adopted the Quota Table** (Annex 8).
- 4.24 The Representative of Norway tabled a request for the Secretariat to have the responsibility monitoring the effort limitation scheme through the hail system (FC Working Paper 98/16).
- 4.25 The Representative of the USA noted that agreement was made in the interest of moving forward with the work of NAFO, and expressed his concern over the risk of overfishing the squid resource acknowledging that the movement is in the right direction. He noted that 1999 would be a transitional year toward full adoption of the scientific advice. He reiterated that many of the problems arise from a lack of clarity on the allocation process which highlighted the need to continue work in developing a clear and flexible process.
- 4.26 Regarding item 18, Formulation of Request to the Scientific Council for the management of fish stocks in 1999, FC Working Paper 98/19 **was adopted** (Annex 9).
- 4.27 Regarding item 19, Transfer of Quotas between Contracting Parties, this item will be on the Agenda of the future Fisheries Commission meeting for discussion.



**5. Closing Procedures** (items 20-22)

- 5.1 Regarding item 20, the Fisheries Commission's Annual Meeting in 1999 would be held in Halifax, N.S., Canada from 13-17 September.
- 5.2 Item 21, Other Business: a notional timetable was proposed for intersessional working group meetings. (Note: This timetable was adopted at the General Council meeting, please see Annex 11, GC Report).
- 5.3 Item 22, Adjournment; the Annual Meeting of the Fisheries Commission was adjourned at 1230 hrs on 18 September 1998.

## Annex 1. List of Participants

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## **Annex 2. Agenda**

### **I. Opening Procedure**

1. Opening by the Chairman, P. Gullestad (Norway)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Admission of Observers
5. Publicity

### **II. Administrative**

6. Review of Commission Membership
7. Report of the Working Group on Transparency in NAFO Activities and Decisions

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

8. Consideration on the establishment of a permanent scheme for observers and satellite tracking (in the NAFO Regulatory Area)
9. Report of STACTIC to the Fisheries Commission on its activities during the current year
  - a) Pilot Project for Observers and Satellite Tracking
  - b) Consideration of the recommendations of the STACTIC Working Group on Satellite Tracking (FC Doc. 97/15)
  - c) Other Business (discard/retention rules, sampling protocols, disposition of infringements, etc.)
10. Report of STACTIC at the Annual Meeting
11. Report of the Working Group on the Precautionary Approach
12. Increase of inspection presence in the NAFO Regulatory Area
13. Report of the Working Group on Allocation of Fishing Rights and Chartering of Vessels
14. Consideration on Improved Planning and Control of Research Vessels in the Regulatory Area

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

15. Summary of Scientific Advice by the Scientific Council

16. Management and Technical Measures for Fish Stocks in the Regulatory Area, 1999
  - 16.1 Cod in Div. 3M
  - 16.2 Redfish in Div. 3M
  - 16.3 American plaice in Div. 3M
  - 16.4 Shrimp in Div. 3M
  
17. Management and Technical Measures for Fish Stocks Straddling National Fishing Limits, 1999
  - 17.1 Cod in Div. 3NO
  - 17.2 Redfish in Div. 3LN
  - 17.3 American plaice in Div. 3LNO
  - 17.4 Yellowtail flounder in Div. 3LNO
  - 17.5 Witch flounder in Div. 3NO
  - 17.6 Capelin in Div. 3NO
  - 17.7 Squid (*Illex*) in Subareas 3 and 4
  - 17.8 Shrimp in Div. 3LNO
  - 17.9 Greenland halibut in Div. 3LMNO
  - 17.10 If available in the Regulatory Area:
    - i) Cod in Div. 2J3KL
    - ii) Witch flounder in Div. 2J3KL
  
18. Formulation of Request to the Scientific Council for:
  - a) Scientific advice on the management of fish stocks in 2000
  
19. Transfer of Quotas Between Contracting Parties

#### V. Closing Procedure

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

**Annex 3. Amendment of the NAFO Conservation and Enforcement Measures (FC Doc. 98/1), Part III, Annex I to add Example 1 (6 pages) and Example 2 (1 page) (FC Doc. 98/10)**

Standardized Formats for the Electronic Transmission of NAFO Hails and Satellite Tracking Reports from Contracting Parties to the NAFO Secretariat

This document comprises the hail message and satellite tracking file/formats developed and recommended to the Fisheries Commission by the STACTIC Working Group, which met in Dartmouth, N.S., Canada, 28-30 October 1997.

The Fisheries Commission adopted the formats during its Annual Meeting in Lisbon, Portugal, 18 September 1998.

The document consists of the following elements:

Example 1

- Explanatory notes on formats
- Entry hail (report)
- Move hail
- Transzonal hail
- Exit hail
- Transshipment hail

Example 2

- File format for satellite tracking report

Example 1**Formats for the Electronic Transmission of NAFO Hails  
from Contracting Parties to the NAFO Secretariat**

Amendment of the NAFO Conservation and Enforcement Measures, FC Doc. 98/1; Part III, Annex 1:

## EXPLANATORY NOTES

- a) The formats herein conform with the requirements for the NAFO Hails System as set out in FC Document 97/1 Part III Annex I Hail System Message Format.
- b) The formats consist of variable length delimited records, and are based on systems currently in use in the EU, Iceland and Norway.
- c) The variable length record is preferred over a fixed length record as some Contracting Parties collect more information from their vessels than is required by NAFO, and are forwarding the entire record to NAFO. The format is conducive to extraction of the required data fields by the receiving parties.
- d) The following convention is used in this paper: //FIELD NAME/field value//, where the field name is shown in uppercase, followed by the character "/", followed by the field value in lowercase. Fields are separated by "//".
- e) Each record begins with the string //SR// to indicate the Start of the Record.
- f) Each record ends with the string //ER// to indicate the End of the Record.
- g) Character fields (CHAR) shall conform with the ISO 8859.1 character set standard.
- h) Country codes used for addressee (AD) and sender (FR) shall conform with the ISO 3166 (1993) standard. E/F 7.3 states that user-assigned country codes shall start with the character "X", therefore it is proposed that the code XNS be used to designate the NAFO Secretariat, the addressee for hail messages.

Example 1  
(continued)

## NAFO HAILS SYSTEM - Part III Annex I Hail System Message Format

## 1.1 ENTRY HAIL

//SR			Start Record
//FR/from		(ISO-3)	
//AD/addressee		XNS	
//SQ/sequence number		NUM(4)	
//NA/name of vessel		CHAR(40)	
//RC/call sign		CHAR(8)	
//XR/external identification letters and numbers		CHAR(14)	
//DA/date		CHAR(8)	YYYYMMDD
//TI/time		NUM(4)	HHMM UTC
//LA/latitude		CHAR(5)	NDDMM
//LO/longitude		CHAR(6)	WDDDMM
//TM/indication of the message code		CHAR(3)	ENT
//DI/NAFO Division into which the vessel is about to enter.		CHAR(2)	
//HO/total round weight of fish by species (3 alpha codes) on board in kilograms rounded to the nearest 100 kilograms. Allow several pairs of fields, consisting of species + weight, with each field separated by a space. e.g. //HO/species weight species weight species weight//			
	SPECIES	CHAR(3)	FAO Codes
	WEIGHT	NUM(7)	
//MA/name of the Master		CHAR(30)	
//DS/directed species (target species)		CHAR(3)	FAO Codes
Allow several species to be entered, with the values separated by spaces, e.g. //DS/species species species//			
//ER//		-	End Record

Example 1  
(continued)

NAFO HAILS SYSTEM - Part III Annex I Hail System Message Format

1.2 MOVE HAIL

NOTE that FC Document 96/1 Part III states that vessels equipped with devices which enable the automatic transmission of their positions are exempt from the Hail requirements set out in Part III.

//SR	-	Start Record
//FR/from	(ISO-3)	
//AD/addressee	XNS	
//SQ/sequence number	NUM(4)	
//NA/name of vessel	CHAR(40)	
//RC/call sign	CHAR(8)	
//XR/external identification letters and numbers	CHAR(14)	
//DA/date	CHAR(8)	YYYYMMDD
//TI/time	NUM(4)	HHMM UTC
//LA/latitude	CHAR(5)	NDDMM
//LO/longitude	CHAR(6)	WDDMM
//TM/indication of the message code	CHAR(3)	MOV
//DI/NAFO Division into which the vessel is about to enter.	CHAR(2)	
//MA/name of the Master	CHAR(30)	
//DS/directed species (target species)	CHAR(3)	FAO Codes
Allow several fields to be entered, with the fields separated by spaces, e.g. //DS/species species species//		
//ER//	-	End Record



## NAFO HAILS SYSTEM - Part III Annex I Hail System Message Format

## 1.3 TRANSZONAL HAIL (between NAFO Divisions)

NOTE that FC Document 96/1 Part III states that vessels equipped with devices which enable the automatic transmission of their positions are exempt from the Hail requirements set out in Part III.

