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INTERNATIONAL COMMISSION

FOR THE

NORTHWEST ATLANTIC FISHERIES

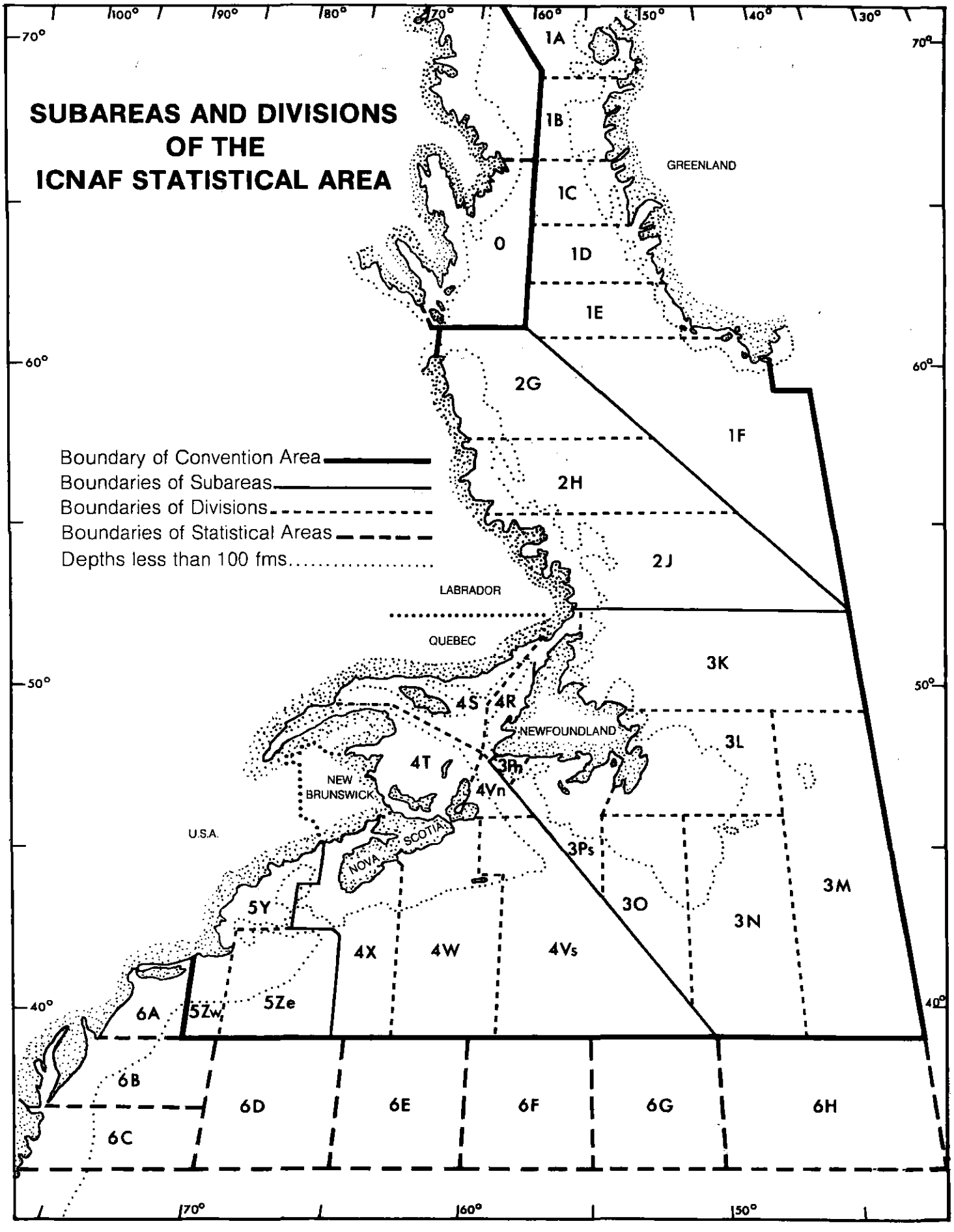
PROCEEDINGS

OF THE

NINTH SPECIAL MEETING, DECEMBER 1976

27th ANNUAL MEETING, JUNE 1977

Dartmouth • Canada
September 1977


SUBAREAS AND DIVISIONS
OF THE
ICNAF STATISTICAL AREA
Boundary of Convention Area
Boundaries of Subareas
Boundaries of Divisions
Boundaries of Statistical Areas
Depths less than 100 fms
GREENLAND
LABRADOR
QUEBEC
NEWFOUNDLAND
NEW BRUNSWICK
NOVA SCOTIA
U.S.A.
1A
1B
1C
1D
1E
1F
0
2G
2H
2J
3K
3L
3M
3N
3O
3Ps
3Pn
4R
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4Vn
4Vs
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4X
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6B
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6F
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70°
60°
50°
40°
100°
90°
80°
30°

PROCEEDINGS

OF THE

NINTH SPECIAL MEETING, DECEMBER 1976

27TH ANNUAL MEETING, JUNE 1977

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NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

AND

ANNUAL MEETING - JUNE 1977

OFFICERS

Chairman of Commission	-	Dr D. Booss (Federal Republic of Germany) (eff Dec 1976)
Vice-Chairman of Commission	-	Mr D.H. Wallace (USA) (to 31 December 1976)
" " "	-	Vacant

Panels

Chairman, Panel 1	-	Mr V.M. Kamentsev (USSR)
" Scientific Advisers	-	Mr Ø. Ulltang (Norway)
Chairman, Panel 2	-	Mr W. Kalinowski (Poland)
" Scientific Advisers	-	Mr E.C. Lopez-Veiga (Spain) (to 19 May 1977)
" " "	-	Vacant
Chairman, Panel 3	-	Mr R.H. Letaconnoux (France)
" Scientific Advisers	-	Mr B.B. Parrish (UK)
Chairman, Panel 4	-	Mr K. Løkkegaard (Denmark)
" Scientific Advisers	-	Dr G.H. Winters (Canada)
Chairman, Panel 5	-	Dr J.A. Storer (USA) (to 31 December 1976)
" "	-	Vacant
" Scientific Advisers	-	Dr R.G. Halliday (Canada)
Chairman, Panel A (Seals)	-	Mr E. Lemche (Denmark)
" Scientific Advisers	-	Dr A.W. Mansfield (Canada)

Research and Statistics

Chairman of Standing Committee on Research and Statistics (STACRES)	-	Dr M.D. Grosslein (USA) (to 31 December 1976)
	-	Mr Sv.Aa. Horsted (Denmark) and
	-	Dr F. Nagasaki (Japan) (Acting Chairmen for May-June 1977 sessions)

Finance and Administration

Chairman of Standing Committee on Finance and Administration (STACFAD)	-	Mr E.B. Young (Canada)

Regulatory Measures

Chairman of Standing Committee on Regulatory Measures (STACREM)	-	Vacant

International Control

Chairman of Standing Committee on International Control (STACTIC)	-	Mr W.G. Gordon (USA) (to 31 December 1976)
	-	Mr D.R. Bolliver (Canada) (eff June 1977)

PART I

PROCEEDINGS OF THE NINTH SPECIAL COMMISSION MEETING
PUERTO DE LA CRUZ, TENERIFE, CANARY ISLANDS, SPAIN
1-9 DECEMBER 1976

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International Commission for the Northwest Atlantic Fisheries

Serial No. 4072
(B.s.9)

Proceedings No. 2

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

Ceremonial Opening

Wednesday, 1 December, 1015 hrs

The Opening Session of the Ninth Special Meeting of the Commission was convened in the Los Cedros Room of the Hotel Botanico in Tenerife, Canary Islands, at 1015 hrs on 1 December 1976.

With the resignation of the Chairman, Mr E. Gillett (UK), following the Twenty-Sixth Annual Meeting of the Commission in June 1976, the Vice-Chairman, Dr D. Booss (Fed.Rep. Germany), as Chairman of the Commission in accordance with the Commission Rule of Procedure 3.4, opened the Meeting. He welcomed the Commissioners, Advisers, Observers, and Guests, and introduced the Deputy Minister of the Merchant Marine, Almirante Enrique Amador Franco, who addressed the Meeting on behalf of the Government of Spain as follows:

"Ladies and Gentlemen:

"I am deeply honoured to have this chance to welcome you all to my country on the occasion of the 9th Special Meeting of the International Commission for the Northwest Atlantic Fisheries (ICNAF) to be held in Tenerife.

"I shall try to be brief since I consider that between the Annual Meeting in June and this which I now formally open there only lies a parenthesis. No real separation exists between them and my role here must be to take up the challenge to cooperation that was then apparent and try to give it new wings.

"Not many new developments have taken place since June of this year - and when I say this I am not forgetting the recent statement by the European Economic Community extending its jurisdiction over fisheries in the Atlantic from the 1st of January 1977. And yet this decision which has such momentous consequences for my country and also for many of those here present changes little in the final fabric of extensions of jurisdiction. It is rather a link in the chain of extensions begun by the United States and Canada in the Western Atlantic, and for that reason it does not alter the substance of the question.

"Nevertheless, the Community's decision has brought about an unprecedented situation in last week's meeting of the NEAFC in London since, for the first time in its long history, it has not been possible to talk of the TACs or of quotas. There was even a delegate to the meeting who commented that, for the first time in his NEAFC experience, he had not been able to open either his mouth or his briefcase. The meeting was finally ended without any positive results, although it has been made abundantly clear by the Community that it is quite ready to negotiate bilaterally with all countries having an interest in the area. My country has behind it a long history of cooperation in the multilateral field, this being especially true in fisheries organizations. And this is so even if there has been a certain lack of satisfaction on several occasions, notably in last June's Annual Meeting as regards the Spanish cod fishery in the area covered by the Commission. I am sure that, in general terms, the same can be said for all countries here present. I can see that in this forum many of the countries which have something to say and a lot to contribute to fisheries' problems at the present have met. That is why it seems to me to be especially important to act as the conscience of all countries present and make a special appeal to the need to reach stable solutions through international cooperation, which are simultaneously valid for non-coastal states and cover adequately the needs expressed by coastal countries. In other words, I appeal to the statemanship and negotiating ability of all delegations here present.

"It has been said many times that ICNAF is the international commission with the greatest tradition and that, for that very same reason, it should serve as a model for international cooperation in matters of fisheries. I believe that, by again stressing this fact, I am not merely uttering empty words but referring to a substantial reality which should count at the present time. Therefore, insofar as we are capable of making cooperation among the different countries participating a reality, we shall allow the model to survive and serve as a standard of conduct capable of influencing other fisheries scenarios.

"For all these reasons, I firmly wish that this special meeting may meet success in its work. I

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

will not dare assert that it may conclude its work: the memory of last week's experience in London is too fresh to warrant any assertions. But my country strongly believes in the usefulness of maintaining a mechanism such as ICNAF, even if this mechanism must be influenced by bilateral relations of all sorts. I would not, in any way, wish that this beautiful setting should witness the waning of an organization such as ICNAF at the very moment that cooperation among us is most necessary.

"For all the above reasons, I again exhort all here present to exhaust their negotiating capability and, hoping to have expressed with my words the common feeling, I wish all delegations success during their work these next days. Thank you very much."

The Chairman thanked the Deputy Minister for his kind words about the Commission and its work. He expressed confidence in the desire and abilities of the Members of the Commission to continue their good work in the future and to avoid a repetition of the NEAFC experience.

The Chairman then declared the Ninth Special Meeting of the Commission recessed to 1100 hrs when it would begin its work in the First Plenary Session.

International Commission for the Northwest Atlantic Fisheries

Serial No. 4073
(B.s.9)

Proceedings No. 3

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

Report of the First Plenary Session

Wednesday, 1 December, 1055 hrs
Thursday, 2 December, 1020 and 1615 hrs
Wednesday, 8 December, 1535 hrs

1. Opening. The First Plenary Session of the Ninth Special Meeting of the Commission was called to order by the Chairman, Dr D. Booss (Fed.Rep. Germany). Delegates from 16 of the 18 Member Countries, and Observers from the European Economic Community (EEC), the Food and Agriculture Organization of the United Nations (FAO), and the International Council for the Exploration of the Sea (ICES) were present (Appendix I).

2. Agenda. The Chairman drew attention to the Agenda for the Plenary Sessions. He noted that a proposal by Spain for allocation of surplus cod stocks (Comm.Doc. 76/XII/66) and a request by Romania for an allocation of cod in Div. 2J and 3KLM of Subareas 2 and 3 (Comm.Doc. 76/XII/69) had been circulated to Member Countries by the Secretariat, but had been received in the Secretariat too late (early November) to have been included on the Agenda. Following discussion the Plenary agreed that the Spanish proposal and the Romanian request be added to the Agenda and be considered in joint sessions of Panels 1 to 5, and 2 and 3, respectively. The Agenda was adopted (Appendix II).

3. Rapporteur. The Plenary agreed that the Executive Secretary should act as Rapporteur for the Plenary Sessions.

4. Publicity. The Plenary agreed that the Chairmen of the Commission and of STACRES with the Executive Secretary should form a Committee on Publicity.

5. Under Plenary Item 17, Draft Report of Proceedings of the 26th Annual Meeting, June 1976, the Plenary approved the Report as presented.

6. Under Plenary Items 18, Report of Panel A (Seals), and 19, Report of STACRES, the Plenary noted that both Panel A and STACRES had not completed their work.

7. Under Plenary Item 22, Report of the Meeting of the Group of Experts on the Future of ICNAF, October 1976 (Appendix V), the Plenary agreed that the Report should be received for later discussion under Item 5 of the Plenary Agenda.

8. Under Plenary Item 23, International Transport Workers' Federation (ITF) Request for Observer Status (Comm.Doc. 76/XII/62), the Plenary agreed that ITF should be granted Observer status at the Ninth Special Commission Meeting.

9. The delegate of UK conveyed the best wishes of former Chairman, Mr E. Gillett (UK), to the Commission delegates and the Chairman for a successful meeting. The Chairman, replying on behalf of the delegates, asked the delegate of UK to carry to Mr Gillett their appreciation and thanks for his very effective guidance of the Commission's activities over the last three years and to convey their congratulations and best wishes for every success in his new position with the Scottish Development Department.

10. The Chairman asked for comments on the provisional timetable for the Commission's meeting. At the request of the delegate of Denmark, the Plenary agreed that the meeting of Panel 1 should be delayed until the second week of the Commission's meetings. The delegate of UK, speaking on behalf of the Member Countries of ICNAF who are members of the European Economic Community, expressed their preference for discussion of Plenary Item 5 on the future of the Commission at a later meeting. The Plenary Members offered no objection to postponement. The Chairman acknowledged the delegate of UK who, on behalf of the Member Countries of ICNAF who are members of the EEC, requested permission for the EEC Observer to make the following statement:

"Mr Chairman:

"I have asked for the floor at the start of your meeting in order to make a statement on behalf of the European Economic Community.

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

"Like a number of other Members of ICNAF, the member states of the Community have announced their intention to move to 200 miles with effect from January 1, 1977. You have all been informed. This means that fishing in the Community zone by third states, as from 1 January 1977, will be governed by agreements between the Community and the third states concerned. Furthermore, those agreements must be negotiated with the Community as such. The member states, in the exercise of their sovereignty, have delegated powers in this respect to the Community.

"It follows from what I have said, Mr Chairman, that the rights of access by third countries to the Community 200-mile fishery zone must be negotiated by bilateral negotiations with the Community. It will, therefore, be necessary to establish framework agreements between the Community and the third countries who wish to have access to Community waters after January 1, 1977. These framework agreements would need to be supplemented by fishing rights, specific quotas, etc. The Community recognizes and accepts the agreements of TACs and quotas for certain species which were reached during the latest meeting of ICNAF in Montreal. The Community hopes that the negotiations between it and you - I mean the interested Member Countries - negotiations which might take place within or in the margins of the ICNAF - if this organization so permits - will make it possible to find interim solutions for the outstanding problems for the coming year concerning mainly the fixing of quotas for a number of species.

"The present session also has on its Agenda the question of the future of ICNAF.

"I wish to take this opportunity not only to thank the officials and services of ICNAF for their past efforts, but to express the hope that these will continue into the future in a format appropriate to future conditions. What its future role will be is a matter which now requires to be negotiated. I am satisfied that it will be an important and useful role and the Community, which will expect to be a Member of ICNAF, will make an important contribution to it.

"It would be our hope, Mr Chairman, that other states would be prepared to discuss with the Community in order to determine what arrangements should be made for the future. The basis can thus be laid for examining the problems regarding fishery conservation and management which have been of concern to all delegations here present for so many years."

The delegate of Cuba, supported by the delegate of USSR, stated that the position of their Governments in the present meeting was that it will be an ICNAF meeting and that all negotiations and discussions would be carried out only under the present Convention and among the present Members of the Commission.

11. The Plenary recessed at 1215 hrs, 1 December.

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12. The Plenary reconvened at 1020 hrs, 2 December, to consider Plenary Agenda Item 5, Future of the Commission and its Potential Role under Extended Coastal State Jurisdiction. The Chairman referred to the Report of the Meeting of the Group of Experts on the Future of ICNAF (Appendix V) and asked its Chairman, Dr A.W.H. Needler (Canada), to introduce the Report. Dr Needler dealt with the points in the report in order to initiate discussion. He pointed out that there was general agreement concerning the need for a multilateral body and that such a body would have important functions to perform, e.g. management of the fisheries outside national fisheries jurisdictions and provision of scientific advice on fisheries outside national fishery jurisdictions and inside national jurisdictions upon request. Regarding institutional arrangements, there was general agreement that there should be a single convention and a single secretariat but there was difference of opinion on the details and means of achieving them. Some of the Group advocated two separate bodies, a management body and a scientific body. Others of the Group advocated a single commission structure, similar to the present ICNAF. There was no concerted agreement regarding the means of achieving these new arrangements, i.e., whether the present ICNAF Convention should be amended or whether a new Convention should be negotiated. There was little discussion of interim arrangements. The Plenary agreed that there should be general discussion of the functions to be provided for and then of the institutional arrangements necessary before any discussion of procedural arrangements.

