

Northwest Atlantic



Fisheries Organization

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Sections of the Convention relevant to reporting  
statistics separately for waters within the  
Regulatory Area and for Convention waters  
under coastal state jurisdiction

by

NAFO Executive Secretary

1. The area to which the Convention applies is defined in Article 1.1 of the Convention. From that definition it is clear that the Convention applies to all waters of the Northwest Atlantic Ocean including the waters of the Gulf of St. Lawrence, Davis Strait and Baffin Bay, north of 35°00' north latitude and south of 78°10' north latitude, contained on the west by the meridian of 42°00' west longitude from the southern limit of 35°00' north latitude, until 59°00' north latitude, thence due west to 49°00' west longitude and thence due north to the coast of Greenland which is the western limit up to the 78°10' north latitude.
2. Article 1.2 defines "the Regulatory Area" as the "part of the Convention Area which lies beyond the areas in which coastal states exercise fisheries jurisdiction".

It is quaint here to note that, since Article 1.3 defines "coastal state" as a Contracting Party exercising fisheries jurisdiction in waters forming part of the Convention Area and the United States of America is not a Contracting Party, the waters under its jurisdiction, which are part of the area defined in 1 above, would belong to the Regulatory Area.

This of course happened because it was not foreseeable at the time the Convention was agreed that the United States of America would not be a Contracting Party.

3. Article 4 establishes that the Convention applies to all fishery resources of the Convention Area with the following exceptions: salmon, tuna and marlins, cetacean stocks managed by the I.W.C. and sedentary species of the Continental Shelf.

Consequently the Convention, apart from the specifically excepted species, applies to all fishery resources of all waters of the Northwest Atlantic Ocean.

4. Article II.1 makes clear that the Contracting Parties agreed "to establish and maintain an international organization whose object shall be to contribute through consultation and cooperation to the optimum utilization, rational management and conservation of the fishery resources of the Convention Area". (our underlining)

5. Article VI gives the functions of the Scientific Council.

They can be briefly explained as:

- a) to provide a forum for consultation and cooperation among the Contracting Parties with respect to every aspect of scientific information and views "relating to the fisheries of the Convention Area", and "to encourage and promote cooperation among the Contracting Parties in scientific research" designed to improve the knowledge of those matters.
  - b) to compile and maintain statistics and to publish and disseminate all possible kinds of information "pertaining to the fisheries of the Convention Area".
  - c) to provide scientific advice to coastal states.
  - d) to provide scientific advice to the Fisheries Commission.
6. It is important to mention Article VI.3 which sets down the obligation of the Contracting Parties to furnish to the Scientific Council any available statistical and scientific information requested by the Council "for the purpose of Article VI", which purpose we have analyzed already and always refer and pertain to the fisheries of the Convention Area.
7. The Fisheries Commission is the body which manages the stocks in the Regulatory Area. The Conservation and Enforcement Measures, decreed by this body, establish the management obligations which have to be followed by the Contracting Parties in the Regulatory Area. Within the 200-mile zones management is in the hands of the corresponding coastal states.

Part I, Rule C.1 makes it obligatory that each vessel shall, on entering the Regulatory Area, obviously from any direction, have, in its fishing log, a record of the amount of each species of fish on board.

Part I, Rule C.2 determines that, for fish taken in the Regulatory Area each vessel shall have to record its catches on a daily basis as per Schedule II, the disposition of catch and estimated cumulative catch daily as per Schedule III. The records shall correspond to the smallest geographical area for which a quota has been allocated. These records shall be retained on board for the duration of the quota period.

8. When a vessel fishes in waters under the jurisdiction of a coastal state, it does it with a previously obtained licence from that coastal state and under the onus of satisfying whatever regulatory conditions the coastal state imposes.

It is therefore clear why the scientists and experts which recommended the division of NAFO Convention Area with scientific and statistical subareas, divisions and subdivisions, adopted with a few corrections the ICNAF system in which the main objective was the separation of stocks as practically as possible and not the separation of managements.

9. IN CONCLUSION, the records, required by the management authorities, should already include the necessary statistical data collected either in the Regulatory Area or in the fisheries zones of the coastal states. This fact should avoid the long and laborious work of redefining statistical separation systems while avoiding invalidating previously obtained statistics, and without really gaining any new data.