//SR	-	Start Record
//FR/from	(ISO-3)	
//AD/addressee	XNS	
//SQ/sequence number	NUM(4)	
//NA/name of vessel	CHAR(40)	
//RC/call sign	CHAR(8)	
//XR/external identification letters and numbers	CHAR(14)	
//DA/date	CHAR(8)	YYYYMMDD
//TI/time	NUM(4)	HHMM UTC
//LA/latitude	CHAR(5)	NDDMM
//LO/longitude	CHAR(6)	WDDMM
//TM/indication of the message code	CHAR(3)	ZON
//MA/name of the Master	CHAR(30)	
//DS/directed species (target species)	CHAR(3)	FAO Codes
Allow several fields to be entered, with the fields separated by spaces, e.g. //DS/species species species//		
//ER//	-	End Record

Example 1  
(continued)

## NAFO HAILS SYSTEM - Part III Annex I Hail System Message Format

## 1.4 EXIT HAIL

//SR	-	Start Record
//FR/from	(ISO-3)	
//AD/addressee	XNS	
//SQ/sequence number	NUM(4)	
//NA/name of vessel	CHAR(40)	
//RC/call sign	CHAR(8)	
//XR/external identification letters and numbers	CHAR(14)	
//DA/date	CHAR(8)	YYYYMMDD
//TI/time	NUM(4)	HHMM UTC
//LA/latitude	CHAR(5)	NDDMM
//LO/longitude	CHAR(6)	WDDMM
//TM/indication of the message code	CHAR(3)	EXI
//DI/NAFO Division from which the vessel is about to leave.	CHAR(2)	
//CA/catch in round weight taken in the Regulatory Area by species (3 alpha codes) in kilograms (rounded to the nearest 100 kilograms). Allow several pairs of fields, consisting of species + weight, with each field separated by a space. e.g. //CA/species weight species weight species weight//		
	SPECIES WEIGHT	CHAR(3) NUM(7)      FAO Codes
//MA/name of the Master	CHAR(30)	
//ER//	-	End Record

Example 1  
(continued)

## NAFO HAILS SYSTEM - Part III Annex I Hail System Message Format

## 1.5 TRANSHIPMENT HAIL

//SR	-	Start Record
//FR/from	(ISO-3)	
//AD/addressee	XNS	
//SQ/sequence number	NUM(4)	
//NA/name of vessel	CHAR(40)	
//RC/call sign	CHAR(8)	
//XR/external identification letters and numbers	CHAR(14)	
//DA/date	CHAR(8)	YYYYMMDD
//TI/time	NUM(4)	HHMM UTC
//LA/latitude	CHAR(5)	NDDMM
//LO/longitude	CHAR(6)	WDDMM
//TM/indication of the message code	CHAR(3)	TRA
 //KG/total round weight by species (3 alpha codes) to be transshipped in kilograms (rounded to the nearest 100 kilograms) Allow several pairs of fields, consisting of species + weight, with each field separated by a space. e.g. //KG/species weight species weight species weight//		
	SPECIES	CHAR(3)
	WEIGHT	NUM(7)
		FAO Codes
//MA/name of the Master	CHAR(30)	
//ER//	-	End Record

Example 2

Amendment of the NAFO Conservation and Enforcement Measures, FC Doc. 98/1; Part III, Annex I

Standardized File Format for Satellite Tracking Reports at the NAFO Secretariat

Definition of mandatory data elements

Data Element	Field Code	Maximum Width	Mandatory/Optional	Definition/Remarks
Start of Record	SR		M	
From	FR	3	M	Alpha-3 ISO country code
Addressee	AD	4	M	XNW
Sequence Number	SQ	4	M	
Name	NA	40	M	Vessel detail
International radio call sign	RC	8	M	Vessel detail
External identification	XR	14	M	Vessel detail
Flag State	FS	3	M	Alpha-3 ISO country code
Date	DA	8	M	YYYYMMDD
Time	TI	4	M	HHMM
Latitude	LA	5	M	NDDMM
Longitude	LO	6	M	WDDMM
Type of Message	TM	3	M	ENT/EXI/MOV
NAFO Division*	DJ	2	M	NAFO division in which the vessel has entered
End Record	ER		M	

\*to be left blank if the report is an "exit"

Definition of optional data elements

Data Element	Field Code	Maximum Width	Mandatory/Optional	Definition/Remarks
Name of the Master	MA	30	O	
Target Species	DS	3	O	FAO codes; allowance for multiple main species

Note: Character set: ISO 8859. 1. A data transmission is structured in the following manner: - a double slash ("/") and a field code indicate the start of a data element; - a slash ("/") separates the field code and the data. Optional data elements have to be inserted between "Start of record" and "End of record".

Example of messages based on the standardized file format

##SR##FR##NOR##AD##XNS##SQ##345##RC##TFLN##XR##V1-5943##NA##VESSEL NAME##  
FSRUS##DA##YYYYMMDD##TI##0400##TM##MOV##ID##3M##LA##N472##LO##W04640##ER##  
Optional elements: ##MA##MASTERS NAME##DS##DIRECTED SPECIES##

NAFO Regulations: PART III.E. AND VI.B. OF THE CONSERVATION AND ENFORCEMENT MEASURES APPLIES

**Annex 4. Program for Observers and Satellite Tracking (FC Doc. 98/7)****NAFO CONSERVATION AND ENFORCEMENT MEASURES****AMEND PART VI – to read as follows****PART VI - PROGRAM FOR OBSERVERS AND SATELLITE TRACKING**

In order to improve and maintain compliance with the Conservation and Enforcement Measures for their vessels fishing in the Regulatory Area, Contracting Parties agree to a program of 100 percent observer coverage and to require all vessels fishing in the Regulatory Area to be equipped with satellite tracking devices as soon as possible and not later than January 1, 2001. The elements of this program are subject to review and revision, as appropriate, for application in 2001 and subsequent years.

**A. Observers**

1. Each Contracting Party shall require all its vessels fishing in the Regulatory Area to accept observers on the basis of the following:
  - a) each Contracting Party shall have the primary responsibility to obtain, for placement on its vessels, independent and impartial observers;
  - b) in cases where a Contracting Party has not placed an observer on a vessel, any other Contracting Party may, subject to the consent of the Contracting Party of the vessel, place an observer on board until that Contracting Party provides a replacement in accordance with paragraph a);
  - c) no vessel shall be required to carry more than one observer pursuant to this Program at any time.
2. Each Contracting Party shall provide to the Executive Secretary a list of the observers they will be placing on vessels in the Regulatory Area.
3. Observers shall:
  - a) monitor a vessel's compliance with the relevant Conservation and Enforcement Measures. In particular they shall:
    - i) record and report upon the fishing activities of the vessel and verify the position of the vessel when engaged in fishing;
    - ii) observe and estimate catches with a view to identifying catch composition and monitoring discards, by-catches and the taking of undersized fish;
    - iii) record the gear type, mesh size and attachments employed by the master;
    - iv) verify entries made to the logbooks (species composition and quantities, round and processed weight and hail reports).

- b) collect catch and effort data on a set-by-set basis. This data shall include location (latitude/longitude), depth, time of net on the bottom, catch composition and discards; in particular the observer shall collect the data on discards and retained undersized fish as outlined in the protocol developed by the Scientific Council.
  - c) carry out such scientific work (for example, collecting samples) as requested by the Fisheries Commission based on the advice of the Scientific Council;
  - d) within 30 days following completion of an assignment on a vessel, provide a report to the Contracting Party of the vessel and to the Executive Secretary, who shall make the report, available to any Contracting Party that requests it. Copies of reports sent to other Contracting Parties shall not include location of catch in latitude and longitude as required under 3 b), but will include daily totals of catch by species and division.
4. The observer shall monitor the functioning of, and report upon any interference with, the satellite system. In order to better distinguish fishing operations from steaming and to contribute to an *a posteriori* calibration of the signals registered by the receiving station, the observer shall maintain detailed reports on the daily activity of the vessel.
  5. When an apparent infringement of the Conservation and Enforcement Measures is identified by an observer, the observer shall, within 24 hours, report it to a NAFO inspection vessel using an established code, which shall report it to the Executive Secretary.
  6. Contracting Parties shall take all necessary measures to ensure that observers are able to carry out their duties. Subject to any other arrangements between the relevant Contracting Parties, the salary of an observer shall be covered by the sending Contracting Party.
  7. The vessel on which an observer is placed shall provide suitable food and lodging during the observer's deployment. Vessel masters shall ensure that all necessary cooperation is extended to observers in order for them to carry out their duties including providing access, as required, to the retained catch, and catch which is intended to be discarded.

#### B. Satellite Tracking

1. Each Contracting Party whose vessels fish, or plan to fish, in the Regulatory Area, shall:
  - a) require as soon as possible and not later than January 1, 2001 of its vessels fishing in the Regulatory Area to be equipped with an autonomous system able to transmit automatically satellite signals to a land-based receiving station permitting a continuous tracking of the position of the vessel by the Contracting Party of the vessel;
  - b) install at least one receiving station associated with their satellite tracking system;
  - c) transmit to the Executive Secretary, on a real time basis, messages of movement between NAFO divisions (as per the requirements of the Hail System outlined in Part III. E of these Measures) for its vessels equipped with satellite devices. The Executive Secretary shall, in turn, transmit such information to Contracting Parties with an inspection vessel or aircraft in the Convention Area;

- d) cooperate with other Contracting Parties which have a NAFO inspection vessel or aircraft in the Convention Area, in order to exchange information on a real-time basis on the geographical distribution of fishing vessels equipped with satellite devices and, on specific request, information related to the identification of a vessel.
2. Subject to any other arrangements between Contracting Parties, each Contracting Party shall pay all costs associated with the satellite tracking system.

**Annex 5. Revisions to NAFO Conservation and Enforcement Measures**  
(FC Doc. 98/8)

Part I. Management – to add:

- I. Other Measures – No Transshipment of Fish From Non-Contracting Party Vessels
1. Contracting Parties shall ensure that their fishing vessels do not receive transshipments of fish from a Non-Contracting Party vessel which has been sighted and reported, as having engaged in fishing activities in the NAFO Regulatory Area.

Part IV. Scheme of Joint International Inspection and Surveillance – to add:

19. (i) Contracting Parties shall report to the NAFO Secretariat all sightings, made by inspectors, of Non-Contracting Party fishing vessels engaged in fishing activities (i.e. fishing, fish processing operations, the transshipment of fish or fish products, and any other activity in preparation for or related to fishing) in the NAFO Regulatory Area. Such reports shall include all information derived from the inspector's observations concerning the Non-Contracting Party fishing vessel's activities and be made using Part I of the surveillance report provided in Part IV, Annex VIII.
- (ii) The inspector shall attempt to inform the Non-Contracting Party fishing vessel that it has been sighted engaging in fishing activities, that a surveillance report has been completed, that there may be consequences for the vessel, and that this information will be distributed to all NAFO Contracting Parties and to the flag-State of the vessel.
- (iii) In the event that the Non-Contracting Party vessel, which has been sighted and reported as engaged in fishing activities in the NAFO Regulatory Area, is boarded by inspectors, the findings of the inspectors shall be transmitted to the Executive Secretary. The Executive Secretary will transmit this information to all Contracting Parties within 72 hours of receiving this information, and to the flag-State of the boarded vessel as soon as possible.