The delegate of Canada, in making Canada's point of view known regarding future multilateral arrangements, read the following statement:

"Mr Chairman:

"Much has changed since the June 1976 Annual Meeting considered an item on the future of ICNAF. There are now nine Members of the Commission that have explicitly committed themselves to extension of fisheries jurisdiction in 1977 and others may not be far behind. The future of ICNAF is no longer an academic question but a question of hard reality and pressing immediacy. Indeed, this is true in respect to the future of international fisheries cooperation in general. What is done in ICNAF - as in the past - will help to set the pattern for developments elsewhere.

"The future of ICNAF begins now. We must recognize at this Meeting that new arrangements and new

structures are needed for international cooperation in respect to the Northwest Atlantic fisheries. If we are to achieve an uninterrupted transition from the old to the new arrangements and structures - as Canada continues to believe we should - then the first steps in that transition must be taken here.

"Canada's views on the scope and structure of future multilateral cooperation in respect to the Northwest Atlantic fisheries are set out in Appendix IV to the Report of the Group of Experts established at our June meeting. As to the question of procedure, Canada believes that the new multilateral arrangements should be developed through a conference of plenipotentiaries, to be called as early as possible next year. While it would be useful to hear the views of Commissioners on these matters, we do not consider that it would be appropriate to attempt to decide them at this meeting. The views expressed here, and the Report of the Group of Experts, will have to be considered by Contracting Governments, who will decide on the measures needed to take the matter further. Certainly, the Canadian Government will be proceeding along these lines. Here, however, we should focus on the action to be taken now to ensure an uninterrupted transition to the future multilateral arrangements: to ensure that the Commission can continue to function in 1977 in a manner consistent with the new jurisdictional realities, while work proceeds on the elaboration of long-term approaches.

"Canada has already circulated a proposal for an "interim" amendment to the ICNAF Convention, which is also on the Agenda of this meeting. That proposal would maintain the present role of the Commission in the management of fisheries in the Convention Area beyond 200 miles. In doing so, it would not prejudge the nature and form of new multilateral arrangements in respect to fisheries within coastal state jurisdiction; that is the long-term question we must address next year.

"Canada recognizes that this amendment could not be effect in early 1977, but it is important to our delegation at least that we begin the necessary procedures here and pursue them as expeditiously as possible in the coming months.

"Mr Chairman, I want to reaffirm here Canada's commitment to give effect to ICNAF regulations in the Canadian 200-mile zone in 1977. The Canadian Minister of Fisheries stated that commitment in Montreal in the following terms:

> *""For 1977 Canada will determine within its 200-mile zone the conservation measures to be applied, the vessels which will be allowed to fish, and the allocations they will be allowed to take. Vessels fishing within the zone will be fishing under Canadian permits and will be subject to Canadian enforcement procedures. This does not mean that Canada will ignore the results of this meeting in 1977. On the contrary, as an interim measure for 1977 only, Canada is prepared to give effect to those regulations agreed within ICNAF with Canada's concurrence, by adopting and enforcing such regulations under Canadian law. Canada, of course, may also adopt additional regulatory measures for 1977, but these too would take into account decisions within ICNAF and would be consistent with agreements reached here with Canadian concurrence.""*

"Canada next year will issue licences to all ICNAF countries to permit them to take their national allocations, adopted with Canada's concurrence for stocks of the Canadian zone. For Canada, this is an important part of the smooth transition to new jurisdictional realities and future multilateral cooperation. We are grateful for the widespread understanding and support given to this approach."

The delegate of Canada saw the need now for full discussion in the Commission on the points in the Report of the Group of Experts without coming to any decision. Any decisions should be made by the Contracting Governments who would be guided by the views expressed in this meeting.

The Chairman, following a statement by the delegate of Portugal favouring the amendment of the present ICNAF Convention as provided for under Article XVII, noted the need to decide if there should be amendment of the existing Convention or negotiation of a new convention at a meeting of plenipotentiaries. If the decision would be to amend the present Convention, a drafting group would need to be set up with a mandate from the Commission. If the decision would be to negotiate a new Convention, he considered it necessary that some Government invite a group of plenipotentiaries to draft it. He considered that the views of the Commission Members were needed on the results of the deliberations of the Group of Experts. The Plenary agreed that the views of the Group of Experts were those of the Commission and proceeded to examine the views of the Member Countries regarding institutional arrangements as set out by the Group of Experts. The delegate of USA stated that the USA was comfortable with the ideas and concepts set out in the Canadian discussion paper in the Report of the Group of Experts (Annex 4, Appendix V). The USA supported the single convention with separate management and scientific bodies and would like to participate fully in the scientific concern of the scientific body, but might not participate in management outside the extended national fisheries jurisdiction. The USA was also more comfortable with the negotiation of a new convention by a meeting of plenipotentiaries, with the Government which called the conference taking on the task of how the draft was to be prepared.

The delegate of Portugal stated that his Government has no strong feelings on whether there should be two separate bodies or one. However, he felt that the single body as at present was very practical, but

that a management body (commission) and a scientific body (council) seemed not so different from the present Plenary and Panels, and STACRES. He was most interested in a smooth transition from the old to the new regime. He considered that a new convention negotiated by plenipotentiaries would take many years, whereas amending the present Convention could provide a completely new convention in a much shorter time. He also pointed out that simply reducing the area of the Convention to just that part outside of 200 miles would make it impossible for the Commission to exercise any scientific activities for stocks which move within the 200-mile limit. The delegate of Canada, in clarifying two points, said that Canada was fully aware of the time required to negotiate a new Convention by the plenipotentiary route and assured the delegates that Canada was prepared to consider extension of any interim arrangements for as long as necessary. Regarding the scientific functions of the Commission and how they should continue, he pointed out that one of the two principal functions of the new Convention was to provide scientific advice on the fisheries outside the extended jurisdiction and, at the request of the coastal state, inside the extended jurisdiction. He could see no real difficulties under the interim arrangements as proposed. The delegate of UK, speaking on behalf of the Members of ICNAF who were members of the EEC, indicated as a provisional observation that he considered it important and desirable to have a close link between science and management, and as he had heard no compelling arguments regarding the two-body concept being better, he tended to favour the single body approach. He reported that the EEC member states favoured negotiation of a new convention by plenipotentiaries. The delegate of USSR preferred amendment of the present ICNAF Convention under Article XVII. The delegate of Japan reiterated his observations made at the 1976 Annual Meeting in Montreal. He said that Japan had a high regard for the record of ICNAF in research and management. He believed that the Commissioners of all participating countries were hoping to make further progress along the lines which ICNAF had been taking so far, in order to improve the conservation and management of the resources on the basis of scientific findings and with the spirit of mutual cooperation among the countries concerned. He noted that the UN Law of the Sea Conference was approaching the final stage and that 200-mile exclusive jurisdiction was gaining wide support at this moment. He believed, however, that a unilateral establishment of exclusive management authority over 200 miles of water could not be regarded as valid from the viewpoint of current international law. This basic Japanese viewpoint, which he expressed at the last Annual Meeting, could not be changed in view of the fact that the last session of the UN Law of the Sea Conference failed to obtain a final conclusion. His Government was gravely concerned over the future of ICNAF in the light of the jurisdictional actions which had been taken on the part of various countries over the last several months. At the last Commission meeting, the Japanese delegation had agreed to the establishment of an experts' group of six wise men to formulate suggestions regarding the future of multilateral cooperation in the field of fisheries in the Northwest Atlantic and also regarding the procedure and timing to be followed in pursuing these matters, while hoping that the latest session of the UN Law of the Sea Conference might be able to make significant progress. He had read the Report of this Group of Experts with great interest and appreciated very much their achievement. He understood that the time factor was very crucial for the countries which had taken jurisdictional action. For such countries like Japan, on the other hand, timing was also very serious. That fact that some European countries were going to join the "unilateral club" was a more confusing factor for the "multilateral club" members. He was not prepared, at this moment, to agree to proceed with further studies on the basis that the present Convention Area would be divided into two at a definite date in the near future. He was reluctant to proceed further on this matter along the lines suggested by the Group of Experts which, in his view, were not yet sufficiently consolidated. For example, with regard to the problem of organization (bodies) to be established, the opinions of the Experts are widely divided. He felt that such a schedule as was suggested by the Group to appoint a drafting committee at this stage to prepare something based on the results of their study was a little embarrassing for his delegation, because, in his view, so many matters still remained to be considered carefully by the Group.

The delegates of Poland, Romania, and Norway favoured the single body approach and amendment of the present Convention. The delegate of Spain was open-minded regarding the one- or two-body approach as Spain could perform under either procedure. He favoured amending the present Convention. However, he noted that account must be taken of the Canadian statement that the transitional period could be extended if a decision is made to use the plenipotentiary procedure. The delegate of GDR, in accepting unilateral jurisdiction, favoured a smooth transition to the new regime under a convention developed by amending the present ICNAF Convention under Article XVII. He favoured one body for the management and scientific tasks but could accept the two-body system. The delegate of Denmark noted that the interventions demonstrated a need for more information for the Commission on the desirability of the two-body system. The delegate of Cuba supported his presentation in Annex 5 of the Report of the Group of Experts (Appendix V). The delegate of Bulgaria supported the views of Captain Esteves-Cardoso (Portugal) as contained in Annex 4 of the Report of the Group of Experts. He favoured the two-body system.

The Chairman, in reviewing the positions, noted the split views regarding procedural and institutional arrangements. He noted the US rationale for the two-body system. The USA was not interested in a management body outside extended national jurisdiction and, if there were two bodies, she could be a member of the scientific and not need to be a member of the management body. The Canadian reasons for the two-body system, as pointed out by the delegate of Canada, were contained in Annex 4 of the Report of the Group of Experts and in paragraph 2 of the section headed "Institutional Arrangements" in the Report.

The delegate of Canada, in regard to interim arrangements, said that Canada was prepared to add the following to its proposal for amending the International Convention for the Northwest Atlantic Fisheries (Comm.Doc. 76/XII/61):

"Article VI of the Convention is amended by adding a new paragraph 4, as follows:

"Notwithstanding the provisions of Article I, the Commission may provide to coastal states parties to the Convention, at their request, advice on the scientific basis for management of fisheries within national fishery limits."

The delegate of Portugal expressed concern that some delegates were favouring negotiating a new Convention when the present Convention's Article XVII allowed ICNAF to make any amendments necessary to meet the requirements of the new regime. He feared there would be a decrease in collaboration over the years while a new Convention was being negotiated under the plenipotentiary procedure. The delegate of Cuba noted that the discussions had been useful and should be continued after some time for thought and consultation before any decisions were made.

13. The Plenary agreed to recess at 1315 hrs, 2 December.

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14. The Plenary reconvened at 1615 hrs, 2 December, to consider the Provisional Report of the Standing Committee on Research and Statistics (STACRES) (Redbook 1977, Part A). The Chairman of STACRES, Dr M.D. Grosslein (USA), reviewed highlights of the work of three *ad hoc* Working Groups, one on Shrimp in Subarea 1 convened by Mr E.C. Lopez-Veiga (Spain), one on Silver Hake in Divisions 4VWX of Subarea 4 convened by Dr V.C. Anthony (USA), and another on Mackerel in Subareas 3-5 and Statistical Area 6 convened by Mr A.T. Pinhorn (Canada). The Report was received by the Plenary. The Chairman of the Commission, on behalf of the delegations, thanked the scientists for their continuing conscientious and capable efforts.

15. The Plenary recessed at 1645 hrs, 2 December.

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16. The Plenary reconvened at 1535 hrs, 8 December, to continue discussion of Plenary Item 5 "Future of the Commission". The Chairman noted that the Plenary had already agreed that steps should be taken to either amend the present Convention or seek a new Convention through a meeting of plenipotentiaries. He drew attention to a Canadian paper which proposed amendment of the present Convention Articles I and VI, in order to accommodate the interim period and a resolution recommending future multilateral cooperation (Comm.Doc. 76/XII/61 Revised). The delegate of Canada reiterated Canada's interest and commitment to multilateral conservation and cooperation in the Northwest Atlantic fisheries. Canada had taken an active part in the birth of ICNAF in 1949 and was now suggesting a necessary gestation period for the "son of ICNAF". It was obvious that the only course open to Canada was to develop a new Convention through a meeting of plenipotentiaries. This would take well over a year to a new Convention. In the meantime, it was important that there be continued international regulation of the fisheries outside national fisheries jurisdictions through some short-term arrangement. Canada proposed removal from the Convention Area of the waters inside national fishing limits. Canadian law would apply the 1977 ICNAF regulations as an interim solution, thereby avoiding conflict between the international and Canadian regulations. He looked back into the past of the Commission and noted much progress. The Commission had grown from 10 to 18 Members, from qualitative consideration to quantitative regulation of fishing, had negotiated for the first time in the world the national allocation of TACs in a multination fishery six weeks after it had a mandate to do so, had set national catch limits for almost 60 important stocks a year later, had recognized coastal state preference in fisheries, and had seen the increase of such preference grow to the present high level of preference which was always modified and reasonable. After two years of catch quotas, when MSY was found insufficient, the Commission moved intelligently to more restrictive measures. There were other pioneering efforts, i.e., precautionary measures and regulation according to size of spawning stock. Now a new regime was being developed which required a different kind of multilateral arrangement. He hoped there would continue to be good multilateral cooperation outside the national fishing limits and also a multilateral scientific forum where there could be discussion of problems outside and inside limits on a voluntary and dignified basis. He felt the Canadian proposal and resolution allowed such opportunity under the new regime, and recommended that the Commission adopt the proposal and resolution. The delegate of Portugal said he had not assisted at the birth of ICNAF in 1949 but was sad to feel he was now assisting at the funeral. He failed to understand or be convinced that the plenipotentiary route to a new Convention was the best way. Amendment of the present Convention was obviously and logically a more practical and quicker route. To effect the new regime and preserve the best of ICNAF only required addition of the following words to Article VIII of the Convention "Recommendations shall not be made for waters of the Convention Area within national fisheries jurisdictions without the affirmative vote of the coastal state exercising such jurisdiction". In fact, by amending the Convention, the parties could come to exactly the same text as by convening a conference of plenipotentiaries. The difference between the two courses of action was only that the conference solution would not provide for continuity and swiftness of transition and thus would show to the world for years the maimed ghost of ICNAF hanging on as an inefficient caricature of itself. He expressed great concern regarding the future of cooperative research when the coastal states would only be requesting scientific advice and creating a situation where the Commission could not study the stocks in totality. He pointed out that the UN Law of the Sea

Conference was working toward a 200-mile economic zone with the coastal states responsible for conservation of the species and the rational exploitation of the stocks, and felt that the Canadian proposal went far beyond the solution contained in the revised single negotiating text of the Law of the Sea Conference and annihilated and reduced to dust the past performance of ICNAF. He remembered, with emotion, the great figures of ICNAF history among which Dr Needler would certainly be pre-eminent. He had learned a lot with such giants of international collaboration. He regretted bitterly to find himself in disagreement now with those great men who, in his view, were putting forward a proposal which did not sound Canadian, did not smell Canadian, and did not appear Canadian. To be able to use Article VIII to amputate the range of the Commission scientific activities when the same Article was rejected as an instrument to adapt the Convention to the new jurisdictional circumstances was tantamount to abandoning the interests of mankind in favour of the gains of a few powerful blocks. Fish do not know of artificial boundary lines and their study could not be contained in tight political and egotistical compartments. He felt sure that, if the Commission could have had a representative of the fish, that representative would certainly have voted with him for the sake of the survival of the species and of goodwill among hungry men. He expressed great regret at the present course and appealed to the coastal states to recognize the needs of others. The delegate of UK, speaking on behalf of the Member Countries of the Commission who were members of the EEC, strongly supported the need for a meeting of plenipotentiaries to provide a new Convention and, while he was attracted by the statement of the delegate of Portugal, under the circumstances, it seemed best to accept the Canadian resolution and interim arrangements. He personally hoped that the scientific cooperation would not be impaired as there was a strong need for international cooperation in providing advice on the fish stocks inside and outside national fishing limits. The delegate of Canada drew attention to the Report of the Group of Experts (Appendix V) and the general agreement of the Group that one of the functions to be provided would be "scientific advice to the multilateral bodies on the scientific basis for management of the fisheries outside national jurisdictions, and provision to coastal states, at their request, of advice on the scientific basis for management of fisheries inside national fisheries jurisdictions". Canada was interested in having the good international cooperation in science continue. He did not think this would be too difficult. Meantime, the opportunity for good cooperation was available in the interim arrangement and would be taken into account when the new Convention was being considered. The delegate of Portugal explained that the general agreement on the functions expressed in the Report of the Group of Experts was the maximum common denominator of the opinions held by the Experts. But the majority of those Experts believed in a much larger scope of the Commission scientific activities. The delegate of USA found it difficult to participate in the discussion. US scientists and expertise had a long history in ICNAF, but the present situation required that the USA support the Canadian proposal and resolution and participate in the plenipotentiary meeting and the creation of a new institution. The Canadian proposal did not prejudge what the institution would be and offered the best opportunity for USA to participate in this important work.