**PART IV - ANNEX VIII- SURVEILLANCE REPORT**

- 1. The forms for the Surveillance Report shall be collated in a booklet with each page having an original and two self-carbon copies (preferably coloured and preferably 1 golden rod and 1 blue).
- 2. Page packets are to be perforated at the top and bottom of the page for easy removal.
- 3. Booklets should be bound preferably with 50 copies of the surveillance report.
- 4. The size of every page, after removal from the packet, should be 355.5 mm (14") in length by 216 mm (8 1/2") in width.

FISHERIES COMMISSION OF THE NORTHWEST ATLANTIC FISHERIES ORGANIZATION

SURVEILLANCE REPORT

PART I

AUTHORIZED INSPECTORS

- 1. Name(s) ..... Document Identity No.(s).....  
.....  
.....
- Contracting Party.....
- 2. Identification/Call Sign of Surveillance Craft .....
- Patrol Originating in Reg. Area at (Posn) .....on (Date) (time) UTC
- Patrol Leaving Reg. Area at (Posn) .....on (Date) (time) UTC

DETAILS OF VESSEL OBSERVED

- 3. Contracting Party/Non-Contracting Party/Flag State.....
- 4. Vessels Name and Letters and Numbers of Registration.....
- 5. Other Identifying Features (Type of vessel, colour of hull, superstructure, etc.).....  
.....  
.....

6. Date/Time UTC When First Identified ..... Course & Speed .....

Position at Time at First I.D. NAFO Sub Div.....

Lat. ....

Long. ....

Equipment used in Determining Position .....

7. WEATHER CONDITIONS

Wind Dir..... Sea State.....

Wind Speed..... Visibility.....

8. DETAILS OF PHOTOGRAPHS TAKEN

	Date/Time	Posn.	Altitude in case of air surveillance
a.	.....	.....	.....
b.	.....	.....	.....
c.	.....	.....	.....
d.	.....	.....	.....

PART II

(to be completed by the inspector not less than 72 hours following the observation recorded in Part I)  
(NOT APPLICABLE TO NON-CONTRACTING PARTIES)

I hereby certify that to date, in respect of the fishing vessel ....., information received by the ..... authorities from the competent authorities of the Contracting Party ..... pursuant to paragraph 2 of Part ..... Section ..... of the Conservation and Enforcement Measures (Hail System), does not correspond with the observation recorded in Part I of this report.

Authorized Inspector: .....

Signature: .....

**Annex 6. Scientific Council Proposals/Recommendations with the  
implication on the Conservation and Management of Fish Stocks  
in the NAFO Convention Area (FC Doc. 98/11)**

This document summarizes the Scientific Council proposals/recommendations forwarded to the Fisheries Commission during the 20th Annual Meeting, Lisbon, Portugal, 14-18 September 1998. The proposals/recommendations were adopted by the Fisheries Commission at the closing session, 18 September 1998, for the purpose of conservation and management of fish stocks in the NAFO Convention/Regulatory area, on the following terms and conditions:

1. The timing of Scientific Council advice for certain stocks (from FC Working Paper 98/7)

The assessment of certain (six) stocks by the Scientific Council on an alternating year basis will be as follows:

The time horizon for the assessments are depicted in the Table below (check marks identify the year of the assessments):

Stock	1999	2000	2001	2002	2003
A. plaice 3LNO	✓		✓		✓
Cod 3NO	✓		✓		✓
Redfish 3LN	✓		✓		✓
Cod 3M	✓	✓		✓	
A. plaice 3M	✓	✓		✓	
Witch 3NO	✓	✓		✓	

For Capelin in Div. 3NO, advice will not be provided until appropriate date are available.

2. Scientific advice for the shrimp in Div. 3M (from FC Working Paper 98/9)

The Scientific Council will conduct the assessment of shrimp in Div. 3M in November. First time, in November 1999, the scientific advice would be presented (at the 22nd Annual Meeting, September 2000) to the year 2001 and annually thereafter.

3. Statistical data, and identification and reporting of elasmobranchs, "grenadiers" and non-traditional species (from FC Working Paper 98/14)

The following scientific recommendations were agreed by the Fisheries Commission:

- i) The analyses on the distribution and abundance of elasmobranchs and other non-traditional species be carried out and the results presented to the Scientific Council at the earliest opportunity.
- ii) The inter-agency statistical data harmonization (catch data between NAFO and FAO) be continued as a regular procedure in order that the discrepancies be detected at as early a stage as possible, and that national authorities should be requested to submit statistics with a maximum of detail with regard to the species

composition of the catch, in order to minimize one of the main causes of inter-agency discrepancies.

- iii) The NAFO Contracting Parties should encourage training in identification and reporting of elasmobranchs (within the national data collection centers prior to submission to international organizations).
- iv) An expanded list of individually identified species of elasmobranchs be included on the STATLANT 21A questionnaire and that the national authorities be requested to submit catch statistics with a maximum degree of detail.
- v) The identification of grenadier should also be publicized, and that Contracting Parties with data on roughhead grenadier in SA 2+3 bring such data to Scientific Council June 1999 meeting to attempt an assessment on this species.

**Annex 7. Management for Shrimp 3M**  
(FC Doc. 98/9)

**NAFO CONSERVATION AND ENFORCEMENT MEASURES**

**AMEND PART I.F – to read as follows:**

F. Other Measures - Management Measures for Shrimp in Div. 3M

1. Vessels fishing for shrimps in Division 3M in 1999 shall use nets with a minimum mesh size of 40 mm.
2. Vessels fishing for shrimp in Division 3M in 1999 shall use sorting grids or grates maximum spacing between the bars of 22 mm.
3. In the event that total by-catches of all regulated groundfish species in any haul exceed 5 percent by weight, vessel shall immediately change fishing area (minimum of 5 nautical miles) in order to seek to avoid further by-catches of regulated groundfish.
4.
  - a) Each Contracting Party shall limit in 1999 the number of vessels fishing for shrimp in Div. 3M to the number that have participated in this fishery in the period from 1 January 1993 to 31 August 1995.
  - b) Each Contracting Party shall, in 1999, limit the number of fishing days by its vessels fishing for shrimp in Div. 3M to 90% of the maximum number of fishing days observed for their vessels in one of the years 1993, 1994 or 1995 (until 31 August 1995). However, for Contracting Parties with a track record in the period from 1 January 1993 to 31 August 1995, a minimum level of 400 fishing days is permitted.
  - c) Contracting Parties with no track record in the shrimp fishery in the period from 1 January 1993 to 31 August 1995 may, in 1999, fish for shrimp with one vessel in 100 fishing days.
  - d) Each Contracting Party shall communicate the number of fishing days to the Executive Secretary before 1 November 1998 that are available to that Contracting Party for 1999. The number of days shall be counted from the hail reports of vessels fishing for shrimp in Div. 3M and shall include the days of entry and exit from the Regulatory Area. In the case where vessels fishing for shrimp and other species on the same trip the number of days shall be counted from the day the vessel entered the shrimp fishery to the day the vessel ceased that fishery.

The Executive Secretary shall scrutinize the communications from the Contracting Parties, work with the relevant Contracting Parties if discrepancies are revealed, and by 1 December 1998 notify the number of vessels and fishing days applicable to all Contracting Parties.

- e) Vessels fishing for 3M shrimp may fish this stock in 1999 in Division 3M and in the area defined by the coordinates in footnote 1.

- f) For vessels conducting trans-zonal fishery for shrimps between Div. 3M and the area defined in footnote 1, the same regulations as in "NAFO Conservation and Enforcement Measures, Part III – Annex I – Hail System Message Format, no. 1.3., shall apply.
- g) Each Contracting Party shall in 1999 closely monitor its vessels fishing for shrimp and close the fishery when the number of fishing days available to that Party is exhausted.

The number of fishing days shall be counted from the hail reports of vessel fishing for shrimp and shall include the days of entry or moves into Div. 3M and the area defined in footnote 1 and the days of moves or exit from Div. 3M and the area defined in footnote 1.

- h) In the case where a vessel is fishing for shrimp and other species on the same trip, the change of fishery shall be hailed and the number of fishing days counted accordingly.
- i) Fishing days are not transferable between Contracting Parties.

---

Point No.	Latitude	Longitude
1	47°20'0	46°40'0
2	47°20'0	46°30'0
3	46°00'0	46°30'0
4	46°00'0	46°40'0

## Annex 8. Quota Table for 1999

QUOTA TABLE: Total allowable catches (TACs) and quotas (metric tons) for 1999 of particular stocks in Subareas 3 and 4 of the NAFO Convention Area. The values listed include quantities to be taken both inside and outside the 200-mile fishing zone, where applicable.

Contracting Party	Cod		Redfish		American plaice		Yellowtail		Witch	Capelin	G. halibut	Squid ( <i>Illex</i> ) <sup>2,3</sup>
	Div. 3M	Div. 3NO*	Div. 3M	Div. 3LN*	Div. 3M*	Div. 3LNO*	Div. 3LNO	Div. 3NO*	Div. 3NO*	Div. 3NO*	Div. 3LMNO	Subareas 3+4
1. Canada	0	0	500	0	0	0	5850 <sup>7</sup>	0	0	0	3 667	N.S. <sup>4</sup>
2. Cuba	0	-	1750	0	-	-	-	-	-	0	-	1 125
3. Denmark (Faroe Islands and Greenland)	0	-	69	-	-	-	-	-	-	-	-	-
4. European Union	0	0	3 100	0	0	0	120 <sup>7</sup>	-	-	0	13 530	N.S. <sup>4</sup>
5. France (St. Pierre et Miquelon)	-	-	69	-	-	-	-	-	-	-	-	1 000
6. Iceland	-	-	-	-	-	-	-	-	-	-	-	-
7. Japan	-	-	400	-	-	-	-	-	-	0	2 506	1 125
8. Korea	-	-	69	-	-	-	-	-	-	-	-	1 000
9. Norway	0	-	-	-	-	-	-	-	-	0	-	-
10. Poland	0	-	-	-	-	-	-	-	-	0	-	500
11. Estonia	-	-	-	-	-	-	-	-	-	-	-	-
12. Latvia	0	0	13 850 <sup>1</sup>	0	0	-	-	0	0	0	-	2 500 <sup>1</sup>
13. Lithuania	-	-	-	-	-	-	-	-	-	-	-	-
14. Russia	-	-	69	-	-	-	-	-	-	-	-	1 000
15. United States of America	0	0	124	0	0	0	30 <sup>7</sup>	0	-	-	1 624 <sup>5</sup>	1 750
16. Others	-	-	-	-	-	-	-	-	-	-	-	-
Total Allowable Catch	*	*	13 000 <sup>6</sup>	*	*	*	6 000 <sup>8</sup>	*	*	*	24 444	75 000

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

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

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

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

<sup>5</sup> Of which no more than 40% (650 t) may be fished before 1 May 1999 and no more than 80% (1299 t) may be fished before 1 October 1999.

<sup>6</sup> Each Contracting Party shall notify the Executive Secretary bi-weekly of catches taken by its vessels from this stock. The Executive Secretary shall notify without delay all Contracting Parties of the date on which, for this stock, accumulated reported catch taken by vessels of the Contracting Parties is estimated to equal 100 percent of the TAC for that stock. At that date each Contracting Party, to which a quota has been allocated or which vessels are engaged in fishing under the "Others" quota, shall prohibit fishing by its vessels for that stock.

<sup>7</sup> Contracting Parties shall inform the NAFO Executive Secretary before 1 December 1998 of the measures to be taken to meet the advice of the NAFO Scientific Council.

<sup>8</sup> The provisions of Part I, Section A.5h) of NAFO Conservation and Enforcement Measures shall apply.

\*No directed fishing.—The provisions of part i, Section A.5h) of NAFO Conservation and Enforcement Measures shall apply.

**Annex 9. Fisheries Commission's Request for Scientific Advice on  
Management in 2000 of Certain Stocks in Subareas 3 and 4  
(FC Working Paper 98/19)**

1. The Fisheries Commission with the concurrence of the Coastal State as regards the stocks below which occur within its jurisdiction, requests that the Scientific Council, at a meeting in advance of the 1999 Annual Meeting, provide advice on the scientific basis for the management of the following fish and invertebrate stocks or groups of stocks in 2000:

Redfish (Div. 3M)  
Yellowtail flounder (Div. 3LNO)  
Squid (Subareas 3 and 4)  
Shrimp (Div. 3M)  
Greenland halibut (Subareas 2 and 3)

2. The Fisheries Commission with the concurrence of the Coastal State as regards the stocks below which occur within its jurisdiction, requests that the Scientific Council, provide advice on the scientific basis for the management of the following fish stocks on an alternating year basis:

Cod (Div. 3NO; Div. 3M)  
Redfish (Div. 3LN)  
American plaice (Div. 3LNO; Div. 3M)  
Witch flounder (Div. 3NO)

To implement this system of assessments in alternating years, the Scientific Council is requested to conduct the assessment of these six stocks as follows:

- In 1999, all six stocks will be assessed. The assessment advice, however, will pertain to different time periods to allow the introduction of the new scheme over the next three years.
- In 1999, advice will be provided for 2000 and 2001 for American plaice in 3LNO, cod in 3NO and redfish in 3LN. The next assessment of these stocks will thus be conducted in 2001.
- In 1999, advice will be provided for 2000 for cod in 3M, American plaice in 3M and witch flounder in 3NO. The next assessment of these stocks will be conducted in 2000 with advice provided for 2001 and 2002. These stocks will then next be assessed in 2002.

The Fisheries Commission requests the Scientific Council to continue to monitor the status of these stocks annually and, should a significant change be observed, in stock status (e.g. from surveys) or in by-catches in other fisheries, provide updated advice as appropriate.

3. The Commission and the Coastal State request the Scientific Council to consider the following options in assessing and projecting future stock levels for those stocks listed above:
  - a) For those stocks subject to analytical-type assessments, the status of the stocks should be reviewed and management options evaluated in terms of their implications for fishable stock size in both the short and long term. As general reference points, the implications of fishing at  $F_{0.1}$ ,  $F_{1998}$  and  $F_{max}$  in 2000 and subsequent years should be evaluated. The present stock



size and spawning stock size should be described in relation to those observed historically and those expected in the longer term under this range of options.

Opinions of the Scientific Council should be expressed in regard to stock size, spawning stock sizes, recruitment prospects, catch rates and TACs implied by these management strategies for the short and the long term. Values of  $F$  corresponding to the reference points should be given. Uncertainties in the assessment should be evaluated.

- b) For those stocks subject to general production-type assessments, the time series of data should be updated, the status of the stock should be reviewed and management options evaluated in the way described above to the extent possible. In this case, the general reference points should be the level of fishing effort or fishing mortality ( $F$ ) which is calculated to be required to take the MSY catch in the long term and two-thirds of that effort level.
- c) For those resources for which only general biological and/or catch data are available, few standard criteria exist on which to base advice. The stock status should be evaluated in the context of management requirements for long-term sustainability and the advice provided should be consistent with the precautionary approach.
- d) Spawning stock biomass levels that might be considered necessary for maintenance of sustained recruitment should be recommended for each stock. In those cases where present spawning stock size is a matter of scientific concern in relation to the continuing reproductive potential of the stock, management options should be offered that specifically respond to such concerns.
- e) Presentation of the results should include the following:
  - I. For stocks for which analytical-type assessments are possible:
    - a graph of historical yield and fishing mortality for the longest time period possible;
    - a graph of spawning stock biomass and recruitment levels for the longest time period possible;
    - a graph of catch options for the year 2000 and subsequent years over a range of fishing mortality rates ( $F$ ) at least from  $F_{0.1}$  to  $F_{\max}$ ;
    - a graph showing spawning stock biomass corresponding to each catch option;
    - graphs showing the yield-per-recruit and spawning stock per recruit values for a range of fishing mortalities.
  - II. For stocks for which advice is based on general production models, the relevant graph of production on fishing mortality rate or fishing effort.

In all cases, the three reference points, actual  $F$ ,  $F_{0.1}$  and  $F_{\max}$  should be shown.

- f) Squid (*Illex*) in Sub-areas 3 and 4 is a short-lived species such that a change in productivity could be sudden. The Fisheries Commission and Coastal States request that the Scientific Council provide advice on the approach that could be used on an ongoing basis to allow timely identification of the onset of a new productivity level (higher or lower). It is also requested that the Scientific Council advise on catch levels that would be appropriate for different levels of productivity (e.g. low, medium and high). Further, the Scientific Council

is requested to evaluate the potential impacts of fisheries for squid in Subareas 3 and 4 on the portion of the squid (*Illex*) resource in Subareas 5 and 6.

4. In 1996, the Fisheries Commission requested that the Scientific Council comment on Article 6 and Annex II of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. Noting the progress made by the Scientific Council on the development of a framework for implementation of the Precautionary Approach, the Fisheries Commission requests that the Scientific Council provide, in their June 1999 report, the following information for the 1999 Annual Meeting of the Fisheries Commission for all stocks under its responsibility (i.e. cod in 3M and 3NO, American plaice in 3M and 3LNO, yellowtail flounder in 3LNO, witch flounder in 3NO, redfish in 3M and 3LN, Greenland halibut in SA 2+3, capelin in 3NO, shrimp in 3M and squid in SA 3+4):
  - a) the limit and target precautionary reference points described in Annex II indicating areas of uncertainty;
  - b) information including medium term consideration and associated risk or probabilities which will assist the Commission to develop the management strategies described in paragraphs 4 and 5 of Annex II in the Agreement;
  - c) information on the research and monitoring required to evaluate and refine the reference points described in paragraphs 1 and 3 of Annex II of the Agreement; these research requirements should be set out in order of priority considered appropriate by the Scientific Council; and,
  - d) any other aspect of Article 6 and Annex II of the Agreement which the Scientific Council considers useful for implementation of the Agreement's provisions regarding the precautionary approach to capture fisheries.
5. The Fisheries Commission requests that the Scientific Council develop criteria to be evaluated during any consideration of possible fisheries re-openings.
6. The Fisheries Commission with the concurrence of the Coastal State requests that the Scientific Council review available information, including any Canadian assessment documentation on the stock status, and provide advice on catch levels for the 2J3KL witch flounder resource. Any information pertaining to the relative distribution of the resource within the stock area, as well as changes in this distribution over time should also be provided.
7. With regard to shrimp in Divisions 3LNO, the Fisheries Commission, with the concurrence of the Coastal State, requests that the Scientific Council:
  - a) provide information on the fishing mortality on shrimp in Divisions 3LNO in recent years, as well as information on by-catches of groundfish in 3LNO shrimp fisheries;
  - b) provide information on abundance indices and the distribution of the stock in relation to groundfish resources, particularly for the stocks which are under moratorium;
  - c) provide information on the distribution of shrimp in Divisions 3L, 3N and 3O, as well as describe the relative distribution inside and outside the NAFO Regulatory Area;
  - d) advise on reference points and conservation measures that would allow for exploitation of this resource in a precautionary manner;
  - e) identify and delineate fishing areas and exclusion zones where fishing would not be permitted, with the aim of reducing the impact on the groundfish stocks which are under moratorium, particularly juveniles;
  - f) provide information on annual yield potential for this stock;

- g) determine the appropriate level of research that would be required to monitor the status of this resource on an ongoing basis with the aim of providing catch options that could be used in the context of management by Total Allowable Catches (TAC); and
- h) provide advice on whether shrimp found in the area of the Flemish Cap defined by the following geographical coordinates

Point	Latitude	Longitude
1	47° 20' 0	46° 40' 0
2	47° 20' 0	46° 30' 0
3	46° 00' 0	46° 30' 0
4	46° 00' 0	46° 40' 0

are considered to represent a part of the overall Flemish Cap shrimp resource, and determine the potential impact on groundfish resources in terms of by-catch of juveniles and loss of potential yield that could result from the exploitation of shrimp in that area.