The delegate of Spain congratulated the delegate of Portugal on his presentation, and noted that it would be disastrous to ignore the realities of the coastal state regime. He subscribed to the statement made on behalf of Members of ICNAF who were member states of the EEC and was ready to accept the Canadian proposal and resolution.

The delegate of Iceland supported the Canadian proposal as the logical approach. He had found that scientific cooperation had not been impaired throughout Iceland's years of extension of fishing limits. The delegates of USSR, Romania, Bulgaria, GDR, Poland, Norway, and Cuba all expressed support for the Canadian proposal and resolution. The delegate of Japan stated that, bearing in mind the basic position of the Government of Japan, mentioned in a previous statement, with regard to the unilateral actions taken by some countries before an international agreement has been attained, and at the same time, recalling the major role the Commission had played in conservation and management of resources in the Northwest Atlantic to the present, he might have to abstain when a formal vote was taken. He reserved the right of his Government to come to a final decision about the problem of jurisdiction. He hoped his statement would not be taken as a lack of willingness on the part of Japan to future multilateral cooperation in the field of fisheries in the Northwest Atlantic. The Chairman noted that all delegations had expressed opinions and that a vote on the Canadian proposal in accordance with Article XVII of the Convention would require 3/4 majority to carry, while a vote on the Canadian resolution would only require a 2/3 majority. The delegate of Portugal could not accept that his proposal to add to Article VIII was an amendment to the Canadian proposal which related to Articles I and VI. He also found it paradoxical to consider that any suggestion from the Working Group which had been convened exactly to study which solution to take on the future of ICNAF could not now be considered, because a proposal had to be submitted 90 days before a meeting and the Working Group had not met with that anticipation. However, he would only ask for a vote on his suggestion if the Canadian proposal would fail and, therefore, asked for a vote on that proposal to be taken forthwith. The vote on the Canadian proposal and resolution resulted in 16 affirmative and 2 abstentions (Portugal and Japan) on both matters which were thus adopted by the Plenary (Appendices III and IV, respectively).

The Chairman acknowledged this important step in the future of ICNAF. The delegate of Canada thanked the delegates for their favourable consideration of the proposal and resolution. He thanked the delegates of Portugal and Japan for their expression of continued support for multilateral cooperation and reaffirmed Canada's intention to continue to favour cooperation in laying the scientific basis for management.

17. The Plenary adjourned at 1745 hrs, 8 December.

NOT TO BE CITED WITHOUT PRIOR
REFERENCE TO THE COMMISSION[1]

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Proceedings No. 3
Appendix I

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

List of Participants

(Head of Delegation underlined)

Chairman: Dr D. Booss, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Rochusstrasse 1, 5300 Bonn-Duisdorf, Federal Republic of Germany

BULGARIA

Commissioner:

Mr D. Nedev, State Economic Board, Ribno Stopanstvo, 3 Industrialna Str., Bourgas

Advisers:

Capt K. Gaydarov, 16 Slivnoza Str., Bourgas
Mr P. Kolarov, Research Institute of Fisheries and Oceanography, Boul. Chervenoarmeisky 4, Varna
Mrs S. Zlatanova, State Economic Board, Ribno Stopanstvo, 3 Industrialna Str., Bourgas

CANADA

Commissioners:

Mr E.H. Demone, National Sea Products Ltd., P.O. Box 867, Lunenburg, N.S. B0J 2C0
Mr A.A. Etchegary, Fishery Products Ltd., P.O. Box 25, General Post Office, St. John's, Nfld.
Dr A.W.H. Needler, P.O. Box 481, St. Andrews, N.B.

Alternative Commissioners:

Mr L.H.J. Legault, International Directorate, Fisheries and Marine Service, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A 0H3
Dr M.P. Shepard, International Directorate, Fisheries and Marine Service, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A 0H3

Advisers:

Mr S.W. Bartlett, Conservation and Protection (Nfld) Branch, Fisheries and Marine Service, Department of Fisheries and Environment, P.O. Box 5667, St. John's, Nfld. A1C 5X1
Mr J.S. Beckett, International Directorate, Fisheries and Marine Service, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A 0H3
Mr D.R. Bollivar, Resource Allocation Branch, Fisheries and Marine Service, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A 0H3
Mr L. Chenard, Department of Fisheries, Province of New Brunswick, P.O. Box 6000, Fredericton, N.B.
Mr J.E. Creeper, Fisheries Management (Maritimes), Fisheries and Marine Service, Department of Fisheries and Environment, P.O. Box 550, Halifax, N.S. B3J 2S7
Dr W.G. Doubleday, Research Branch, Fisheries and Marine Service, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A 0H3
Dr R.G. Halliday, Marine Fish Division, Resource Branch, Fisheries and Marine Service, Department of Fisheries and Environment, P.O. Box 1006, Dartmouth, N.S. B2Y 4A2
Mr J.P. Lussiaa-Berdou, M.I.C., Complexe Scientifique, 2700 Einstein, Quebec, P.Q. G1W 3P8
Mr J.S. MacPhail, Nova Scotia Department of Fisheries, P.O. Box 2223, Halifax, N.S.
Dr A.W. May, Resource Services Directorate, Fisheries and Marine Service, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A 0H3
Capt E. Nowe, R.R. 2, Lunenburg, Lunenburg Co., N.S.
Miss D.E. Pethick, International Directorate, Fisheries and Marine Service, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A 0H3
Mr M.B. Phillips, Legal Operations Division, Department of External Affairs, Ottawa, Ont.
Mr A.T. Pinhorn, Fisheries and Marine Service, Department of Fisheries and Environment, Biological Station, St. John's, Nfld. A1C 1A1
Mr R. Roberts, International Directorate, Fisheries and Marine Service, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A 0H3

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

Mr W. Short, N.F.F.A.W.U., P.O. Box 5158, St. John's, Nfld.
Mr G.C. Slade, Department of Fisheries, Province of Newfoundland, 4th Floor, Viking Bldg., St. John's, Nfld.
Mr R.G. Stewart, Atlantic Fishermen's Association, P.O. Box 517, Yarmouth, N.S.
Dr W.T. Stobo, Marine Fish Division, Fisheries and Marine Service, Department of Fisheries and Environment, Biological Station, St. Andrews, N.B. EOG 2XO
Mr E.B. Young, International Directorate, Fisheries and Marine Service, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A OH3

CUBA

Commissioners:

Mr A. Carrillo, Ministerio de la Industria Pesquera, Puerto Pesquero, Habana
Mr E. Oltuski, Direccion de Relaciones Internacionales, Instituto Nacional de la Pesca, Ensenada de Pote y Atares, Habana

Advisers:

Mr R. Gabrera, Instituto Nacional de la Pesca, Ensenada de Pote y Atares, Habana
Mr J.J. Terré, Centro de Investigaciones Pesqueras, Ave 1ra y Calle 26, Miramar, Habana
Dr J.A. Varea, Direccion de Relaciones Internacionales, Instituto Nacional de la Pesca, Ensenada de Pote y Atares, Habana

DENMARK

Commissioners:

Mr A.P. Dam, Government of the Faroe Islands, Tinganes, 3800 Torshavn, Faroe Islands
Mr K. Løkkegaard, Ministry of Fisheries, 16 Borgergade, 1300 Copenhagen
Mr P. Reinert, Government of the Faroe Islands, Tinganes, 3800 Torshavn, Faroe Islands

Advisers:

Mr S. Abrahamsen, Den Kongelige Grønlandsk-Handel, P.O. Box 100, DK-Strandgade 100, 1004 Copenhagen K
Mr D.M. Carlsson, Grønlands Fiskeriundersøgelser, Jaegersborg Allé 1B, 2920 Charlottenlund
Capt J. Dam, Government of the Faroe Islands, Tinganes, 3800 Torshavn, Faroe Islands
Mr J. Djurhuus, Government of the Faroe Islands, Tinganes, 3800 Torshavn, Faroe Islands
Mr N.C. Heilmann, Greenland Fishermen's Association, Greenland Provincial Council, Ministry for Greenland, Hausergade 3, DK-1128 Copenhagen K
Mr Sv.Aa. Horsted, Grønlands Fiskeriundersøgelser, Jaegersborg Allé 1B, 2920 Charlottenlund
Mr K. Hoydal, Fiskirannsoknarstovan, DK 3800 Torshavn, Faroe Islands
Mr C. Jensen, Ministry for Greenland, Hausergade 3, DK-1128 Copenhagen K
Mr P. Kanneworff, Grønlands Fiskeriundersøgelser, Jaegersborg Allé 1B, 2920 Charlottenlund
Mr O.H. Larsen, Ministry of Foreign Affairs, Copenhagen
Mr E. Lemche, Ministry for Greenland, Hausergade 3, DK-1128 Copenhagen K
Mr G. Martens, Greenland Provincial Council, P.O. Box 615, 3900 Godthaab, Greenland
Mr J. Motzfeldt, Greenland Provincial Council, P.O. Box 615, 3900 Godthaab, Greenland
Mr O. Sandborg, Den Kongelinge Grønlandsk-Handel, P.O. Box 100, DK-Strandgade 100, 1004 Copenhagen K
Dr E.L.B. Smidt, Grønlands Fiskeriundersøgelser, Jaegersborg Allé 1B, 2920 Charlottenlund
Mr S. Thulesen, 3870 Klaksvig, Faroe Islands

FRANCE

Commissioners:

Mr D. Hery, Direction des Pêches Maritimes, Marine Marchande, 3 Place de Fontenoy, 75007 Paris
Mr R.J.H. Letaconnoux, Institut Scientifique et Technique des Pêches Maritimes, B.P. 1049, 44037 Nantes-CEDEX

Advisers:

Mr J. Dezeustre, French Ship Owners Association, UAPF, 59 rue des Mathurins, 75008 Paris
Mr A. Parres, Union des Armateurs à la Pêche de France, UAPF, 59 rue des Mathurins, 75008 Paris

FEDERAL REPUBLIC OF GERMANY

Commissioners:

Dr D. Booss, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Rochusstrasse 1, 5300 Bonn-Duisdorf
Dr A. Meyer, Bundesforschungsanstalt für Fischerei, Institut für Seefischerei, Palmaille 9, 2000 Hamburg 50

Advisers:

Mr F.W. Marwitz, Association of German Trawler Owners, P.O. Box 403, 2850 Bremerhaven 29
Capt W.J. Muschkeit, Association of German Trawler Owners, P.O. Box 403, 2850 Bremerhaven 29

GERMAN DEMOCRATIC REPUBLIC

Commissioner:

Mr A. Junge, VVB Fischkombinat Rostock, 251 Rostock-Marienehe

Advisers:

Miss M. Förster, Ministerium für Bezirksgeleitete und Lebensmittelindustrie, Leipziger Strasse, 108 Berlin
Mr B. Vaske, Institut für Hochseefischerei, 251 Rostock-Marienehe

ICELAND

Commissioner:

Mr T. Asgeirsson, Ministry of Fisheries, Lindargata 9, Reykjavik

ITALY

Commissioner:

Mr L. DeLeon, Ministero della Marina Mercantile, Direzione Generale della Pesca, Viale Asia, 00100 Rome

Adviser:

Mr E. Dobosz, FEDERPESCA, Corso d'Italia 92, Rome

JAPAN

Commissioner:

Mr S. Ohkuchi, Nippon Suisan Kaisha Ltd., 6-2 Otemachi, 2-Chome, Chiyoda-ku, Tokyo

Advisers:

Mr K. Kato, Nissui Las Palmas, c/o Mavacada Las Palmas, Canary Islands, Spain
Dr F. Nagasaki, Far Seas Fisheries Research Laboratory, 1000 Orido, Shimizu, Shizuoka
Mr M. Sato, Ministry of Foreign Affairs, 2-1 Kasumigaseki-2, Chiyoda-ku, Tokyo
Mr K. Seki, 2nd International Economic Affairs Division, Economic Affairs Bureau, Ministry of Foreign Affairs, 2-1 Kasumigaseki, Chiyoda-ku, Tokyo
Mr K. Shima, International Affairs Division, Fishery Agency, 1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo
Mr K. Yamezawa, International Affairs Division, Fishery Agency, 1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo

NORWAY

Commissioners:

Mr K. Raasok, Ministry of Fisheries, Oslo
Mr H. Rasmussen, Directorate of Fisheries, P.O. Box 185-186, 5001 Bergen

Advisers:

Mr B. Bye, Real Embasade de Norvega, Apartado 6132, Madrid, Spain
Mr K. Gidske, Bekkelagsherrassen 5b, Oslo 11
Mr L. Grønnevet, Norwegian Fisheries Association, 6170 Vårtdal
Capt G. Jakobsen, P.O. Box 567, 9001 Tromsø
Mr P. Kibsgaard-Petersen, Association of Norwegian Fishing Vessel Owners, Keiser Wilhgt 60, 6001 Aalesund
Mr P.L. Mietle, Directorate of Fisheries, P.O. Box 185-186, 5001 Bergen
Mr Ø. Ulltang, Institute of Marine Research, P.O. Box 2906, 5011 Bergen-Nordnes

POLAND

Commissioners:

Mr P. Anders, Ministry of Foreign Trade and Shipping, Al. Wiejska 10, Warsaw
Mr W. Sonta, Fisheries Central Board, Odrowaza 1, 70-952 Szczecin

Advisers:

Mr A.L. Paciorkowski, Sea Fisheries Institute, Skr. Poczt. 184, 81-345 Gdynia
Dr J. Piechura, Sea Fisheries Institute, Skr. Poczt 184, 81-345 Gdynia
Mr I. Wrzeniewski, Polish Embassy, 885 Second Avenue, New York, N.Y. 10017, USA

PORTUGAL

Commissioners:

Capt J.C.E. Cardoso, ave. 24 de Julho 80, Lisbon
Capt A.S. Gaspar, Praça Duque de Terceira 24-3-E, Lisbon 2

Advisers:

Mr J.A.G. Albino, Portuguese Trawlers Organization, P.O. Box 53, Aveiro
Mr C. Helder, rua Serpe Cinto 17-1°, Barreiro
Mr A. Leitao, Rua de Campolide, 105-2° csi, Lisbon
Mr A.F. Pereira-Pontes, Trav. Corpo Santo, 21-2°, Lisbon

ROMANIA

Commissioner:

Mr D. Munteanu, Ministry of Transportation and Telecommunication, Bd. Dinicu Golescu 38, Bucharest

Adviser:

Mr L. Popescu, Ministry of Transportation and Telecommunication, Bd. Dinicu Golescu 38, Bucharest

SPAIN

Commissioners:

Mr V. Bermejo, Direccion General de Pesca, Ruiz de Alarcon 1, Madrid 14
Mr J. Conde, Direccion General de Pesca, Ruiz de Alarcon 1, Madrid 14

Advisers:

Mr J. Bravo, Instituto Español de Oceanografía, Laboratorio de Canarias, Av. Jose Antonio 3, Santa Cruz de Tenerife
Mr C.J. Gago, Apartado 1078, Vigo
Mr J. Gonzalez-Sama, Federacion Española Sindical de Armadores de Buques de Pesca, Montera 48-2°, Madrid 14
Mr R. Gordejwela, Apartado 1056, Vigo
Mr E.C. Lopez-Veiga, Instituto Investigaciones Pesqueras, Muelle de Bouzas, Vigo
Mr J.M. Oya, S. Francisco 29-1°, Vigo-Pontevedra
Mr M. Perez de la Cruz, PEBSA, P.O. Box 575, La Coruña
Mr R. Robles, Instituto Español de Oceanografía, Orillamar 47, Vigo
Mr A. Serrats, Spanish Deep Sea Trawler Association, Peña Florida 10, San Sebastian

UNION OF SOVIET SOCIALIST REPUBLICS

Commissioner:

Mr A.A. Volkov, 2074 Robie Street, Halifax, N.S., Canada

Advisers:

Mr Yu.B. Riazantsev, All-Union Research Institute of Marine Fisheries and Oceanography (VNIRO), V. Krasnoselskaya 17, 107140 Moscow
Dr V.A. Rikhter, Atlantic Research Institute of Marine Fisheries (AtlantNIRO), 5 Dmitry Donskoy St., Kaliningrad
Mr V. Solodovnik, Foreign Department, Ministry of Fisheries, 12 Rozhdestvensky Boul., Moscow K-45
Mr V. Zilanov, Northern Fish Scouting Service (SEVRYBA), Sofia Perovskaya 2, Murmansk

UNITED KINGDOM

Commissioner:

Mr B.B. Parrish, Marine Laboratory, P.O. Box 101, Victoria Road, Torry, Aberden, Scotland

UNITED STATES OF AMERICA

Commissioner:

Mr J.E. Douglas Jr, Virginia Marine Resources Commission, Box 756, Newport News, VA 23607

Alternate Commissioners:

Mr T.A. Norris, Old Colony Trawling Corp., 253 Northern Ave., Boston, MA 02186
Ambassador R.L. Ridgway, Deputy Assistant Secretary for Oceans and Fisheries Affairs, Department of State, Washington, D.C. 20520
Dr J.A. Storer, Office of Marine Resources, NOAA, 1010 Executive Blvd., Rockville, MD 20028

Advisers:

Mr J. Ackert, The Gorton Group, 327 Main Street, Gloucester, MA 01930
Dr E.D. Anderson, Northeast Fisheries Center, National Marine Fisheries Service, Woods Hole, MA 02543
Dr V.C. Anthony, Northeast Fisheries Center, National Marine Fisheries Service, Woods Hole, MA 02543
Mr M. Bendiksen, New Bedford Seafood Cooperative, 15 Fort Street, Fairhaven, MA 02719
Dr B.E. Brown, Northeast Fisheries Center, National Marine Fisheries Service, Woods Hole, MA 02543
Mr D.S. Crestin, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, MA 01930
Mr F. Dorough, US Embassy, Serrono 75, Madrid, Spain
Mr J.J. Dykstra, Point Judith Fishermen's Association, Box 730, Galilee Road, Narragansett, RI 02882
Mr W.G. Gordon, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, MA 01930
Dr M.D. Grosslein, Northeast Fisheries Center, National Marine Fisheries Service, Woods Hole, MA 02543
Mr R.C. Hennemuth, Northeast Fisheries Center, National Marine Fisheries Service, Woods Hole, MA 02543
Mrs M.E. Hoinkes, Office of the Legal Adviser, Department of State, Washington, D.C. 20520
Mr V.O. Look, State House Annex, Augusta ME
LT T.R. McHugh, Commandant (G-000-4), US Coast Guard, Washington, D.C. 20590
Mr E.J. MacLeod, Lipman Marine Products Ltd., State Fish Pier, Gloucester, MA 01930

LCDR T. Nunes, Commander (AOL), US Coast Guard Atlantic Area, Governors Island, New York, N.Y. 10004
Mr N.L. Pease, Embassy of the United States, 24 Dag Hammarskjolds, 2100 Copenhagen, Denmark
Mr A.F. Ryan, Office of International Fisheries, National Marine Fisheries Service, NOAA, Department of Commerce, Washington, D.C. 20235
CDR L.N. Schowengerdt, Office of Fisheries Affairs, Department of State, Washington, D.C. 20520
Mr L.N. Snead, Office of International Fisheries, National Marine Fisheries Service, NOAA, Department of Commerce, Washington, D.C. 20235
Mr C.B. Stinson, Stinson Canning Co., Prospect Harbor, ME 04669
Mr J.L. Warren, Maine Sardine Council, P.O. Box 337, Brewer, ME 04412

O B S E R V E R S

EUROPEAN ECONOMIC COMMUNITY

Mr P. Brückner, Legal Department, EEC, 170 rue de la Loi, 1048 Brussels, Belgium
Mr R. Fischer, Legal Service, EEC, 200 rue de la Loi, 1040 Brussels, Belgium
Mr A. Koers, EEC, 200 rue de la Loi, 1040 Brussels, Belgium
Mr A. Pizzuti, EEC, 200 rue de la Loi, 1040 Brussels, Belgium
Mr J. ten Have, Council of Ministers, EEC, 170 rue de la Loi, 1040 Brussels, Belgium

FOOD AND AGRICULTURE ORGANIZATION

Dr W.G. Clark, Department of Fisheries, FAO, Via della Terme di Caracalla, 00100 Rome, Italy

INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS

Dr O. Rodriguez-Martin, ICCAT, General Mola 17, Madrid 1, Spain

INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA

Mr Sv.Aa. Horsted, Grønlands Fiskeriundersøgelser, Jaegersborg Allé 1B, 2920 Charlottenlund, Denmark

INTERNATIONAL TRANSPORT WORKERS' FEDERATION

Mr A.G. Selander, ITF, Maritime House, Old Town, Clapham, London SW4 OJR, England

S E C R E T A R I A T

Mr L.R. Day, Executive Secretary, ICNAF
Mr V.M. Hodder, Assistant Executive Secretary, ICNAF
Mrs V.C. Kerr, Senior Secretary, ICNAF
Mrs E.R. Cornford, Finance and Publications Clerk-Steno, ICNAF
Mr G.M. Moulton, Senior Statistical Clerk, ICNAF

SECRETARIAT ASSISTANCE

Miss A.M. Fuentes, Transversal C/San Martin, 6, 3°, izda, Santa Cruz de Tenerife, Canary Islands, Spain
Miss P. Maeztu, Steno Services, Alberto Alcocer 10, Madrid 16, Spain
Miss B. Pancari, Steno Services, Alberto Alcocer 10, Madrid 16, Spain

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Proceedings No. 3
Appendix II

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

Plenary Sessions

Agenda

PROCEDURES

1. Opening

   (With the resignation of Mr E. Gillett (UK) from the Chairmanship, Dr D. Booss (Fed.Rep. Germany), Vice-Chairman elect, will, in accordance with Commission Rules of Procedure 3.4, become Chairman for the unexpired balance of Mr Gillett's term and will occupy the Chair at the Commission's Ninth Special Meeting.)

2. Adoption of Agenda

3. Appointment of Rapporteur

4. Publicity

FUTURE OF COMMISSION

5. Further consideration of the future of the Commission and its potential role under extended coastal state jurisdiction *(June 1976 Mtg. Proc. 3)*

   (The Commissioners will consider the Report of the Group of Experts which the Commission set up at its June 1976 Annual Meeting (June 1976 Mtg. Proc., p. 43-44, Comm.Doc. 76/XII/64) with terms of reference (Ibid., p. 54), in their further deliberations on the future of the Commission. The Commission will also have before it a proposal for amendment to paragraph 1 of Article I of the Convention (Comm.Doc. 76/XII/61) for consideration.)

CONSERVATION MEASURES

6. Further consideration of conservation measures for shrimp in Subarea 1 *(June 1976 Mtg. Proc. 5)*

   (Members of Panel 1 will consider a Danish request for consideration of conservation measures for shrimp (Comm.Doc. 76/XII/63) and advice from the November Meeting of STACRES regarding a TAC for the shrimp stock in Subarea 1. Panel Members will recommend national allocation of the agreed TAC. Previous consideration of the conservation requirements for the Subarea 1 shrimp stock is recorded in June 1976 Mtg. Proc. 5. Decisions regarding TAC and allocations will become effective 1 January 1977 in accordance with Resolution (3) from the June 1976 Annual Meeting.)

7. Further consideration of conservation measures for cod in Subarea 1 *(June 1976 Mtg. Proc. 5)*

   (Members of Panel 1 will review the TAC of 31,000 tons set for 1977 at the June 1976 Annual Meeting in the light of the management implications of the interrelationships between the cod of West Greenland, East Greenland, and Iceland, and will recommend national allocations to be effective 1 January 1977.)

8. Further consideration of conservation measures for silver hake in Divisions 4VWX of Subarea 4 *(June 1976 Mtg. Proc. 8)*

   (Members of Panel 4 will look forward to the advice of STACRES, based on a current re-assessment regarding a TAC for 1977 for this stock. A TAC and national allocations for 1977 will be recommended to the Commission. The minimum mesh size of 60 mm for Subarea 4 silver hake, adopted at the June 1976 Annual Meeting (Proposal (2)) to be effective 1 April 1977, will be reviewed (Comm.Doc. 76/XII/67). Panel Members will also reconsider the delineation of closed areas and/or seasons for directed bottom trawling for recommendation to the Commission. Decisions will become effective 1 January 1977.)

9. Further consideration of conservation measures for flounders (yellowtail, witch, and American plaice) in Divisions 4VWX of Subarea 4 *(June 1976 Mtg. Proc. 8)*

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[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

(Panel 4 Members will recommend to the Commission national allocations of the TAC of 18,000 tons, adopted for 1977 at the June 1976 Annual Meeting, the decision of the Commission to be effective 1 January 1977.)

10. **Further consideration of conservation measures for herring in Divisions 4XW(b) of Subarea 4** *(June 1976 Mtg. Proc. 8)*

(Panel 4 Members will recommend to the Commission national allocations of the TAC of 84,000 tons, adopted at the June 1976 Annual Meeting for 1977, the decision of the Commission to be effective 1 January 1977.)

11. **Further consideration of conservation measures for mackerel in Subareas 3, 4, 5, and Statistical Area 6** *(June 1976 Mtg. Proc. 12)*

(Panels 3, 4, and 5, in joint session, will consider the advice of STACRES resulting from a re-assessment of these stocks, regarding a TAC and national allocations which will be recommended to the Commission for adoption and to take effect 1 January 1977 for the year 1977.)

12. **Further consideration of conservation measures for herring in Division 5Z of Subarea 5 and Statistical Area 6** *(June 1976 Mtg. Proc. 9)*

(Members of Panel 5 will give further consideration to recommending to the Commission a TAC and allocations for this stock, to be effective 1 January 1977 for the year 1977.)

13. **Further consideration of conservation measures for other finfish in Subarea 5 and Statistical Area 6** *(June 1976 Mtg. Proc. 9)*

(Members of Panel 5 will give further consideration to recommendations to the Commission regarding a TAC of 150,000 tons for 1977 and its national allocations which would become effective 1 January 1977 for the year 1977.)

14. **Further consideration of conservation measures for all finfish and squids in Subarea 5 and Statistical Area 6** *(June 1976 Mtg. Proc. 9)*

(Depending on the decisions reached for the Subarea 5 stocks for which TACs and allocations are being established, e.g. mackerel in Subarea 5 and Statistical Area 6, Panel 5 Members will recommend a second-tier TAC and its allocations for 1977 to become effective 1 January 1977 for the year 1977.)

15. **Further consideration of a regulatory regime for Subarea 5 and Statistical Area 6** *(June 1976 Mtg. Proc. 9) (Comm.Doc. 76/XII/50 and 50 (Revised)*

(Members of Panel 5 will consider the Report of Meetings of an ad hoc Working Group on a Subarea 5 Regulatory Regime to be held on 30 November 1976. The Working Group which will be made up of scientists and those familiar with fishing patterns, practices, and areas fished by their countries will have considered ways and means of reducing by-catch and controlling catches of protected species (Comm.Doc. 76/XII/65). Recommendations will be made to the Commission regarding open areas and seasons, and gear restrictions, which would become effective 1 January 1977 for the year 1977.)

16. **Preliminary discussion of re-allocation of the expected unused portion of the squid (*Loligo*) catch quota in Subarea 5 and Statistical Area 6 for 1977** *(June 1976 Mtg. Proc. 9, paragraph 26 (e))*

(At the 1976 Annual Meeting, the US delegate stated that, because the USA might not have the capacity to take its requested allocation of squid (Loligo) in Subarea 5 and Statistical Area 6 for 1977, the USA would be willing to return the unused portion of its allocation to the Commission during 1977 for re-allocation among other countries interested in fishing on that stock. At the request of the Government of Japan, this item has been added to the Agenda so that some preliminary consideration can be given to the re-allocation of any expected unused portion of the squid (Loligo) quota in Subarea 5 and Statistical Area 6 for 1977.)

REPORTS

17. **Draft Report of Proceedings of the 26th Annual Meeting, June 1976**

(The Executive Secretary will request approval of the Draft of this Report which was circulated as Circular Letter 76/49 on 11 August 1976.)

18. **Report of Panel A (Seals), 14 October 1976** *(Summ.Doc. 76/XII/47)* **and 1 December 1976**

(For adoption by the Commission.)

19. Report of STACRES, November 1976

(For adoption by the Commission.)

20. Report of STACFAD, December 1976

(For adoption by the Commission.)

21. Reports of Panels 1, 4, 5, and Joint Panels 3, 4, and 5, December 1976

(For adoption by the Commission.)

22. Report of Group of Experts on the Future of ICNAF, October 1976

(To be received by the Commission (Comm.Doc. 76/XII/64).)

OTHER MATTERS

23. Consideration of the International Transport Workers' Federation (ITF) Resolution of 22 June 1976 on Fishing Limits *(Comm.Doc. 76/XII/62)*

24. Date and Location of Future Meetings

25. Press Statement

26. Other Business

(a) Spanish proposal for allocation of surplus cod stocks *(June 1976 Mtg. Proc. 11 and 13; Comm.Doc. 76/XI/52 + Addendum; Comm.Doc. 76/XII/66)*

(b) Romanian request for an allocation of cod in Divisions 2J + 3KLM for 1977 *(Comm.Doc. 76/XII/69)*

27. Adjournment

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Serial No. 4073
(A.a.1)

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Appendix III

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

Proposal[2] for Amendment to Articles I and VI of the International Convention for the Northwest Atlantic Fisheries, adopted by the International Commission for the Northwest Atlantic Fisheries in Plenary Session on 8 December 1976

The Commission

Having Considered the Report of the Group of Experts on the Future of ICNAF,

Adopts, as an interim solution, pending further consideration of future multilateral cooperation with regard to the fishery resources of the Northwest Atlantic, the following amendments to the Convention pursuant to Article XVII of the Convention, as amended:

"Paragraph 1 of Article I is amended by adding, immediately after the words "except territorial waters", the words "and other waters within national fishery limits"."

"Article VI of the Convention is amended by adding a new paragraph 4, as follows:

"Notwithstanding the provisions of Article I, the Commission may provide to coastal states parties to the Convention, at their request, advice on the scientific basis for management of fisheries within national fishery limits.""

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

[2] Submitted to Depositary Government as "Protocol to the International Convention for the Northwest Atlantic Fisheries Relating to Continued Functioning of the Commission".

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

(1) Resolution Regarding the Development of a Framework for Future Multilateral Cooperation, Including Appropriate Institutional Arrangements, adopted by the International Commission for the Northwest Atlantic Fisheries in Plenary Session on 8 December 1976

The Commission

Noting recent and impending developments affecting international fisheries in the Northwest Atlantic;

Having Considered the Report of the Group of Experts on the Future of the International Commission for the Northwest Atlantic Fisheries;

Having Adopted amendments of an interim nature to Articles I and VI of the Convention to provide for the continued functioning of the Commission pending further consideration of future multilateral cooperation with regard to the fishery resources of the Northwest Atlantic;

Recommends that action be taken as soon as possible in the first half of 1977 to pursue the development of a framework for such future cooperation, including appropriate institutional arrangements.

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

Serial No. 4073
(B.g.45)

Proceedings No. 3
Appendix V[2]

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

Report of the Group of Experts on the Future of ICNAF

Ottawa, 5-7 October 1976

The Group of Experts (Annex 1), made up of designees from Canada, Cuba, Denmark, Portugal, USSR, and USA, met in Ottawa, Canada from 5 to 7 October 1976 under the chairmanship of Dr A.W.H. Needler. In accordance with its terms of reference from the June 1976 Commission Meeting (Annex 2) and in the light of extension of national fisheries jurisdiction by Canada (1 January 1977) and USA (1 March 1977) to 200 miles, the Group proceeded to examine and formulate suggestions regarding future multilateral cooperation in the field of fisheries in the Northwest Atlantic Ocean and regarding the procedures and timing to be followed in pursuing the matter.

Discussion papers were provided by Capt J.C.E. Cardoso (Annex 3), Mr L.H. Legault (Annex 4), and Mr E. Oltuski (Annex 5).

Functions to be Provided for

The Group generally agreed that the functions to be provided for by a multilateral convention include:

(1) Management of the fisheries outside national fisheries jurisdiction. In the case of stocks occurring entirely outside national fisheries jurisdiction, the multilateral body to succeed ICNAF would have the sole responsibility for the recommendation of management measures to Governments. In the case of stocks occurring both inside and outside, it is necessary to coordinate measures to be taken outside national fisheries jurisdiction as noted above with measures taken inside national fisheries jurisdiction by the coastal state(s) concerned.

(2) Provision of scientific advice to the multilateral body on the scientific basis for management of the fisheries outside national jurisdiction, and provision to coastal states, at their request, of advice on the scientific basis for management of fisheries inside national fisheries jurisdiction.

Institutional Arrangements

The Group generally agreed that these functions should be provided for in a single convention.

One view expressed was that relatively few changes to the present Convention would be needed in order to take into account the new jurisdictional situation. The main changes required according to this view are reflected in Appendix III. Another view was that more substantial changes would be needed, as reflected in Appendix IV.

There were differences of opinion between those experts who advocated the establishment of two separate bodies (Mr Legault and Dr Storer) and those who advocated a single commission structure similar to the present ICNAF (Mr Oltuski, Mr Løkkegaard, Capt Cardoso, and Mr Volkov). The former view is set forth in the attached statement by Mr Legault (Annex 4), who argued that the separation of the management body (commission) from the scientific body (council) makes a clearer distinction between the management and advisory functions provided for under a single convention, while still providing for appropriate coordination of measures inside and outside national fisheries jurisdiction. Those advocating the continuation of a structure similar to the present Commission, with a subsidiary scientific body (STACRES) responsible to the Commission, argued that this would provide greater simplicity in that scientific and other advice would be requested and transmitted through the Commission and better facilitate appropriate coordination of management inside and outside national fisheries jurisdiction.

One view, held by those supporting the single body approach, was that the Convention Area would remain the same except for the addition of Statistical Areas 0 and 6, but that different functions would be exercised in different parts of the Area. Another view, expressed by those in favour of the two-body approach, was that the scientific advisory function would apply to the whole area but that the management function would apply only outside national fisheries jurisdiction and that even under the approach first mentioned changes might be desirable to the area covered by the present ICNAF Convention.

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[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

[2] Also ICNAF Comm.Doc. 76/XII/64, Serial No. 4015.

It was generally agreed that membership either in the two bodies or the single body would be open to all Governments whose nationals participated in the fisheries in the Convention Area.

It was also agreed that a single secretariat would suffice under either approach.