8. The Scientific Council is requested to provide information on the types of fisheries research activities being conducted or that may be conducted in the future in the NAFO Regulatory Area. Further, the Scientific Council is requested to outline any guidelines and protocols which should be followed when conducting such research.

**Annex 10. List of Decisions and Actions by the  
Fisheries Commission  
(20<sup>th</sup> Annual Meeting, 14-18 September 1998)**

Substantive issue (propositions/motions)	Decision/Action (FC Doc. 98/13, Part I; item)
1. Transparency of the FC decision-making process (Participation of Intergovernmental and Non-Governmental Organizations)	Agreed to refer this issue to the General Council; item 3.1
2. NAFO Conservation and Enforcement Measures:	
- Scheme for observers and satellite tracking	Adopted; Proposal in FC W.P. 98/18 and official FC Doc. 98/7; item 3.8.
- Transshipment by Non-Contracting Parties in the Regulatory Area	Adopted; Proposal in FC W.P. 98/17 and official FC Doc. 98/8 – Contracting Party vessels shall not receive transshipments from Non-Contracting Party vessels engaged in fishing in the Regulatory Area; item 3.9
- STACTIC Report at the Meeting	Adopted; item 3.10
3. Implementation of Precautionary Approach to NAFO-managed stocks	Agreed; Intersessional meeting of the Joint Scientific Council and Fisheries Commission Working Group will be held in San Sebastian, Spain; 3-5 May 1999.
4. Change of stock assessment schedule	Agreed to implement a biennial schedule for certain stocks and November assessment for shrimp; item 3.14
5. Working Group on Allocation of Fishing Rights and Chartering of Vessels	Noted: This issue was considered within the General Council; item 3.16
6. TACs and Regulatory Measures for major stocks in the Regulatory Area for 1999	Discussed/Adopted; item 4.1-4.22
- Cod 2J3KL in the Regulatory Area	no directed fishery
- Cod 3M	no directed fishery
- Redfish 3M	13,000 tons
- American plaice 3M	no directed fishery
- Shrimp 3M	effort limitation; portion of 3L division on the Flemish Cap may be fished under the effort limitation scheme
- Cod 3NO	no directed fishery
- Redfish 3LN	no directed fishery
- American plaice 3LNO	no directed fishery
- Yellowtail flounder 3LNO	6,000 tons
- Witch flounder 3NO	no directed fishery
- Capelin 3NO	no directed fishery
- Squid (Illex) SubAreas 3+4	75,000 tons with the understanding that this is a transitional year
- Shrimp 3LNO	no directed fishery
- Greenland halibut 3LMNO	24,444 tons

- Witch 2J3KL in the Regulatory Area                      no directed fishery
  - 7. Schedule 1 – Quota Table, 1999; NAFO                      Adopted; item 4.23  
Conservation and Enforcement Measures
  - 8. Request to the Scientific Council for                      Adopted; item 4.26  
Scientific Advice on management of fish  
stocks in 2000; FC Doc. 98/12
  - 9. Transfer of quotas between Contracting                      Referred to future Fisheries Commission  
Parties                      Meetings for discussion; item 4.27
-

## PART II

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

#### 1. Opening of Meeting

The Chairman, D. Bevan (Canada) opened the meeting at 1015 on 14 September 1998. Representatives from the following Contracting Parties were present: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, the European Union (EU), France (St. Pierre & Miquelon), Iceland, Japan, Latvia, Lithuania, Norway, the Republic of Korea, Russia and the United States.

#### 2. Appointment of Rapporteur

Paul Steele (Canada) was appointed Rapporteur.

#### 3. Adoption of Agenda

The agenda was adopted as attached (Annex 1).

#### 4. Review of Annual Returns of Infringements

The Chairman referred the Contracting Parties to NAFO FC Doc. 98/5 (Summary of Inspection Information for 1997) and NAFO/FC Doc. 98/6 (Summary of Undisposed Apparent Infringements for 1993-1997). He then requested comments or updates from Contracting Parties with regard to the disposition of apparent infringements reported by them to the NAFO Secretariat.

The representative from Norway informed that the disposition of the two apparent infringements, which were issued to a Norwegian vessel in 1997, had not yet been reported to the Secretariat. One apparent infringement, which involved the requirement for the vessel master to produce a capacity plan to describe the fishing hold capacity, is still being considered by Norwegian authorities. It appears that there may have been some confusion between the terms "fishing room" and "fishing bins."

The representative from Canada commented that the capacity plans should describe the fishing hold capacity of the vessel, and it should not matter what terminology is used by the vessel as long as the document accurately describes the capacity of the space onboard where the fish is stored. The Norwegian representative noted that the particular fishing vessel in question has been fishing in the NAFO Regulatory Area for several years and has undergone numerous inspections without any problems identified regarding the capacity plans until the most recent inspection.

The second apparent infringement came about because the NAFO inspector took the position that the fishing vessel in question was required to complete a NAFO logbook. The Norwegian authorities are of the opinion that a Norwegian logbook should be sufficient as long as the required information is entered into the logbook.

The representative from Iceland advised that he would submit, later in the meeting, a written report on the disposition of apparent infringements detected on Icelandic vessels during the period 1993-1998.

The representative from Denmark (in respect of the Faroe Islands and Greenland) advised that his government does not agree with two citations issued to a Faroese vessel in 1997. The citations were issued because the NAFO inspectors felt that the vessel in question was engaged in a commercial fishery, whereas the Danish government's view is that the vessel was engaged in research activity as per the notification that had been given to the NAFO Secretariat. The representative from Denmark (in respect of the Faroe Islands and Greenland) advised that a letter will be submitted to the NAFO Secretariat with regard to this matter. He also advised that a written warning was issued to another vessel as a result of a citation issued by an EU inspector on November 3, 1997 and that another citation, issued by an EU inspector on November 4, 1997, is still under review.

The representative from the European Union stated that no legal action would be taken as a result of the catch record discrepancy issued to a European Union vessel on April 6, 1997. The rationale for that decision is that the discrepancy fell within the tolerance exercised by the European Union.

The representative from Canada pointed out that although the European Union exercises a 20% tolerance on catch record discrepancies, no such tolerances are specified in the NAFO Conservation and Enforcement Measures. Therefore, NAFO inspectors are required to issue citations for discrepancies, whether or not they fall within the European Union's tolerance.

The Chairman noted that the submission of reports on the disposition of apparent infringements has improved significantly since the last annual meeting. He reminded Contracting Parties of the requirement for regular reports and asked them to submit any available updates before the conclusion of this meeting.

## **5. Review of Surveillance and Inspection Reports**

STACTIC Working Paper 98/9 was tabled by the Executive Secretary, who explained the methodology used in the development of the table entitled "Objectivity of NAFO Inspections – 1997."

The representative from Denmark (in respect of the Faroe Islands and Greenland) commented that although the above-noted table shows four apparent infringements for Denmark (Faroes) in 1997, the Danish government's position is that two of those citations were determined not to be infringements.

A discussion followed about the usefulness of this type of analysis. Working Paper 98/9 is an amended version of two similar reports submitted by the Executive Secretary at previous meetings (FC Doc. 97/3 and STACTIC Working Paper 97/21). It was generally agreed that Working Paper 98/9 is an improvement over the previous versions. The European Union representative noted that this type of analysis is helping Contracting Parties to get a better appreciation of the relative objectivity in the distribution of inspections. He suggested that more work should be done to further refine Table 1 of the report. As an example, he suggested that the first four columns of the table may be sufficient.

The Chairman tabled STACTIC Working Paper 98/11 (Information on Inspections, Catch Record Discrepancies and/or Apparent Infringements, 1997).

The representative from Canada tabled STACTIC Working Paper 98/13. He noted that the total number of sightings in 1997 was 2,759, compared to 4,473 sightings in 1996. The representative from the United States asked if Canada could provide the number of patrol sea days and air hours for 1997 and 1996. The representative from Canada indicated that the numbers were slightly lower for 1997 in comparison to 1996.

## 6. Review of the Pilot Project for Observers and Satellite Tracking

STACTIC Working Paper 98/15 was tabled by the Executive Secretary. This paper was compiled by the NAFO Secretariat, on the basis of data submitted by Contracting Parties, to compare the number of apparent infringements, the number of fishing vessels and the number of patrol sea days in the Regulatory Area during the period of 1992-1997.

The European Union representative noted that only certain Contracting Parties (Canada, Estonia, the European Union, and Japan) have provided data to the NAFO Secretariat for the preparation of this table. (Norway has since provided data as well.) He suggested that other Contracting Parties should submit their data as soon as possible in order for the table to be finalized. The representative from Iceland indicated that Iceland will do so soon.

The representative from Denmark (in respect of the Faroe Islands and Greenland) pointed out that care must be taken in attempting to draw conclusions on the basis of this data. He stated that it would be useful to include the number of observer days in the analysis.

The representative from Iceland noted that it is important to keep in mind that there is no control group to which the data can be compared. He suggested that the paper should make note of this and any other limitations that are applicable.

The representative from Iceland also noted that although the total number of fishing vessels declined significantly (23,352 days in 1993 compared to 12,473 days in 1997), there were also major changes during that period with regard to the composition of the fleet that participated in the fisheries in the Regulatory Area. For example, the shrimp fishery underwent a major expansion, with many new vessels becoming involved. On the other hand, some of the vessels that had traditionally fished in the Regulatory Area have not fished in recent years. These changes may have had a significant impact on the trends that we see in compliance rates for the 1993-1997 period.