The attention of the Group was called to the statement made on behalf of the Member States of the European Communities to the 1976 Annual Commission Meeting (1976 Meeting Proceedings No. 3, page 23) and its possible implications for the new arrangements.

Suggested Procedural Arrangements

Alternative procedures for establishing future multilateral arrangements which should be considered by ICNAF at its Special Meeting in December 1976 include:

(1) the negotiation of a new Convention by a meeting of Plenipotentiaries,

(2) amendment of the present ICNAF Convention as provided for in Article XVII.

A view was expressed that the latter alternative offered less danger of prolonged delay. Another view was expressed that the former alternative offered greater flexibility. The Group suggested that, whichever was chosen, ICNAF at its December 1976 Meeting appoint a drafting committee to prepare a text or texts for consideration.

Canada has already made a proposal (Commissioners' Document 76/XII/61) which will be considered at the December 1976 Meeting, to the effect that the Commission recommend an amendment to the Convention to exclude waters under extended fisheries jurisdiction from the Convention Area. As an alternative interim measure, it was suggested by some members of the Group that Article VIII be amended to provide that:

"recommendations shall not be made for waters of the Convention Area within national fisheries jurisdiction without the affirmative vote of the coastal state exercising such jurisdiction."

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NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

Working Group of Experts on the Future of ICNAF
Ottawa, 5-7 October 1976

List of Designated Participants

Canada:	L.H. Legault assisted by A.W.H. Needler, M.B. Phillips, and M.P. Shepard
Cuba:	E. Oltuski
Denmark:	K. Løkkegaard assisted by E. Lemche
Portugal:	J.C. Esteves Cardoso
USSR:	A. Volkov
USA:	J.A. Storer assisted by W.G. Gordon and L. Snead
ICNAF Secretariat:	L.R. Day

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

[2] Also Appendix I of ICNAF Comm.Doc. 76/XII/64, Serial No. 4015.

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NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

Working Group of Experts on the Future of ICNAF
Ottawa, 5-7 October 1976

Terms of Reference

The Working Group recommends to the Commission:

(1) That experts be designated from Canada, Cuba, Denmark, Portugal, USSR, and USA to discuss the future of ICNAF and related matters in the light of recent and impending developments. In particular, the Group of Experts should:

   (a) examine and seek to formulate suggestions regarding the future of multilateral cooperation in the field of fisheries in the Northwest Atlantic Ocean;

   (b) examine and seek to formulate suggestions regarding the procedure and timing to be followed in pursuing the matter considered in (a) above;

(2) That the designated experts, together with such assistants as are necessary, act in a personal capacity at meetings of the Group and that its discussions and any suggestions formulated by it be without prejudice to the position of any ICNAF Member Governments;

(3) That the Executive Secretary of ICNAF be invited to attend meetings of the Group in a consultative capacity;

(4) That suggestions formulated and reports prepared by the Group be sent to the ICNAF Commissioners for the appropriate attention of their respective Governments;

(5) That the Group of Experts hold its first substantive meeting in Ottawa, at the invitation of the Government of Canada, during the last half of September 1976. The convening of any subsequent meetings of the Group shall be decided upon at the September meeting.

(June 1976 Meeting Proceedings No. 3, Appendix III)

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

[2] Also Appendix II of ICNAF Comm. Doc. 76/XII/64, Serial No. 4015.

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NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

Working Group of Experts on the Future of ICNAF
Ottawa, 5-7 October 1976

Discussion Paper for Working Group of Experts on the Future of ICNAF

- Submitted by J.C. Esteves Cardoso

1. General Principles

1.1 An international fisheries organization should continue to exist for the purpose of providing a forum for coordinating the request and receipt of advice from "STACRES" on the state of stocks throughout the Convention Area, for the discussion of such advice and for impartial international examination of the overall impact of management policies on the totality of stocks, for management of stocks outside of national fisheries jurisdiction and advising on the management of other stocks as requested or consented by the competent coastal states.

1.2 Each coastal state should exercise over the waters under its national fisheries jurisdiction the sovereign rights and duties as established in international law. For each stock of fish occurring solely within its national fisheries jurisdiction, it should be responsible for the management measures conducive to conservation of the stock at the optimum level.

2. Managerial Functions of the International Fisheries Organization

2.1 For each stock of fish shared between the national fisheries jurisdiction of more than one coastal state but not occurring outside their national fisheries jurisdiction, decisions should be taken either by the states concerned, acting in concert as appropriate, or, if those states so agree, between themselves, by the international fisheries organization. Except in the latter case, the role of the international fisheries organization in respect of waters under national fisheries jurisdiction shall be purely advisory.

2.2 Stocks occurring wholly outside waters under national fisheries jurisdiction should be regulated by the international fisheries organization according to the present recommendation and objection procedure.

2.3 The international fisheries organization should be able to decide on binding recommendations (subject to objection procedure) for stocks shared between waters under national fisheries jurisdiction and waters outside.

Without the affirmative vote of each coastal state(s) concerned, no such recommendation shall be made for waters under national fisheries jurisdiction. In such an event, the international fisheries organization should have the option of agreeing on recommendations relating only to that part of the stock outside national fisheries jurisdiction. If scientifically practicable in the case of such stocks, they could be managed as separate portions, the portion under national fisheries jurisdiction being the responsibility of the coastal state(s) and the portion outside such jurisdiction, the responsibility of the international fisheries organization.

3. Other Suggestions

3.1 The area to which the Convention should apply should include Statistical Areas 0 and 6.

It is suggested that, for completeness of the scientific data available and without in any way affecting the juridical regime of the different waters included, that area should go up to the shore of the coastal states.

3.2 All the articles in the present Convention should be reviewed, specially in relation to voting and financing procedures, in order to conclude what procedural principles to adopt when drafting or redrafting the new text.

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[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

[2] Also Appendix III of ICNAF Comm.Doc. 76/XII/64, Serial No. 4015.

It is suggested that the substance of the present Article VIII may be maintained with the simple addition of the following words:

> "Recommendations shall not be made for waters of the Convention Area within national fisheries jurisdiction without the affirmative vote of the coastal state exercising such jurisdiction."

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Appendix V
Annex 4[2]

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

Working Group of Experts on the Future of ICNAF
Ottawa, 5-7 October 1976

Suggested Approach to Future Multilateral Cooperation in the Northwest Atlantic Ocean

- Submitted by L.H. Legault

A. Coastal State Management

The point of departure for this suggested approach is the exercise by coastal states of sovereign rights in respect to the conservation, management, exploitation, and utilization of living resources in maritime zones extending to 200 miles from the baselines of their territorial sea. The multilateral cooperation arrangements outlined in Part B below would by their very nature take into account and reflect this coastal state management function and authority. The international convention establishing the multilateral arrangements would not, however, attempt to define or make explicit provision for the exercise of the coastal state's jurisdiction within 200 miles.

B. Multilateral Arrangements

1. There would be established, under a single new international convention, two separate bodies (with the possibility of auxiliary bodies and panels) serving two distinct functions in two different geographical areas, as follows:

   (i) An international fisheries commission for the management of fisheries for stocks outside the 200-mile zones of coastal states in a geographical area with outer limits corresponding to those of the present ICNAF Convention Area. In the case of stocks occurring wholly outside the 200-mile zones, the proposal of management measures would be the responsibility of the commission acting independently. In the case of fisheries for stocks occurring both inside and outside the zones, the convention should ensure appropriate coordination of regulatory measures; thus, for stocks substantially within the zone of a coastal state, measures proposed by the commission should be complementary to and consistent with measures by that coastal state. Membership in the commission would be open to participants in the fisheries in the convention area described above.

   (ii) A scientific council to serve as a forum for scientific cooperation in a wider convention area corresponding to that enclosed within the northern, eastern and southern limits of the present ICNAF Convention Area, including Statistical Areas 0 and 6. The council would answer questions - - relating to the scientific basis for regulatory measures - - put to it by the commission described above (and its individual members) in respect to its area of responsibility, or by the coastal states in respect to their areas of responsibility, or where appropriate by commission and coastal state jointly. Membership in the scientific council would be open to states participating in the fisheries within the geographical areas designated in this sub-paragraph and sub-paragraph (i) above.

2. A single secretariat - the existing ICNAF Secretariat - could service both the new international commission and the new scientific council, in order to promote efficiency and coordination and to reduce costs.

3. The proposed multilateral arrangements would be without prejudice to and would not preclude the establishment of bilateral mechanisms between neighbouring coastal states.

C. Coastal State Multilateral Consultation Arrangements Inside 200 Miles

A coastal state desiring to organize and conduct multilateral consultations in respect to fisheries matters within its jurisdiction could do so in conjunction with meetings of the commission described in paragraph 1(i) of Part B above. This, however, would be outside the convention framework proper and would not be touched upon in the convention.

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[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

[2] Also Appendix IV of ICNAF Comm.Doc. 76/XII/64, Serial No. 4015.

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NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

Working Group of Experts on the Future of ICNAF
Ottawa, 5-7 October 1976

Discussion Paper for Working Group of Experts on the Future of ICNAF

- Submitted by E. Oltuski

1. Convention Area

   Shall be all waters enclosed within ICNAF's present limits, including Statistical Areas 0 and 6.

2. Scientific Cooperation

   As it stands in Article VI for the entire Convention Area.

3. Management

   As it stands in Article VIII (revised) in that part of the Convention Area that lies outside the territorial and jurisdictional waters of the coastal states.

   In the case of fisheries for stocks occurring both inside and outside of the jurisdiction of the coastal states, the Convention should ensure appropriate coordination of regulatory measures.

4. Multilateral Consultation

   The coastal states will consult the Commission, if they so wish, on the benefit of regulatory measures to be established in that part of the Convention Area that lies within their jurisdiction and on the allocation of surpluses.

5. Panels

   The Panels will continue to exist in their present form when dealing with matters pertaining to the Convention Area outside the jurisdiction of the coastal states; and as consultative bodies when dealing with matters pertaining to the Convention ARea within the jurisdiction of the coastal states and at their request.

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

[2] Also Appendix V of ICNAF Comm.Doc. 76/XII/64, Serial No. 4015.

(b) The Panel further agreed, as a first step toward controlling the hunting of older seals, to limit the take of age 1+ seals by large vessels to 5% of large vessel catches in 1977. The delegate of Denmark noted that this measure could have a very small adverse effect on availability of seals in the younger age-groups to Greenland hunters, but that he would agree to the proposal since it would be beneficial in the longer term.

(c) Opening and closing dates, and daily hunting times were as agreed at the October Special Meeting, subject to further consultation between Canada and Norway on the opening date.

(d) The Panel agreed that the prohibition of the killing of adult harp seals in whelping patches should be continued.

Panel A

agreed to recommend

that the Commission transmit to the Depositary Government, for joint action by the Contracting Governments, proposal (1) for international regulation of the fishery for harp seals in the Convention Area (Appendix III).

7. Hooded Seal Conservation and Management

(a) TAC and allocations

The delegate of Canada noted that a TAC of 15,100 for hooded seals had been in effect since 1974. This level of catch was based on the average in the late 1960's, and was, therefore, less firmly fixed on scientific grounds than the TAC for harp seals. Recognizing that an extensive analysis of hooded seal data was planned during 1977, he proposed that the same TAC be implemented, but that a limit of 10% of the catch should be placed on breeding females. Preliminary scientific advice indicated that such a limit would allow an increase in the TAC in the longer term. The Panel agreed to this proposal.

The Panel agreed to national allocations for hooded seals as follows:

Norwegian vessels on the "Front"	6,000
Canadian vessels on the "Front"	6,000
Unallocated amount to be taken after 29 March by Canada and Norway	3,000
Others	100
Total	15,100

(b) The Panel also agreed that a limit of 10% of each country's catch would be placed on breeding females.

(c) The opening and closing dates, and daily hunting times, were as agreed at the October Special Meeting.

(d) The Panel agreed that the prohibition of the killing of whelping hooded seals in Davis Strait by vessels over 50 gross tons should be continued.

Panel A

agreed to recommend

that the Commission transmit to the Depositary Government, for joint action by the Contracting Governments, proposal (1) for international regulation of the fishery for hooded seals in the "Front" Area of the Convention Area (Appendix III).

8. Approval of Panel Report. It was agreed that the draft report would be circulated to Panel Members for approval before submission to the Commission.

9. Next Meeting. It was agreed that the Panel would hold its next meeting at the time and place of the next Annual Meeting of the Commission. It was recognized that this would be too early to address substantive issues in any detail, and that it would be necessary to have a further meeting of the Panel and its Scientific Advisers in autumn 1977.

10. Adjournment. The Panel adjourned at 1600 hrs, 1 December.

International Commission for the Northwest Atlantic Fisheries

Serial No. 4074
(B.e.76)

Proceedings No. 4

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

Report of Special Meeting of Panel A (Seals)

Wednesday, 1 December, 1500 hrs

1. Opening. The meeting was called to order by the Panel Chairman, Mr E. Lemche (Denmark). All Member Countries were represented (Appendix I). An Observer was present from the USA.

2. Rapporteur. Dr A.W. May (Canada) was appointed Rapporteur.

3. The Chairman noted that the Report of the Special Meeting of Panel A held at Copenhagen on 14 October 1976 had been circulated to Member Countries, and was now available in second draft as Summ.Doc. 76/XII/47. This report was adopted by the Panel (Appendix IV).

4. The Chairman proposed that the Panel should confirm the agreements reached at the earlier Special Meeting, and deal with those items which had not been concluded at that time.

5. The Observer from USA proposed that the Panel should take into account scientific, cultural, and recreational values of the harp and hooded seal resource and not simply base the management programs on economic utility. Assurance was given by the Chairman and by all delegations that the Panel had always taken account of other than economic issues. The delegate of Canada pointed out that current proposals for management of harp and hooded seals would permit an increase in the numbers of each species. The delegate of Denmark referred to comments made at the October Meeting on the importance of seals to the Greenland population, and the Greenlanders' views on utilization of seals.

6. Harp Seal Conservation and Management

(a) TAC and allocations

The delegate of Canada referred to the Canadian proposals for management of the hunt in 1977, which had been circulated prior to the meeting (Appendix II). He proposed adoption of a total allowable catch of 170,000 harp seals, as recommended by the Scientific Advisers to Panel A (Redbook 1977, Part C), and adding an amount of 100 seals for the "Others" category in accordance with ICNAF practice. From the TAC of 170,100 he proposed to set aside an estimate of 10,000 for Greenland and Canadian Arctic catches, and to set a quota of 35,000 for Norwegian ships. Of the remaining 125,000, Canada would undertake to limit catches by large Canadian vessels to 62,000, allowing an estimate of 63,000 for Canadian landsmen. The delegate of Canada further made reference to extension of fisheries jurisdiction by Canada on 1 January 1977, and noted that Canada had undertaken to implement agreements reached within ICNAF with Canadian concurrence.

The delegate of Norway stated that, although the reduced Norwegian allocation created serious difficulties for Norway, he understood the Canadian position and could accept the proposed allocations. He requested that the Canadian Government review the allocations after the opening of the season in 1977 in the event that it might be possible to increase the allocation to Norwegian vessels. The delegate of Canada agreed that such a review would be undertaken.

The Panel then agreed to allocations of harp seals as follows:

Estimated catch in West Greenland and the Canadian Arctic	10,000
Norwegian vessels in the "Front"	35,000
[a]Canadian large vessels, small vessels, and landsmen	125,000
Others	100
Total	170,100

[a] The catch by landsmen and small vessels is estimated as 63,000.

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

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Serial No. 4074
(B.e.76)

Proceedings No. 4
Appendix I

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

Special Meeting of Panel A (Seals)

List of Participants

(Head of Delegation underlined)

Chairman: Mr E. Lemche, Ministry for Greenland, Hausergade 3, DK-1128 Copenhagen K, Denmark

CANADA

Commissioners:

Mr A.A. Etchegary, Fishery Products Ltd., P.O. Box 25, General Post Office, St. John's, Nfld.
Dr M.P. Shepard, International Directorate, Fisheries and Marine Service, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A 0H3

Advisers:

Mr S.W. Bartlett, Conservation and Protection (Nfld.) Branch, Fisheries and Marine Service, Department of Fisheries and Environment, P.O. Box 5667, St. John's, Nfld. A1C 5X1
Mr J.E. Creeper, Fisheries Management (Maritimes), Fisheries and Marine Service, Department of Fisheries and Environment, P.O. Box 550, Halifax, N.S. B3J 2S7
Dr A.W. May, Resources Division, Fisheries and Marine Service, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A 0H3
Mr E.G. Young, International Fisheries and Marine Directorate, Fisheries and Marine Service, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A 0H3

DENMARK

Commissioners:

Mr Sv.Aa. Horsted, Grønlands Fiskeriundersøgelser, Jaegersborg Allé 1B, 2920 Charlottenlund
Mr E. Lemche, Ministry for Greenland, Hausergade 3, DK-1128 Copenhagen K

Advisers:

Mr N.C. Heilmann, Greenland Fishermen's Association, Greenland Provincial Council, Ministry for Greenland, Hausergade 3, DK-1128 Copenhagen K
Mr C. Jensen, Ministry for Greenland, Hausergade 3, DK-1128 Copenhagen K
Mr G. Martens, Greenland Provincial Council, P.O. Box 615, 3900 Godthaab, Greenland
Mr J. Motzfeldt, Greenland Provincial Council, P.O. Box 615, 3900 Godthaab, Greenland
Ms O. Sandborg, Den Kongelinge Gronlandsk-Handel, P.O. Box 100, DK-Strandgade 100, 1004 Copenhagen K

NORWAY

Commissioners:

Mr K. Raasok, Ministry for Fisheries, Oslo
Mr H. Rasmussen, Directorate of Fisheries, P.O. Box 185-186, 5001 Bergen

Advisers:

Mr B. Bye, Real Embasade de Norvega, Apartado 6132, Madrid, Spain
Capt G. Jakobsen, P.O. Box 567, 9001 Tromsø
Mr P. Kibsgaard-Petersen, Association of Norwegian Fishing Vessel Owners, Keiser Wilhgt 60, 6001 Aalesund
Mr P.L. Mietle, Directorate of Fisheries, P.O. Box 185-186, 5001 Bergen

O B S E R V E R

Mr A.F. Ryan, F42, National Marine Fisheries Service/NOAA, Department of Commerce, Washington, D.C. 20235 USA

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

Serial No. 4074
(A.a.4)

Proceedings No. 4
Appendix II

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

Canadian proposal for management of the 1977 Atlantic seal hunt

Harp Seals

Total Allowable Catch

Proposal - It is recommended that we confirm a Total Allowable Catch of 170,000 (including the kill in the Canadian Arctic and at Greenland).