The representative from Canada suggested that the infringements listed in the paper should be broken down into two categories – those that have relevance to the pilot project and those which do not. It was agreed that the Canadian delegation would develop a revised paper on this basis. The revised paper was later tabled by Canada as STACTIC Working Paper 98/19.

The representative from Norway pointed out that, although the pilot project was implemented January 1, 1996, the sharp decline in infringements began in 1995. The representative from Canada responded by noting that Canada and the European Union had implemented 100% observer coverage in May, 1995. The European Union representative commented that STACTIC should present the factual data without attempting to explain the reasons behind the decline in infringements. He said that STACTIC should simply identify the trends and let others draw their own conclusions as to the factors that contributed to them.

The representative from Denmark (in respect of the Faroe Islands and Greenland) suggested that Working Paper 98/19 be revised to reflect the level of fishing effort on an annual basis. The European Union representative agreed and suggested that the number of patrol sea days, as well as some explanatory text, should be added to the paper. The representative from Canada agreed to make these changes and submit a revised Working Paper. Following deliberations, Annex 2 (STACTIC Evaluation of the Observer and Satellite Tracking Project) was accepted by the Committee.

The European Union representative pointed out that STACTIC Working Paper 98/16 includes updated information on the costs related to European Union patrol activity.



The Lithuanian representative tabled STACTIC Working Paper 98/18, which responded to the questions regarding the pilot project which had been posed at the May 14-15, 1998 STACTIC meeting. He indicated that Lithuania intends to resolve the problem of observer reports not being submitted to the NAFO Secretariat, as required by the Conservation and Enforcement Measures.

Representatives from France (St. Pierre & Miquelon), Estonia and Russia tabled Working Papers ( STACTIC Working Papers 98/20, 98/22 and 98/23, respectively) which responded to the above-noted questions regarding the pilot project.

The representative from Norway questioned whether the Canadian government has been paying the costs involved in providing observer coverage for Lithuanian vessels. The response given was that the Canadian government has been paying these costs, although this assistance may no longer be required as training of Lithuanian observers has now been completed.

### **7. Review of Operation of the Hail System**

The Executive Secretary tabled STACTIC Working Paper 98/10. He noted that there continue to be a number of undisposed apparent infringements (see page 2 of Working Paper 98/10) and he asked Contracting Parties to submit the required information as soon as possible.

The Executive Secretary advised the Contracting Parties that a computer networking and cabling system has been installed at the Secretariat offices. Arrangements are now being made to enter into a contact for the additional technical work required in order to implement an automated system for the receipt and transmission of satellite tracking data.

The European Union representative asked whether confidentiality of the data is still a concern. The Secretariat staff replied that a private contractor has submitted a proposal whereby the data would be accessed through the NAFO Secretariat website on the internet. The Chairman stated that STACTIC will need to address the confidentiality issue at a future meeting.

### **8. Discussion of Other Conservation and Enforcement Measures**

#### **a) Compatibility and applicability of discard/retention rules for conservation and utilization of fishery resources**

The Chairman noted that this issue had been discussed at the 1997 annual meeting of STACTIC in St. John's, Newfoundland. Canada had proposed that the Conservation and Enforcement Measures be revised to clarify that all fish discarded must be counted against quotas. At the St. John's meeting, Contracting Parties were asked to provide data with regard to 1997 discards by Contracting Party vessels fishing in the Regulatory Area.

The Chairman tabled STACTIC Working Paper 98/14, which summarized the information received to date from four Contracting Parties (Canada, Denmark in respect of Greenland, Japan and Norway). Iceland and Estonia provided reports during the meeting (STACTIC Working Papers 98/21 and 98/22 respectively). The representative from the United States advised that, since no U.S. vessels fished in the NAFO Regulatory Area in 1997, the United States will not be providing data regarding discards

The European Union representative noted that it would be useful to compare the amounts discarded to the total catches of each species, as this would give a better perspective regarding the seriousness and extent of the problem. He also noted that discard levels generally appear to be relatively modest and there is no evidence to suggest that TACs are being exceeded as a result of excessive discards.

The Canadian representative noted that a major reason for the confusion on the issue of discarding may be that there is a misunderstanding of the definition of the term "catch." He said that some may interpret "catch" to mean "landings," although the Conservation and Enforcement Measures are quite clear that "catch" includes all fish taken on board a fishing vessel. He also noted that although discards may be considered low at present, it must be remembered that most of the NAFO-managed stocks are under moratorium, and when they are all open there may be many more vessels in the area, which could significantly increase the level of discards. He said that the time to get this issue clarified is now, not later when it may be more difficult to do so.

The representative from Norway stated that the amount of fish discarded in the shrimp fishery is generally quite small (in the range of 2%-5%). He suggested that consideration could be given to setting aside a portion of the overall quota to cover discards.

The representative from Denmark (in respect of the Faroe Islands and Greenland) called attention to the situation where a Contracting Party has no quota to cover off the discards of by-catches taken in a directed fishery for a quota species, e.g. redfish discarded when directing for shrimp.

The Chairman stated that more data is required on discards by Contracting Party vessels. He asked that each Contracting Party provide discard data to the Secretariat in the format used by Norway in STACTIC Working Paper 98/14. Once this data has been compiled, the issue may be re-visited at the next STACTIC meeting.

#### **b) Sampling protocols**

The European Union representative reviewed the background to this issue. He indicated that it had been raised in 1995 in response to concerns that NAFO inspectors did not have clear and consistent instructions on how to conduct sampling on board vessels involved in mixed fisheries. He questioned whether this continues to be an issue in 1998. From the European Union's perspective, it is not a serious concern at the present time.

The representative from Denmark (in respect of the Faroe Islands and Greenland) pointed out that the Conservation and Enforcement Measures already provide for mandatory in-port inspections, whereby inspectors can determine the exact amount of each species on board fishing vessels.

The Chairman concluded that no further action needs to be taken on this issue at this time. If problems are identified by any Contracting Party at a later date, the issue will again be raised at STACTIC.

### **9. Time and Place of Next Meeting**

The next meeting of STACTIC will be held during the 21st Annual Meeting of the Fisheries Commission, 1999, in Halifax, N.S., Canada.

### **10. Other Issues**

A joint meeting of STACTIC and the Scientific Council was held to discuss the type of observer data required by the Scientific Council. Following discussion, it was agreed that there is a need for the Scientific Council to further define their data requirements so that STACTIC can then consider the development of more consistent formats and procedures for data collection as well as possible improvements in the availability of data. In doing so, it will be important to keep in mind the various tasks of observers and the time required to complete them in order to ensure that an unreasonable workload is not imposed on the observers.

It was agreed that all Contracting Parties will forward copies of the forms currently completed by their observers to the NAFO Secretariat, who will in turn forward this information to the Scientific Council in advance of their June, 1999 meeting. Following their review at the June meeting, the Scientific Council will provide new information on their data requirements. This issue will then be addressed at another joint meeting of STACTIC and the Scientific Council at the September, 1999 NAFO meeting.

#### **Discussion of STACFAC Working Paper 98/1 regarding Transshipment of Fish from Non-Contracting Party Vessels and Inspection of Non-Contracting Party Vessels.**

A discussion was held with regard to STACFAC Working Paper 98/1 – Proposed Revisions to NAFO Conservation and Enforcement Measures. Following discussion, amendments were made to the STACFAC proposal. The revised proposal (STACTIC Working Paper 98/25) – Proposed Revisions to NAFO Conservation and Enforcement Measures was referred to the Fisheries Commission (was **adopted**, please see item 3.9 and Annex 5 of FC Report). STACTIC noted that Japan will be unable to enforce the proposed Part IV.5(i)c of the Conservation and Enforcement Measures. This is due to the fact that Japanese legislation does not provide authority for enforcement against transport vessels.

#### **11. Adoption of Report**

The report was adopted by STACTIC.

#### **12. Adjournment**

The meeting adjourned at 14:30 on Thursday, 17 September 1998.

**Annex 1. Agenda**

1. Opening by the Chairman, D. Bevan (Canada)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of Annual Returns of Infringements
5. Review of Surveillance and Inspection Reports
6. Review of the Pilot Project for Observers and Satellite Tracking
7. Review of Operation of the Hail System
8. Discussion of Other Conservation and Enforcement Measures (including possible requests from the Fisheries Commission):
  - a) compatibility and applicability of discard/retention rules for conservation and utilization of fishery resources (follow-up of the STACTIC discussions)
  - b) sampling protocols
  - c) review of disposition of outstanding infringements by the Contracting Parties
9. Time and Place of the Next Meeting
10. Other Matters
11. Adoption of Report
12. Adjournment

## **Annex 2. STACTIC Evaluation of the Observer and Satellite Tracking Pilot Project – Executive Summary**

STACTIC has completed its evaluation of the three-year 100% observer, 35% satellite tracking project initiated in 1996. STACTIC noted that the implementation of the observer component of the pilot project started in 1995 and was fully implemented in 1996. The satellite tracking component of the program was only partially implemented and as late as 1997 further meetings were held to facilitate use of satellite tracking data. In reviewing the STACTIC evaluation of the pilot project this fact should be considered.

Significant changes have been noted by STACTIC with respect to the compliance to NAFO Conservation and Enforcement Measures. However, there are many variables with respect to fishing practices in the NAFO Regulatory Area and therefore no consensus could be reached on the precise reason for observed improvement in compliance.

Table 1 shows the relative efficacy, efficiency, and relevance of monitoring by the observer, satellite tracking and traditional methods. Table 2 shows the relative costs of the three different monitoring and surveillance systems.

Tables 3, 4 and 5 provide information related to compliance versus surveillance efforts and are graphically depicted in Figures 1, 2 and 3. While the causes of the changes cannot be proven, these tables and graphs demonstrate that there has been a significant change in compliance. For example, while fishing effort declined by 47% and patrol efforts have been reduced by 2%, apparent infringements related to measures needed to conserve stocks have been reduced by 83%.

Table 1. Evaluation Framework Summary Table

Management Measures	Pilot Project Compliance Measures										Traditional methods of control (*)				
	Satellite Tracking					Observer Scheme					Relevance		Efficacy/ Efficiency		
	Relevance	Efficacy/ Efficiency				Relevance	Efficacy/ Efficiency				YES	NO	H	M	L
	YES	NO	H	M	L	YES	NO	H	M	L	YES	NO	H	M	L
<b>Fishing location</b>	Y		H			Y		H			Y		H		
<b>Fishing activities</b>															
No. of operation	Y		No Consensus			Y		H			Y				L
Time in the area	Y		H			Y		H			Y		H		
Fishing Time	Y			M		Y		H			Y				L
Gear used		N				Y		H			Y			M	
<b>Catch retained</b>															
By species		N				Y		H			Y		No Consensus		
By live weight		N				Y		H			Y			M	
<b>Discards</b>															
Juveniles		N				Y		H			Y				L
By-catches		N				Y		H			Y				L
High-grading		N				Y		H			Y				L
<b>Processing</b>															
By species		N				Y		H			Y			M	
By presentation		N				Y		H			Y			M	
By production weight		N				Y		H			Y			M	
<b>Landing/Transshipment</b>															
Port/Location	Y		H			Y		H			Y		H		
Quantities Landed		N					N				Y		H		

Efficiency/Efficacy – H(High), M(Medium), L(Low)

\*Traditional means: fishing and processing logbook, landing/transshipment declaration, sightings and inspections at sea (either by vessel or aircraft), hail-system and communication of catches, single mesh size, inspection ashore, etc.

1. Bolded ratings reflect consensus view, subject to explanatory notes.
2. Shaded areas reflect no consensus on efficiency/efficacy.

No. of operations (satellite tracking) - Efficiency/efficacy dependant on number and frequency of transmissions.

Catch retained by species (traditional) - Efficiency/efficacy subject to level of surveillance and fishery (shrimp versus multiple species).

**Explanatory Notes**

<b><u>Management Measure</u></b>	<b><u>Contracting Party</u></b>	<b><u>Note</u></b>
Catches retained on board	Denmark (Faroes & Greenland)	Observers assumed 100% effective.
No. of Operations	European Union	Satellite Tracking – Moderate, depending on number of positions per day.
Gear Used	European Union	Includes mesh size and sorting grid.
	Canada	Traditional – High during inspections.
Discards	European Union	Evaluation of discards goes beyond simple enforcement effectiveness.
Landing/Transshipments	EU/Norway	No transshipments observed.
Port/Location	EU	Observer-High, but not included in observer duties.
Efficiency/Efficacy (Observer)	Iceland	Overall – Not in terms of cost efficiency.
		Fishing location – High, in respect of accuracy but this is not real time location so it will not support inspection control.
		Juveniles – Not relevant for shrimp fishery.
Efficiency/Efficacy (Satellite)	Iceland	By-catches, high-grading and Processing by species – High, but not significant issue in shrimp fishery.
		All fishing activities (excluding gear used) – High, but due to low coverage, potential efficiency does not equal actual efficiency.
		Fishing time – High, can be obtained by calculation of vessel speed, although variable or lower speed may not necessarily indicate fishing.

Efficiency/Efficacy (Traditional)	Iceland	May be improved through enhanced use of electronic data exchange.
Efficiency/Efficacy (Traditional)	Canada	Dependent on level of surveillance by platform type (aircraft, patrol vessel, dockside monitoring).
Overall	Iceland, Norway Denmark (Faroes & Greenland)	Evaluation based on experience in the shrimp fishery only.



**Table 2. Estimated Cost of Surveillance – NAFO Regulatory Area  
(Based on 1996 information)**

CONTRACTING PARTY	Secretariat	Norway	Den(Grind)	Canada	Latvia	USA	Den(Far)	Japan	Estonia	Iceland	EU	Russia	Total	Average
Reference Documents	97/4	97/1,97/2	97/3,97/25	97/8,97/32	97/12	97/29	98/4	97/16	97/17	97/19	97/33,97/34			
<b>Satellite Tracking Technology</b>														
Capital	\$ 21,000	\$ 100,000			\$ 12,000	\$ 70,000	\$ 22,000		\$ 24,000	\$ 200,000			\$ 449,000	
Operating Costs	\$ 6,000	\$ 20,000		\$ 150,000	\$ 4,000	\$ 20,000	\$ 1,000		\$ 6,000	\$ 24,000	\$ 500,000		\$ 733,000	
Operations Center							\$ 20,000						\$ 20,000	
Other	\$ 5,000				\$ 2,000				\$ 3,000				\$ 10,000	
<b>Observer Coverage</b>														
Operating Costs(\$/sea day)		\$ 400	\$ 388	\$ 350	\$ 350	\$ 352	\$ 200	\$ 530	\$ 350	\$ 318	\$ 320		\$ 3,558	\$ 356
<b>Traditional Surveillance</b>														
Vessels				\$ 3,600,000							\$ 2,300,000		\$ 6,100,000	
Aircraft				\$ 5,500,000									\$ 5,500,000	
Administration				\$ 1,500,000							\$ 150,000		\$ 1,650,000	
Total Inspections				278							97		375	
Cost/Inspection				\$ 19,000							\$ 24,000		\$ 43,000	\$ 18,000
Number of Vessels (WG WP 98/4)		15	6	8	3		15	2	6	39	47		141	
Number of observer and fishing days (WP 97/21)		1550	172	179	171		1863	320	1095	5964	7678		19002	
<b>Total costs</b>														
Satellite Technology														
One Time	\$ 21,000	\$ 100,000			\$ 12,000	\$ 70,000	\$ 22,000		\$ 24,000	\$ 200,000			\$ 449,000	
Annual	\$ 11,000	\$ 20,000		\$ 150,000	\$ 6,000	\$ 20,000	\$ 21,000		\$ 11,000	\$ 24,000	\$ 500,000		\$ 763,000	
Observer Coverage		\$ 605,000	\$ 67,000	\$ 63,000	\$ 60,000	\$ 277,000	\$ 171,000	\$ 320,000	\$ 380,000	\$ 1,896,000	\$ 3,000,000		\$ 6,076,000	\$ 320
Traditional Surveillance				\$ 10,800,000							\$ 2,450,000		\$ 13,250,000	\$ 697

1. Costs for NAFO Secretariat based on satellite technology at headquarters
2. Some Contracting Parties exceeded the 35% satellite requirement
3. Fishing days for some Contracting Parties decreased in 1997
4. Canadian vessel surveillance excludes military vessel support (estimated at \$5.0M)

Table 3

	1997	1996	1995	1994	1993	1992
<b>OBSERVER RELEVANT</b>						
Recording of Catch	6	1	7	15	17	19
Incidental Catch Limits	1					
Quota (includes conducting a directed fishery when a ban on fishing in effect)	2	3		10	11	2
<b>Retaining Undersize fish</b>			3	10	4	
<b>Gear:</b> Mesh size, chafers, straps, sorting straps	1	8	2	19	23	13
<b>Catch record discrepancy</b>	1	1	4	14	4	5
<b>Hail system</b>	2	4	8	20	18	32
<b>SUBTOTAL</b>	<b>13</b>	<b>17</b>	<b>24</b>	<b>88</b>	<b>77</b>	<b>71</b>
<b>NOT OBSERVER RELEVANT</b>						
<b>Documentation</b>	7	8	9	27	25	21
<b>Failure to carry observer</b>		3				
<b>Other:</b> Improper boarding ladder, Refusal/interference with Inspection	3	6	5	4	3	2
<b>SUBTOTAL</b>	<b>10</b>	<b>17</b>	<b>14</b>	<b>31</b>	<b>28</b>	<b>23</b>
<b>GRAND TOTAL</b>	<b>23</b>	<b>34</b>	<b>38</b>	<b>119</b>	<b>105</b>	<b>94</b>

**Table 4. Number of fishing vessels, fishing effort, inspections and observer relevant Apparent Infringements, 1993-1997**

Year	F/vessels	FN effort	PN effort	Inspections	Infringements Obs. Related
1993	233	23,352	548	518	77
1994	181	22,816	647	628	88
1995	189	23,842	556	343	24
1996	169	17,157	514	375	17
1997	101	12,473	536	350	13