Rationale - At our meeting on 14 October, we agreed on a policy of allowing continued slow increase of the harp seal population towards MSY level. The majority of Scientific Advisers, as indicated in the report of their 11-12 October 1976 meeting, agreed that a total TAC of 170,000 would allow such a continued population increase.

Age Composition of the Catch

Proposal - Large vessels on the Front be restricted to young of the year with an allowance of 2% of older animals to account for unavoidable catches.

Rationale - Young of the year constituted approximately 95% of the 1976 catch by large vessels. While there was no specific recommendation from the Scientific Advisers on the subject, the restriction of the large vessel catch to young of the year, with a small allowance for unavoidable catches, would qualitatively improve our conservation regime, would imply a future increase in sustainable yields, and allow a slightly more rapid rebuilding of the stocks. The near-term implications are very minor with respect to changes in sustainable yields and the TAC in 1977 should not be altered on this basis.

Opening Date

Proposal - It is proposed that the same opening and closing dates and times for the hunt be set as in 1976 (opening 0900 hours, GMT, 12 March, and closing 2400 hours, GMT, on 24 April), with the proviso that Canada and Norway might agree to delay the hunt in order that the proposed aerial photographic survey of the Gulf and Front could be completed.

Rationale - The Report of the Scientific Advisers indicates the importance of adequate aerial censusing of the population. Too late an opening would have serious implications for the industry and too early an opening would not allow the census. Accommodation on this matter can be discussed by Canada and Norway outside of the ICNAF forum.

Hooded Seals

Total Allowable Catch

Proposal - It is proposed that the TAC be 15,000 with the proviso that the proportion of adult females be reduced to less than 10% of the total catch, as an unavoidable take.

Rationale - A TAC of 15,000 was recommended by the Scientific Advisers. Restriction of the killing of breeding females from the present 20% of total catch to less than 10% will qualitatively improve our conservation regime and have implications for future increases in sustainable yields. Indeed, the Scientific Advisers calculated in October that the effect of the proposal would be to increase the sustainable yield from 15,000 to 20,000. Since the scientific basis for hooded seal management is not yet as firm as that for harp seals, and since we plan research and modelling to give a much firmer basis for hooded seal management next year, it is advisable to hold the TAC at 15,000 for 1977.

Opening and Closing Dates and Times

Proposal - It is proposed that the 1977 opening and closing dates should be as for 1976, i.e., 1000 hours GMT on 22 March to 2400 hours GMT on 24 April. The prohibition to kill should be changed for vessels on the Front during the opening season each day from "between the hours of 2300 GMT and 1000 GMT, up to 31 March" to "between the hours of 2200 GMT and 0900 GMT up to 31 March."

Rationale - The one-hour change in hunting times, as discussed in our October meeting, will ensure that hunting is conducted during adequate conditions of daylight.

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[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

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Appendix III

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

(1) Proposal for International Regulation Respecting the Protection of Seals in the Convention Area

Panel A recommends that the Commission transmit to the Depositary Government the following proposal for joint action by the Contracting Governments:

That the International Regulation Respecting the Protection of Seals in the "Gulf[1]" and "Front[2]" Areas of the Convention Area, adopted at the Eighth Special Meeting (January 1976 Meeting Proceedings No. 6, Appendix III) and entered into force on 26 August 1976, be replaced by the following:

"1. That the Contracting Governments take appropriate action to ensure that, for the year 1977 only, the total allowable catch be 170,100 harp seals, *Pagophilus groenlandica*, including a catch of 62,000 for Canada, 35,000 for Norway, and 100 unallocated, an estimate of 63,000 harp seals to be caught by indigenous fishermen of the "Front" and "Gulf" Areas, and an estimate of 10,000 harp seals to be caught by indigenous fishermen at Greenland and the Canadian Arctic.

"2. That the Contracting Governments take appropriate action to ensure that, for the year 1977 only, the total allowable catch in the "Front" Area be 15,100 hooded seals, *Cystophora cristata*, including a quota of 6,000 for Canada, 6,000 for Norway, 100 unallocated, and an aggregate amount of 3,000 to be taken by Canada and Norway after 29 March 1977.

"3. That Contracting Governments take appropriate action for the year 1977 to limit the take of age 1+ harp seals to 5 percent of catches by their large vessels and of breeding female hooded seals to 10 percent of catches by their large vessels.

"4. That the Contracting Governments take appropriate action to ensure that the open season in the "Front" Area for the taking of harp seals shall commence not earlier than 0900 hours GMT on 12 March 1977 and terminate not later than 2400 hours GMT on 24 April 1977, and for the taking of hooded seals shall commence not earlier than 1000 hours GMT on 22 March 1977 and terminate not later than 2400 hours GMT on 24 April 1977.

"5. That Contracting Governments take appropriate action to prohibit the killing of adult (harp) seals in whelping patches in the "Gulf" and "Front" Areas.

"6. That Contracting Governments take appropriate action to prohibit the killing, by vessels in the "Front" Area during the open season each day, of harp seals between the hours 2400 GMT and 0900 GMT, and of hooded seals between the hours of 2200 GMT and 0900 GMT up to 31 March and between the hours 2400 GMT and 0900 GMT thereafter.

"7. That Contracting Governments take appropriate action to prohibit the killing of whelping hooded seals in Davis Strait from vessels of over 50 gross tons.

"8. That the Proposal for Management of the International Quota Regulations, adopted by the Commission in Plenary Session on 14 June 1974, shall not apply."

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[1] All the waters and territories west of a straight line between the lighthouse at Amour Point on the coast of Labrador and the lighthouse on Flowers Island in Flowers Cove, Newfoundland.

[2] All the waters of the Strait of Belle Isle and the Atlantic Ocean east of a straight line between the lighthouse at Amour Point on the east coast of Labrador and the lighthouse on Flowers Island in Flowers Cove, Newfoundland.

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* Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

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Appendix IV[2]

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

Report of Special Meeting of Panel A (Seals)

Copenhagen, Denmark, 14 October 1976

1. Opening. The meeting was called to order by the Chairman of the Panel, Mr E. Lemche (Denmark), who welcomed participants to Denmark on behalf of the Danish Government. All Panel Member Governments were present (Appendix I).

2. Rapporteur. The Executive Secretary, Mr L.R. Day, was appointed Rapporteur.

3. Agenda. The Agenda was adopted as circulated (Appendix II).

4. Report of Scientific Advisers to Panel A (Seals). The Chairman drew attention to the Report of the Meeting of the Scientific Advisers (Redbook 1977, Part C) held 11 and 12 October 1976 in Copenhagen. The Panel agreed that the Chairman of Scientific Advisers to the Panel, Dr A.W. Mansfield (Canada), should present the portion of the Report of the Scientific Advisers on harp seal matters first for Panel discussion and then on hooded seal matters.

5. Consideration of Harp Seal Matters

(a) Scientific advice

The Chairman of Scientific Advisers reported that four assessments were considered as follows:

(1) an assessment by Winters (Canada) indicating a pup production of 310,000-340,000 with a sustainable yield of 215,000;

(2) a model by Benjaminsen (Norway) and Lett (Canada) indicating a pup production of 327,000 with a sustainable yield of 190,000;

(3) an assessment, incorporating new sampling data, by Benjaminsen and Øritsland (Norway) indicating a pup production of 315,000 with a sustainable yield of 210,000;

(4) Guelph models by Capstick *et al.* indicating, for three of the five models recommended for consideration by its authors, a pup production of 249,000-313,000 with a sustainable yield of 103,000-130,000 (113,000-140,000 if catch at Greenland and northern Canada included as in (1), (2), and (3) above.)

Regarding advice on management, the majority of Scientific Advisers agreed that the population level of 1+ seals producing maximum sustainable yield (MSY) was approximately 1.6 to 2.0 million with an MSY of 240,000-270,000 (assuming the same age composition of the catches as in recent years). All assessments, except the Guelph models, indicated that a TAC of 170,000 (including Greenland and northern Canada) would allow the population to increase to this level in 15-20 years, whereas the Guelph models indicated that catches above 130,000 (exclusive of Greenland and northern Canada) would cause a decline.

A recent increase was noted in harp seal catches by landsmen, particularly in that part of the catch taken by small vessels (< 150 tons). Vessel numbers increased from 45 in 1972 to 180 in 1976.

With regard to harp seal-fish interactions, the Scientific Advisers noted that a wide spectrum of food is taken, comprising mostly small pelagic fish and crustaceans. The annual consumption may be 300,000-500,000 metric tons, there being insufficient data on energetics to specify food requirements precisely. The Scientific Advisers reported that, because of the complexity of the system involved, it would be many years before models of predictive value could be available.

Research recommended for 1977 on harp seals by the Scientific Advisers included:

(1) complete aerial ultra-violet survey with good survey design and rigorous ground control;
(2) detailed age and sex sampling of landsmen's catches;
(3) further study of natural mortality rates of immatures;
(4) studies on age at maturity and pregnancy rates for both the Gulf and Front; and
(5) studies of the sex ratio of catches at each age-class.

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[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

[2] Also ICNAF Summ.Doc. 76/XII/47, Serial No. 4020.

The delegate of Norway asked why the production and sustainable yield figures of the Guelph models were low compared to those from the other assessments. Dr Mansfield replied that the Guelph model was based on a projection forward from a population based on a pup production of 645,000 in 1951 obtained from the first aerial census which might not be correct. Also, hypothetical natural mortality rates used were higher for immature seals than those determined in the other assessments.

The delegates of Canada and Denmark, in commenting on the Report of the Scientific Advisers, congratulated the scientists on the progress being made in narrowing their differences regarding production, yield and allowable catches. They were pleased to note the close preparatory international cooperation among the scientists involved and felt that the work could be supported with confidence.

The Panel Members agreed that the policy of allowing slow increase of the stock to maximum sustainable yield (MSY) level should be the basis for the future work of the scientists in providing advice for management of the seal stocks.

The delegate of Canada referred to the excellent scientific cooperation in ICNAF and assured the Panel Members that such cooperation by Canadian scientists would continue regardless of the future management regime in the Northwest Atlantic area.

(b) Relationship between harp seals and fish populations

The Chairman drew attention to the Report of the Scientific Advisers which pointed out that, because of the complexity of the seal-fish interaction, it would be many years before predictive models could be produced. The delegate of Canada pointed out that, although major advances in the dynamics of fish populations were leading to better management, there were changes in rates of removal of fishes which could not be explained as the results of fishing; the seal-fish relationship could be one of the causes of such changes and should be part of a more extensive study of their interaction with other species such as the birds and whales in the ecosystem.

The delegate of Denmark agreed that more knowledge of species interactions was needed. He recognized that, although the seal would be preferred to capelin in Greenland hunting districts, the situation may be different in the Newfoundland area.

The delegate of Canada pointed out that capelin harvesting was being approached very cautiously as its relationship in the seal-capelin-cod complex was virtually unknown. He suggested that an expanded program and sophisticated modelling was necessary and urged other countries to join in this type of study. Scientists from Canada and Denmark pointed out that this problem was recognized by fishery institutions and scientists throughout the world and that ICES papers on the subject of interspecies relationships had recommended an increase in studies on the subject in the North Atlantic as a whole.

(c) Conservation measures

The delegate of Canada again expressed his pleasure at the progress the scientists had made. As a preliminary view, he was prepared to accept a TAC (including Greenland and northern Canada) of up to 170,000 as it would allow for rebuilding the stock to the MSY level. He felt, however, that there could be further improvement to conservation by restricting capture of 1+ harp seals by the large vessels to a maximum of 2%. He acknowledged that there was a need for time for all to consider such a proposal and suggested Panel Members explore through correspondence and be prepared to make a decision at a short Panel Meeting to be held in conjunction with the Special Commission Meeting in December 1976.

The delegate of Denmark noted that the previous basis for management had been by seal pup unit and saw some good in restricting the catch of older seals in the Front. However, he would like to study the effect of such a measure on the Greenlanders' catch and on the hunting pattern.

The Chairman of the Greenland Provincial Council, Mr L. Chemnitz, addressed the Panel saying how happy he was to attend and to gain new knowledge and hear the views of others. He emphasized the great dependence of the Greenlanders on seals which were used for food, clothing, and the export of fur. He said that Greenlanders think it immoral to take seals for their fur only and, therefore, disliked seeing the ships taking seal pups. He noted that there had been a decrease in the numbers of seals at Greenland over the last 10 years and that Greenlanders had no objection to the catch limitation proposal as they wanted to see the stocks rebuild as soon as possible.

The delegate of Norway pointed out that there were difficulties for everyone. He believed that a TAC of 170,000 was a conservative one and he could agree with it but only for the 1977 sealing season. He agreed that a decision should be delayed until the time of the Commission's December Meeting.

The delegate of Canada expressed his pleasure at the general agreement with the conservative approach of a 170,000-TAC and assured the Panel Members that improvement through the reduction in capture of older seals would help the Greenlanders. He pointed out that, with the decline in the Canadian finfish fisheries, seal hunting was becoming more important to the coastal communities. He assured the Panel Members that the use of seals for food was high and studies were underway to make even greater use of seals for protein.

The Chairman noted that the TAC of 170,000 would rebuild the stock level to MSY in 15 to 20 years, whereas the Greenlanders had said they would like to see restoration as soon as possible. He asked if the scientists could develop models showing restoration periods using various percentages of captures of 1+ seals. The Chairman of Scientific Advisers replied that the present model uses 80% pup capture and that other calculations could be made if required.

The delegate of Canada, noting the short time to the December Meeting and the need for further scientific examination of the conservation measures to be applied, suggested that Canada would submit a written proposal to Denmark and Norway including the scientific rationale respecting implications for the TAC and rebuilding of the seal stocks.

The Chairman agreed and suggested that new data could be put into the Benjamínsen and Lett model to provide new advice.

The Chairman of the Scientific Advisers pointed out that any change in the model of the pup to adult capture ratio would not change the TAC but would only give different times to attainment of the MSY.

The delegates of Denmark and Norway agreed that it would be difficult to have a Scientific Advisers Meeting to look at the problem and agreed that the scientists should be encouraged to develop new data which Canada would take into account in presenting its proposal with the scientific rationale to Denmark and Norway before the Panel Meeting in December 1976.

The delegate of Canada proposed using the same opening and closing dates and times for the hunt as set in 1976 (opening 0900 hrs GMT 12 March and closing at 2400 hrs GMT on 24 April) with the proviso that Canada and Norway might agree to delay the hunt in order that the proposed aerial photographic study of the Gulf and Front could be completed.

The delegates of Norway and Denmark agreed to the opening and closing dates and times for the hunt. The delegate of Norway stressed that after the closing time all killing must stop but, with the clear understanding, that previously killed seals could be taken on board the ships. The delegate of Canada supported this understanding.

The Chairman, in reviewing the discussions, noted that tentative agreement had been reached on a TAC of 170,000 and the opening and closing dates and times for the hunt, and that further consideration would be given to reducing the take of 1+ seals. The Panel Members agreed to look forward to the Canadian proposal with its scientific rationale and to the allocation of a final agreed TAC at the December Meeting of the Panel.

6. Consideration of Hooded Seal Matters

(a) Scientific advice

The Chairman of the Scientific Advisers reported that an incomplete aerial photographic survey of the Davis Strait area showed approximately 5,000-10,000 animals. The Front hunt was intensive but the Norwegian catch per unit of effort had remained stable. There would thus seem no reason to recommend a change in the current TAC of 15,000. He stressed the need for population modelling as done for harp seals, an aerial photographic survey of Davis Strait and completion of analysis of Norwegian age data from moulters in Denmark Strait.

(b) Conservation measures

The delegate of Canada believed that the scientific basis for harp seal management was stronger than for hooded seals and that the future research and modelling proposed would give a much firmer basis for hooded seals next year. The delegate of Norway, in response to the Chairman's question, reported that completion of the Norwegian age data analysis depended on program priorities, funding and manpower. He could not promise completion for next year.

The delegate of Canada expressed concern regarding the 15,000 TAC level. He noted that there had been a recent increase in the West Greenland catches which had not been included in previous assessments. He looked forward to the development of a model which included data from Newfoundland, Greenland, and the northern areas combined. He preferred a lower TAC than 15,000 but would find the 15,000 more acceptable if, to improve the quality of the conservation, the numbers of breeding females taken would be reduced from the current 20% to less than 10%. He realized the suggestion was new and needed study before any decision was made. He further suggested that Canada would submit a proposal with attached scientific rationale which could form the basis for a decision at the December Meeting.