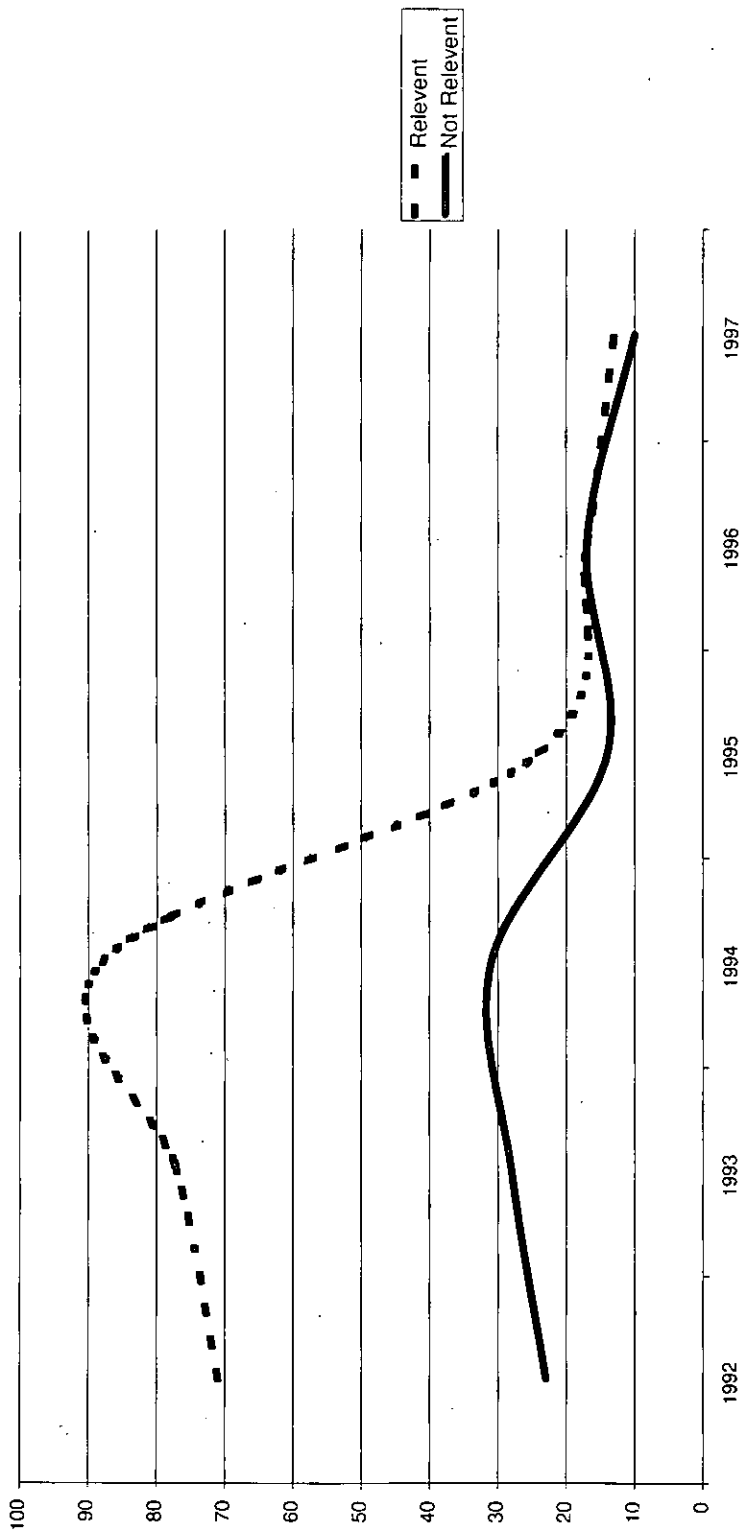
**Table 5. Inspections and fishing days/observer relevant infringement and fishing days/patrol vessel day**

Year	Insp/AIN	Fday/AIN	Fday/PV day
1993	6.7	303	42.6
1994	71	259	35.2
1995	14.3	993	42.8
1996	22	1009	33.4
1997	26.9	959	23.3

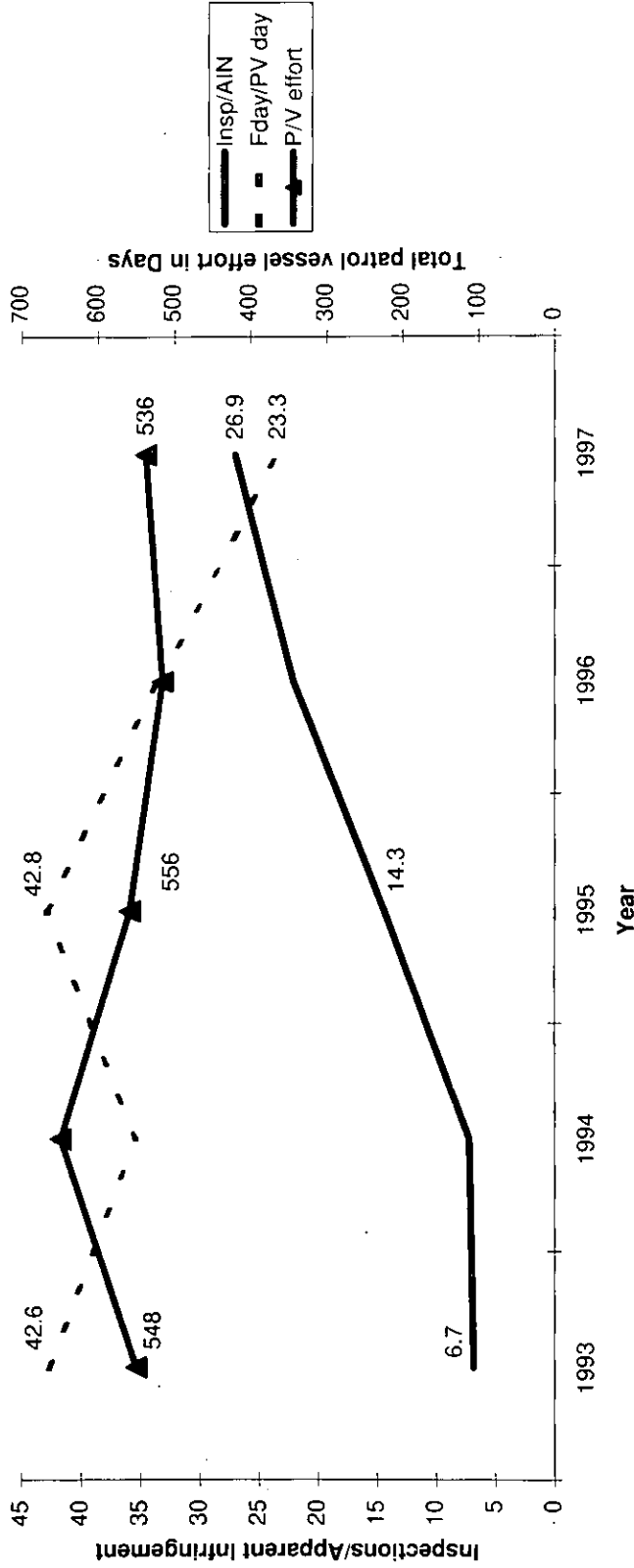
Source of Information:

NAFO Secretariat based on hail and surveillance reports from Contracting Parties.

**Graph 1: Apparent Infringements  
1992-1997  
Observer Relevant vs Observer Not Relevant**

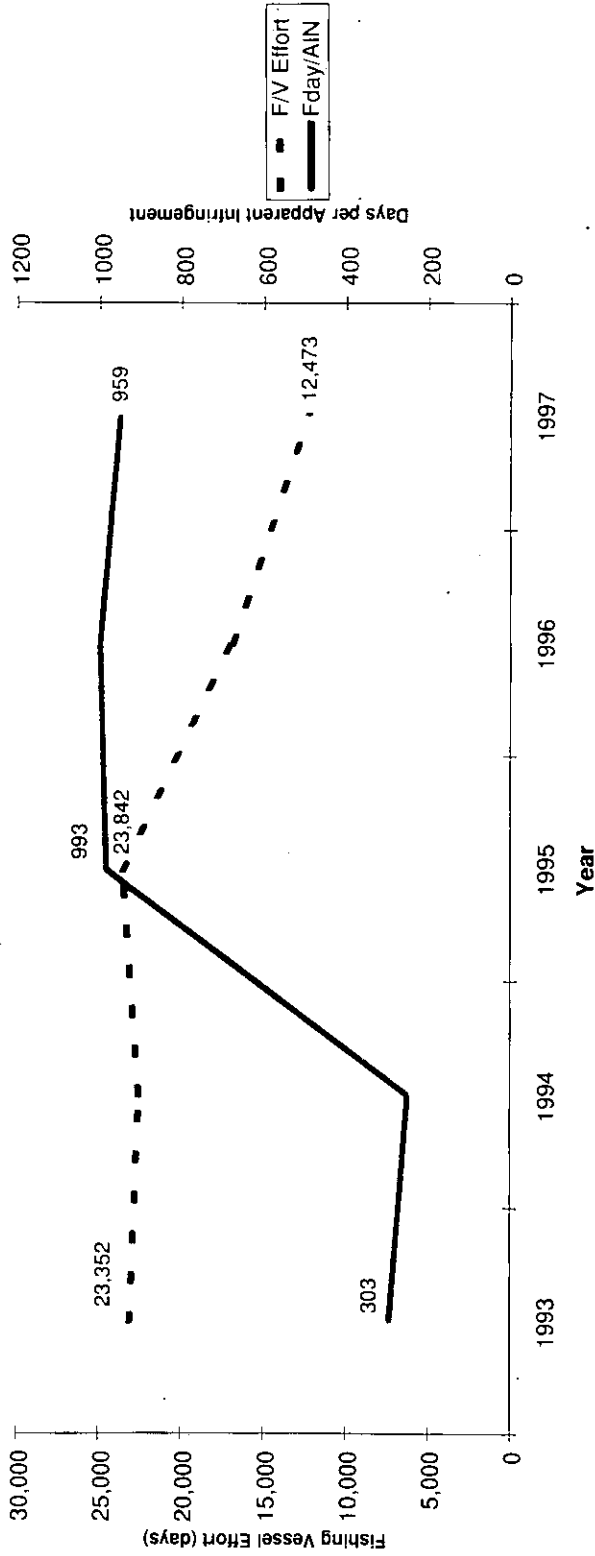


**Graph 2: Inspections/Apparent Infringement(AIN), Fishing Days(Fday)/Patrol Vessel day(PV day), Patrol Vessel days 1993-1997**



- This chart shows that while patrol activity has remained constant, the number of inspections required to detect an apparent infringement has increased fourfold from 1993 to 1997.
- Patrol vessel days have remained relatively constant during the 1993-97 period at approximately 550 days annually.
- Fishing days/patrol vessel days have declined from approximately 41 during the 1993-95 period to 23 in 1997.
- Observer relevant infringements/inspection have decreased from one in 6.7 inspections in 1993 to one in 26.9 inspections in 1997.

**Graph 3: Fishing Vessel Effort and Fishing Days/Observer Relevant Apparent Infringements**



- This chart shows that while fishing effort has decreased from 1993 to 1997, the number of fishing days per apparent infringement has increased by 70% from approximately 275 in 1993-94 to 1000 for 1995-97

- Fishing vessel effort was approximately 23,000 days from 1993 to 1995 declining to 12,500 days in 1997