The delegate of Denmark questioned whether the increased catch at West Greenland was due to greater abundance or greater availability. He agreed that a model should be developed, taking into account all available data, and that efforts should be directed toward determining the relationship between the seal herds in the Denmark and Davis Straits, on the Front and at Jan Mayen Island. He agreed that, although the

suggested TAC of 15,000 was based on the history of catches and might be a little high, the stable Norwegian catch per unit of effort indicated that the abundance was not affected. He looked forward to studying the Canadian proposal for lowering the percentage of breeding females taken in the hunt. He felt that the 1976 prohibition from killing whelping seals in Davis Strait from vessels over 50 gross tons should be retained for the 1977 season.

All Panel Members agreed that the regulation prohibiting the killing of whelping hooded seals in Davis Strait by vessels over 50 gross tons should be maintained for 1977.

The delegate of Canada suggested that the opening and closing dates and times for the 1977 hunt should be the same as for 1976 but he said there was considerable concern about the opening and closing times for the killing of hooded seals each day because of the shots that were missed due to the darkness at the times set in the 1976 regulations. The delegate of Norway agreed that the 1977 opening and closing dates should be as for 1976 (1000 hrs GMT on 22 March to 2400 hrs GMT on 24 April) and suggested that the prohibition to kill should be changed for vessels on the Front during the open season each day, from "between the hours of 2300 GMT and 1000 GMT up to 31 March..." to "between the hours of 2200 GMT and 0900 GMT up to 31 March..."

All Panel Members agreed to this suggestion and to leave the final decision on TAC and allocations, reduction of kill of breeding females and opening and closing dates and times for the season and daily hunting times to the December Meeting when the Canadian proposal with attached scientific rationale would have been circulated and studied.

7. Other Matters. The Panel noted that resolution (3) from the 1976 Annual Meeting (1976 Annual Meeting Proc. 14, Appendix III) provided for early implementation of the 1977 harp and hooded seal conservation proposals to be approved at the December 1976 Meeting of the Panel.

The Panel agreed to adopt the research plans proposed by the Scientific Advisers for harp and hooded seals for 1977. The delegate of Norway agreed that funds would be made available for Mr Benjaminsen (Norway) to meet with Mr Lett (Canada) in Canada during the summer of 1977, at a time and place to be agreed by correspondence, to develop a model of the hooded seal population. An invitation was extended to have a Danish scientist take part in the exercise.

8. Release of Research Documents. The Chairman of Scientific Advisers reported that, because of public interest in seal management, pertinent documents might be released to the public with prior approval of the author(s). Each document published would have a label reading, instead of "Restricted" as at present, "Not to be cited without prior reference to the author(s)". The Panel agreed that this was a valuable suggestion and could be helpful in preventing some of the misunderstandings which were occurring.

9. Approval of Report. The Panel agreed that the Executive Secretary would circulate copies of a draft of the Panel A Report to participants. Heads of delegations would collect suggestions for changes and send them to the Executive Secretary for preparation of a revised draft to be sent to heads of delegations before final approval at the December Meeting of the Panel.

10. Future Meetings. The Panel agreed that the Scientific Advisers meeting should be held in the autumn of 1977, perhaps at the time of the ICES meeting, but the final decision would be made at the December Meeting of the Panel.

The Panel agreed that its next meeting would be held beginning 0830 hrs on 1 December 1976 at the site of the Ninth Special Commission Meeting, Tenerife, Canary Islands.

11. Adjournment. There being no other business, the Panel adjourned at 1325 hrs, 14 October 1976.

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Appendix IV
Annex 1[2]

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

Special Meeting of Panel A (Seals)
Copenhagen, Denmark, 14 October 1976

List of Participants

(Head of Delegation underlined)

Chairman: Mr E. Lemche, Ministry for Greenland, Hausergade 3, DK-1128 Copenhagen K. Denmark

CANADA

Commissioners:

Dr M.P. Shepard, International Directorate, Fisheries and Marine Service, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A 0H3
Mr K. Henriksen, Fishery Products Ltd., P.O. Box 25, General Post Office, St. John's, Nfld.

Advisers:

Mr D.G. Barrett, Fisheries and Marine Service, Department of Fisheries and Environment, P.O. Box 5667, St. John's, Nfld. A1C 5X1
Mr T.V. Curran, Fisheries and Marine Service, Department of Fisheries and Environment, Goose Bay, Labrador
Mr F. Dopplinger, Department of Fisheries, Province of Newfoundland, St. John's, Nfld.
Mr C.G. Friend, Fisheries and Marine Service, Department of Fisheries and Environment, Information Branch, Ottawa, Ont.
Capt F.M. Johnson, Johnson Combined Enterprises, Catalina, Nfld.
Dr A.W. Mansfield, Fisheries and Marine Service, Department of Fisheries and Environment, Arctic Biological Station, Ste. Anne de Bellevue, P.Q. H9X 3L6
Dr A.W. May, Resource Services Directorate, Fisheries and Marine Service, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A 0H3
Mr M.C. Mercer, Resource Services Directorate, Fisheries and Marine Service, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A 0H3
Dr D.E. Sergeant, Fisheries and Marine Service, Department of Fisheries and Environment, Arctic Biological Station, Ste. Anne de Bellevue, P.Q. H9X 3L6
Capt A.M.C. Shaw, Mayhaven Shipping Ltd., Halifax, N.S.

DENMARK

Commissioners:

Mr Sv.Aa. Horsted, Grønlands Fiskeriundersøgelser, Jaegersborg Allé 1B, DK-2920 Charlottenlund
Mr E. Lemche, Ministry for Greenland, Hausergade 3, DK-1128 Copenhagen K

Advisers:

Mr L. Chemnitz, Chairman of Greenland Provincial Council, Box 615, 3900 Godthaab, Greenland
Mr N.C. Heitmann, Box 2, 3912 Sukkertoppen, Greenland
Mr C. Jensen, Ministry for Greenland, Hausergade 3, DK-1128 Copenhagen K
Miss A. Buck Jørgensen, Ministry for Greenland, Hausergade 3, DK-1128 Copenhagen K
Mr F.O. Kapel, Grønlands Fiskeriundersøgelser, Jaegersborg Allé 1B, DK-2920 Charlottenlund
Mr G. Martens, Box 615, 3900 Godthaab, Greenland

NORWAY

Commissioners:

Dr Å. Jonsgård, University of Oslo, Oslo
Mr T. Øritsland, Institute of Marine Research, P.O. Box 2906, 5011 Bergen-Nordnes

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

[2] Also Appendix I of ICNAF Summ.Doc. 76/XII/47, Serial No. 4020.

Advisers:

Mr E. Aas, Ministry of Fisheries, Oslo
Mr A. Aasbø, Directorate of Fisheries, P.O. Box 185-186, 5001 Bergen
Mr T. Benjaminsen, Institute of Marine Research, P.O. Box 2906, 5011 Bergen-Nordnes
Mr N. Bølset, Ministry of Foreign Affairs, Utenriksdepartementet, Oslo-Dep.
Capt G. Jakobsen, Norwegian Fishermen's Association, P.O. Box 567, 9001 Tromsø
Mr K. Kristoffersen, Norwegian Seamen's Association, Oslo

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Proceedings No. 4
Appendix IV
Annex 2[2]

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

Special Meeting of Panel A (Seals)
Copenhagen, Denmark, 14 October 1976

Agenda

1. Opening by the Chairman, Mr E. Lemche (Denmark)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Report of Meeting of Scientific Advisers, Copenhagen, 11 and 12 October 1976, by Chairman, Dr A.W. Mansfield (Canada)
5. Assessment of the relationship between seal and fish populations
6. Conservation requirements
   (a) for harp seals
   (b) for hooded seals
7. Research requirements
8. Approval of Panel Report
9. Date and place of next meeting of Panel A and Scientific Advisers
10. Other business
11. Adjournment

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

[2] Also Appendix II of ICNAF Summ.Doc. 76/XII/47, Serial No. 4020.

International Commission for the Northwest Atlantic Fisheries

Serial No. 4075
(B.e.76)

Proceedings No. 5

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

Report of Meetings of Panel 1

Monday, 6 December, 1030 hrs
Tuesday, 7 December, 1330 hrs

1. Opening. In the absence of the Chairman, Mr V.M. Kamentsev (USSR), the Panel agreed that he be replaced by Mr A.A. Volkov (USSR) who opened the Meeting.

2. Rapporteur. Mr E.B. Young (Canada) was appointed Rapporteur.

3. Agenda. The Agenda, as circulated, was adopted.

4. Review of Panel Membership. Representatives of all Panel Member Countries were present. The Meeting was also attended by Observers from Canada, GDR, Italy, Japan, Romania, EEC, FAO, ICCAT, and ICES.

5. Conservation Requirements

(a) Shrimp in Subarea 1. At the June 1976 Annual Meeting, the Panel agreed that the TAC and national allocation for shrimp in Subarea 1 for 1977 should be decided at a special meeting later in the year.

The Report of the Shrimp Working Group (Redbook 1977, Part A, Appendix I) and that part of the STACRES Report (Redbook 1977, Part A) dealing with shrimp in Subarea 1 were reviewed by the Chairman of the Working Group, Mr E.C. Lopez-Veiga (Spain). It was stated that there was considerable new information on the general biology of shrimp. Estimated offshore catch for 1976 was about 41,000 tons. A reasonable minimum estimate of the offshore fishable stock size in 1976 for the whole of the West Greenland offshore area would be 100,000 tons.

STACRES recommended (1) a TAC for 1977 of 40,000 tons (offshore fisheries), including all discards; (2) adoption of a minimum mesh size of 40 mm (stretched, nylon); and (3) restriction of offshore catches outside the Disko Bay area to 3,200 tons annually.

Under Plenary Agenda Item 6, Further Consideration of Conservation Measures for Shrimp in Subarea 1, the Chairman asked the delegate of Denmark to introduce his proposal (Comm.Doc. 76/XII/70). The delegate of Denmark explained that this fishery was of growing importance to his country in view of the serious setbacks in cod and salmon fisheries, that it was his delegation's view that the TAC should be set at a more conservative level, namely, 36,000 tons (including discards) with 29,000 tons allocated to Denmark as coastal state and 7,000 tons to "Others". He further suggested a breakdown by areas as set forth in Comm. Doc. 76/XII/70 and illustrated by the map attached as Fig. 1. He also proposed adoption of the minimum mesh size recommended by STACRES with the proviso that existing codends might be used until 1 January 1978. The delegate of Norway expressed surprise at the suggestion of a lower TAC than that recommended by STACRES and recommended acceptance of the 40,000-ton TAC which the scientists had recommended. The delegate of Denmark further explained the importance of being more conservative in establishment of the TAC since the Shrimp Working Group Report reflected that the TAC was based on the 1976 stock situation and that not much was known about recruitment. However, this did not convince the delegates of Norway, Poland, Spain, or USSR. The delegates of France, Fed.Rep. Germany, and the UK supported the Danish proposal for the lower TAC.

Considerable discussion ensued on the breakdown of the TAC by areas. The delegate of Denmark suggested a modification of his proposal which would allow greater flexibility. Referring to the map (Fig. 1) this would involve a possible 6,000-ton TAC from the most northern area, the same 3,000-ton TAC for the area immediately south of this, a possible 28,000-ton TAC from the areas marked in Div. 1B and 1C combined, and 3,000 tons in the most southern area. A proviso on the two possible modifications to 6,000 tons in the north and 28,000 tons in Div. 1B and 1C would be that the total of these must not exceed 30,000 tons, so that the total TAC is kept at 36,000 tons.

Following considerable discussion, no agreement could be reached on either total TAC or breakdown into areas. The subjects were left open for a decision at a second meeting of the Panel. The Panel, however,

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

agreed to recommend

that the Commission adopt a minimum mesh size of 40 mm (synthetic twine) for the offshore shrimp fishery in Subarea 1, excepting that existing codends can be used until 1 January 1978 (Appendix I).

(b) Cod in Subarea 1. The delegate of Denmark pointed out that a TAC of 31,000 tons was approved at the June Meeting. He proposed an allocation of 29,000 tons for Denmark, and 2,000 tons for "Others". This proposal was supported by the delegate of UK. Following much discussion on the possible division of the 2,000-ton quota for "Others", the delegate of Portugal pointed out the difficulty for gillnetters and long-liners who engaged in a summer fishery only, by which time the "Others" quota might well be used up. He asked for special consideration outside the 2,000-ton allocation for "Others" for these vessels. This could be achieved by applying the same rules for these vessels as in NEAFC. This proposal was supported by the delegate of Norway and also by the delegate of Spain, with Spain indicating that some understanding would have to be reached concerning trawler operations. Upon questioning, it appeared that, although no definite figures were available, the longline and gillnet fishery might account for upwards of 1,500 to 2,000 tons. The delegate of Denmark pointed out that this increase was totally unacceptable in view of the original STACRES recommendation in Montreal of a zero quota. Expressing their preferences for the two proposals, the Danish proposal was supported by six Members, the Portuguese proposal by three Members; accordingly, the Danish proposal was adopted by the two-thirds majority. The Panel, therefore,

agreed to recommend

that the 1977 national allocation of the TAC for Subarea 1 cod of 31,000 tons, adopted at the June 1976 Annual Meeting, be set at the levels given in Table 1.

6. Future Research Requirements. The Panel accepted the future research requirements as given in the Report of the Shrimp Working Group (Redbook 1977, Part A, Appendix I).

7. The Panel agreed that another meeting would be required, and recessed at 1810 hrs, 6 December.

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8. The Panel reconvened at 1330 hrs, 7 December, to consider further the TAC and allocation and breakdown of the TAC by areas, as set out in the Danish proposal (Comm.Doc. 76/XII/70) for regulatory measures for Subarea 1 offshore shrimp fisheries.

9. The delegate of Norway stressed the importance with which his country viewed the recent Special Meeting of NEAFC, and the lack of results from it because of the stand taken by the EEC countries. The discussions now centred around arrangements for Greenland waters, which are also EEC waters. Norway was prepared to go along with an ICNAF solution for 1977 if the results were reasonable for that country. However, he stressed that the Danish proposal was, in no way, satisfactory for Norway and that, if the TAC and breakdown by areas were put to a vote, Norway would vote against them. He hoped Denmark and other EEC countries would realize that this meeting was not the time for such decision. The outcome of this discussion would be most important for Norway's future negotiations on reciprocal arrangements between Norway and the EEC.

The Chairman asked for an indicative vote on the TAC of 36,000 tons. One Member was absent, but the vote of those remaining indicated seven in favour of the Danish proposal for a TAC of 36,000 tons, with only Norway voting against it. The Panel, therefore,

agreed to recommend

that the Commission adopt a TAC of 36,000 tons, including all discards, for shrimp in Subarea 1 (offshore area) in 1977 (Table 1).

On the question of allocation and breakdown of the TAC by areas, the Chairman read out the modification to the Danish proposal as set out in Section 5(a) of this report. The delegate of Denmark agreed that this was a correct interpretation of the modification, but that the tables would have to indicate the comparable flexibility in allocations to Denmark and to "Others".

Accordingly, the Panel, with Norway recording an objection,

agreed to recommend

that the 1977 national allocation and breakdown by areas of the TAC of 36,000 tons for shrimp in Subarea 1 be set at the levels given in Table 1.

10. Date and Place of Next Meeting. The Panel agreed that it would next meet at the time and place of the 27th Annual Meeting of the Commission in 1977.

11. Approval of Report. It was agreed that the draft report would be circulated among Members for approval.

12. Other Business. There was no other business.

13. Adjournment. The Panel adjourned at 1405 hrs, 7 December.

Table 1. Summary of TACs and national allocations for stocks in Subarea 1 for 1977.

	Northern Deepwater Prawn (= Shrimp)[1]					Cod
	1A (N69°30')	1A (S69°30') + 1B (N68°)	1B (S68°) + 1C	1DEF	1	1
TAC recommended by Scientific Advisers					40,000	0
Bulgaria	-	-	-	-	-	-
Canada	-	-	-	-	-	-
Cuba	-	-	-	-	-	-
Denmark	4,800[2]	2,400	22,600[2]	2,400	29,000	29,000
France	-	-	-	-	-	-
Fed.Rep. Germany	-	-	-	-	-	-
German Dem.Rep.	-	-	-	-	-	-
Iceland	-	-	-	-	-	-
Italy	-	-	-	-	-	-
Japan	-	-	-	-	-	-
Norway	-	-	-	-	-	-
Poland	-	-	-	-	-	-
Portugal	-	-	-	-	-	-
Romania	-	-	-	-	-	-
Spain	-	-	-	-	-	-
USSR	-	-	-	-	-	-
UK	-	-	-	-	-	-
USA	-	-	-	-	-	-
Others	1,200[3]	600	5,400[3]	600	7,000	2,000
Total allocated catches	6,000[4]	3,000	28,000[4]	3,000	36,000	31,000

[1] TACs and allocations pertain to offshore fishing grounds in Subarea 1.

[2] Sum of these catches not to exceed 24,200 tons.

[3] Sum of these catches not to exceed 5,800 tons.

[4] Sum of these catches not to exceed 30,000 tons.

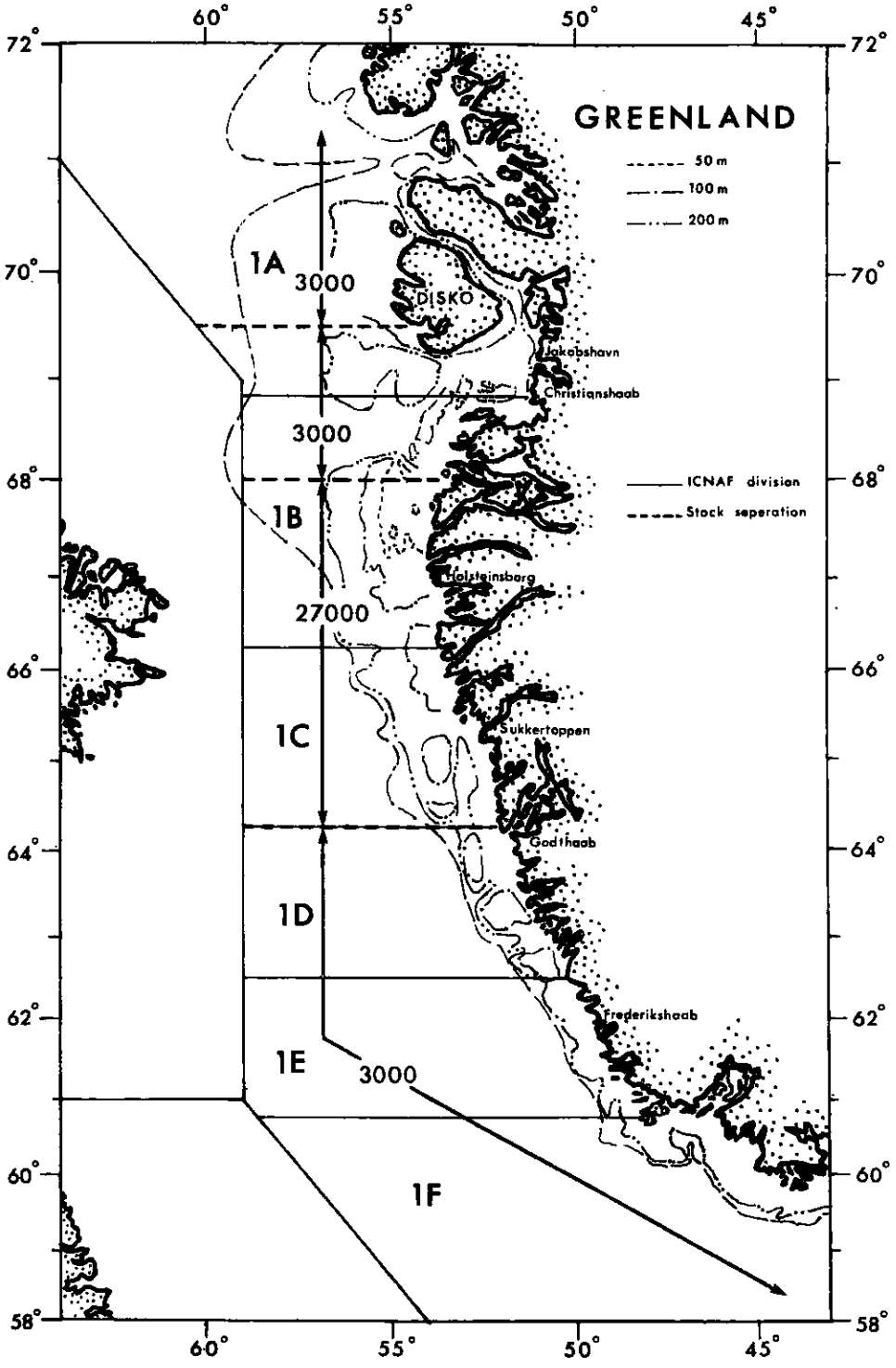

Fig. 1. Western Greenland showing proposed area quota allocations of the TAC of 36,000 tons for shrimp in Subarea 1.

Serial No. 4075
(A.a.4)

Proceedings No. 5
Appendix I

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

(2) Proposal for International Regulation Respecting the Fishery for Northern Deepwater Prawn (Shrimp) in Subarea 1 of the Convention Area

Panel 1 recommends that the Commission transmit to the Depositary Government the following proposal for joint action by the Contracting Governments:

"1. That Contracting Governments take appropriate action to prohibit the taking of northern deepwater prawn (shrimp), *Pandalus borealis*, in Subarea 1 of the Convention Area by persons under their jurisdiction with trawl nets having in any part of the net, meshes of dimensions of less than 40 mm or 1-5/8 inches measured by the ICNAF gauge specified below. These mesh sizes relate to synthetic fibre twine netting.

(a) Mesh sizes are measured by a flat wedge-shaped gauge having a taper of 2 centimeters in 8 centimeters and a thickness of 2.3 millimeters, inserted into the meshes under a pressure or pull of 5 kilograms. The mesh size of a net shall be taken to be the average of the measurements of any series of twenty consecutive meshes, at least ten meshes from the lacings, and when measured in the codend of the net beginning at the after end and running parallel to the long axis.

"2. That Contracting Governments prohibit the use, by persons to whom this proposal would apply, of any means or device other than those described in paragraph 3, which would obstruct the meshes of the nets or which would otherwise, in effect, diminish the size of the meshes of the nets, provided that devices may be attached to the upper side of the codend in such a manner that they will not obstruct the meshes of the codend. Any such device, on the basis of scientific evidence, must not obstruct the meshes or reduce significantly the selectivity of the codend.

"3. That the Contracting Governments may permit any canvas netting, or other material to be attached to the underside only of the codend of a net to reduce and prevent damage.

"4. That this regulation will not enter into force for Contracting Governments until 1 January 1978 in order to provide Contracting Governments an additional period to acquire and distribute to their vessels new trawl nets that comply with the above regulation."

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

International Commission for the Northwest Atlantic Fisheries

Serial No. 4076
(B.e.76)

Proceedings No. 6

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

Report of Meetings of Panel 4

Friday, 3 December, 1650 hrs
Wednesday, 8 December, 1330 hrs

1. Opening. The Meeting was called to order by the Chairman of Panel 4, Mr K. Løkkegaard (Denmark). All Member Countries were present, as well as Observers from the EEC and FAO.

2. Rapporteur. LT T.R. McHugh (USA) was appointed Rapporteur.

3. Agenda. The Agenda was adopted.

4. Consideration of Conservation Measures for Silver Hake in Div. 4VWX of Subarea 4. The Chairman called the Panel's attention to the Canadian proposal that the Panel adopt the 70,000-ton TAC recommended by STACRES and national allocations of 15,000 tons for Canada, 9,000 tons for Cuba, 45,400 tons for USSR, 100 tons for USA, and 500 tons for "Others". The delegate of Canada noted that, although Canadian fishermen had not conducted an extensive silver hake fishery in recent years, major Canadian fishing fleets were based near the hake grounds, and Canadian fishermen intended to expand their activities in this fishery to offset losses arising from declines in other stocks. Panel 4

agreed to recommend

that a TAC of 70,000 tons, as recommended by STACRES, be adopted for Div. 4VWX silver hake for 1977. (Table 1).

With regard to the allocation of this TAC, the delegate of Bulgaria pointed to the catches made by Bulgaria in 1975 and 1976 (ICNAF Summ.Doc. 76/XII/48) and requested a specific allocation for Bulgaria of 2,000 tons. The Bulgarian claim concerning Panel 4 allocations had been discussed at the January 1976 Special Meeting (January 1976 Mtg. Proc. No. 5). The moment for solving the Bulgarian problem had come as Bulgaria had been a member of Panel 4 for three years without having received specific allocations. The delegate of Canada reminded the Panel of the great decreases suffered by other distant-water countries which had fished for silver hake in Subarea 4. He pointed out that Canada's proposal did not change the "Others" allocation for 1977 and that, although he thought that the Bulgarian request for 2,000 tons might be too large, he had no objection, in principle, to Bulgaria being given a specific allocation. The Chairman suggested that a small percentage, perhaps 2%, could be taken from each of the specific allocations in Canada's proposal to provide a specific allocation for Bulgaria. In a brief discussion initiated by the Chairman, the delegates of Cuba and USSR stated that they would be receptive to small percentage reductions in their allocations to meet Bulgaria's special circumstances. The delegate of USA stated that the US allocation was so small that it would not be appropriate to comment. The delegate of Canada proposed, as a means of solving Bulgaria's problem, that, if each of the specific allocations were reduced by 1% and the "Others" allocation in the Canadian proposal was reduced from 500 to 240 tons, the Panel could establish a 950-ton quota for Bulgaria. The delegate of Bulgaria stated his appreciation but 950 tons was not sufficient to meet Bulgaria's needs. The delegate of Canada considered that it would be difficult to accommodate Bulgaria's needs out of Canada's allocation if Canadian coastal fishermen were to be allowed the potential to develop their silver hake fishery. For example, some stocks of redfish had been depleted and the diversion of Canadian effort to silver hake would be seen in 1977. Other fishery resources were required for the coastal fisheries, especially in the Nova Scotia area. The Panel agreed that further consideration of the allocations for silver hake be deferred.

The delegate of Canada outlined other conservation measures contemplated for silver hake. Because of the by-catch problem, the Panel at the Annual Meeting in June 1976 had set a 60-mm minimum mesh size and had discussed the possibility of limiting the hake fishery to pelagic trawls except for experimental work. As a result of additional studies since the 1976 Annual Meeting, Canada now was preparing regulations for the hake fishery based on four considerations: first, the 60-mm minimum mesh-size regulation; second, limiting bottom trawling with small mesh sizes to deeper water in the summer months when other species would not be concentrated in those areas; third, establishing a seasonal limitation on hake fishing; and

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

fourth, conduct of research fishing with scientific or technical observers on board to obtain catch data and note the effects of the mesh-size regulations. Additional information on these measures would be made available prior to the next meeting of Panel 4.

5. Consideration of Conservation Measures for Flounders (Yellowtail, Witch and American Plaice) in Div. 4VWX of Subarea 4. The Chairman pointed out that the TAC for these stocks had been set at 28,000 tons at the 1976 Annual Meeting. The delegate of Canada pointed out the allocations proposed by Canada of 26,000 tons for Canada, 250 tons for France, 1,000 tons (by-catch only) for USSR, 500 tons for USA, and 250 tons (by-catch only) for "Others". He noted that Canada has had a long history of participation in this fishery, had the experience, the ships, and the industry to handle the catch, and had a great economic need for the fishery. The allocations to France and the USA were based on the long history of participation by fishermen from adjacent coastal areas in the fishery. Allocations for by-catch had to be taken into account because of the other fisheries conducted in the area. In response to a comment from the delegate of USSR, who suggested that the allocation for the USA also be reserved for by-catch only, the delegates of USA and Canada pointed out that the USA had a long history of a directed flounder fishery in Subarea 4. Panel 4

agreed to recommend

that the national allocation of the TAC of 28,000 tons for flounders in Div. 4VWX for 1977 be set at the levels shown in Table 1.

6. Consideration of Conservation Measures for Herring in Div. 4XW(b) of Subarea 4. The Chairman noted that the TAC for this stock had been set at 84,000 tons at the 1976 Annual Meeting. The delegate of Canada pointed out the allocations proposed by Canada of 82,000 tons for Canada, 1,000 tons for USA, and 1,000 tons (by-catch only) for "Others". He noted that this stock was fully exploited by a highly efficient coastal fishery located in Nova Scotia and New Brunswick; a fishery that was so efficient, in fact, that it often had to be closed early in the year to avoid overfishing. The USA was provided an allocation because of its proximity to the area, and because US fishermen had participated in the fishery in past years. The delegate of Fed.Rep. Germany felt that the allocations proposed by Canada were unfair. Some countries which had conducted specific directed fisheries for herring in the area, notably the Fed.Rep. Germany, France, and the USSR, no longer would have allocations if the Canadian proposal was accepted, while the USA, which had not caught herring in Subarea 4 for a number of years, would receive 1,000 tons and "Others" would receive 1,000 tons for by-catch. He proposed that the US allocation in the Canadian proposal be added to "Others" and that directed fisheries be permitted on the resulting 2,000-ton allocation in "Others". The delegate of France supported these opinions. In response, the delegate of Canada stated that there clearly was no surplus herring resource, but, because of the proximity and close relationship between Canadian and US fishermen in the border areas, and the unavoidable by-catches of herring generated in other fisheries, specific allocations were necessary. Panel 4, with objections recorded by the Fed.Rep. Germany and France,

agreed to recommend

that the 1977 national allocation of the TAC of 84,000 tons for herring in Div. 4XW(b) be set at the levels shown in Table 1.

7. Panel 4 recessed at 1820 hrs, 3 December.

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8. Panel 4 reconvened at 1330 hrs, 8 December.

9. Further Consideration of Conservation Measures for Silver Hake in Div. 4VWX of Subarea 4 (see Section 4 for previous discussion). The Chairman pointed to the revised Canadian proposal for allocation of 950 tons to Bulgaria, 14,850 tons for Canada, 8,910 tons for Cuba, 44,950 tons for USSR, 100 tons for USA, and 250 tons for "Others". He noted that previous discussions had ended with Bulgaria stating some dissatisfaction with an allocation of 950 tons and called on the Bulgarian delegate of comment. The delegate of Bulgaria pointed out that he was accepting the silver hake quota of 950 tons for Div. 4VWX because there was no other alternative at present. He emphasized that Bulgaria had been a Member of the Panel for three years without having received a specific allocation. The Bulgarian quota of 950 tons of silver hake should not be taken as a basis for future allocations. He, therefore, reserved the right to raise the Bulgarian request for increased specific allocations of silver hake at future meetings.

Accordingly, Panel 4

agreed to recommend

that the 1977 national allocations for silver hake in Div. 4VWX be set at the levels shown in Table 1.

Prior to introducing a Canadian proposal for the regulation of small-mesh bottom-trawl fisheries in ICNAF Div. 4VWX of Subarea 4 of the Convention Area, the delegate of Canada took the opportunity to assure

the Bulgarian delegation that Canada's current inflexibility on the allocation of silver hake was not a reflection of Canada's position for the future allocations of the silver hake stock. With regard to the proposal for the regulation of fishing with small-mesh bottom trawls, he reported that it was the product of lengthy deliberations with Cuba and USSR, the countries most concerned with the silver hake fishery. The proposed regulations addressed the problem of by-catch by restricting bottom trawling with small-mesh nets to deeper waters. The proposal is a cautious approach to the by-catch problem; the shoreward boundary of the area, where fishing with small-mesh bottom trawls would initially be permitted, had been carefully examined and adjusted by experienced fishing skippers representing the countries concerned. A second element in the approach was a study of the problem of by-catch by the countries concerned carrying out a vigorous and jointly-planned program of comparative fishing by specially-licensed vessels using commercial gear to determine where fishing with small-mesh bottom trawls is possible without damage by by-catches. The program and results would be examined periodically to determine whether adjustments could be made in the areas and/or times at which fishing with small-mesh bottom trawls could be permitted. The proposal did not limit the places or times at which pelagic trawls could be used - it only limited the use of small-mesh demersal trawls. Vessels involved in the comparative fishing programs would be required to have technical observers aboard; it was intended to have Canadian observers on all participating vessels but, because it was not desirable to interrupt the fishing by a vessel if no Canadian observer was available, observers from any of the participating countries would suffice. One of the key elements in the program was to establish the confidence of the fishermen in the results of the bottom trawl fisheries and the degree of by-catch. The regulations might be adjusted during the course of the year after periodic review of the results of the program and these adjustments would be implemented by changes in Canadian regulations. He concluded by noting that Canada viewed the by-catch problem very seriously, but would honour its undertaking to give countries the opportunity to take their allocations.

The delegate of USSR agreed that the Canadian proposal was the result of painstaking efforts to reach a compromise. He appreciated that all countries would be given the opportunity to take their allocations. For its part, the USSR would do all it could to solve the by-catch problem. The delegate of Bulgaria noted that it might be difficult to conclude arrangements for Bulgarian vessels to be equipped with nets of the proper mesh size prior to the end of 1977, because they had to be imported and only in small numbers. The Panel agreed that this problem could be handled within the regulatory structure. Panel 4

agreed to recommend

that the Commission transmit to the Depositary Government, for joint action by the Contracting Governments, proposal (3) for the regulation of small-mesh bottom-trawl fisheries in Div. 4VWX of Subarea 4 of the Convention Area (Appendix I).

10. Panel 4 adjourned at 1400 hrs, 8 December.

Table 1. Summary of TACs and allocations for stocks in Subarea 4 in 1977.

	Flounders (Yellowtail, witch and American plaice)	Herring	Silver hake
	4VWX	4XW(b)	4VWX
TAC recommended by Scientific Advisers	28,000	84,000[2]	70,000
Bulgaria	-	-	950
Canada	26,000	82,000	14,850
Cuba	-	-	8,910
Denmark	-	-	-
France	250	-	-
Fed.Rep. Germany	-	-	-
German Dem.Rep.	-	-	-
Iceland	-	-	-
Italy	-	-	-
Japan	-	-	-
Norway	-	-	-
Poland	-	-	-
Portugal	-	-	-
Romania	-	-	-
Spain	-	-	-
USSR	1,000[1]	-	44,950
UK	-	-	-
USA	500	1,000	100
Others	250[1]	1,000[1]	240
Total allocated catches	28,000	84,000	70,000

[1] Reserved for by-catch only.

[2] Includes estimated inshore catch of 15,000 tons for 1977.

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

(3) Proposal for the International Regulation of Small-Mesh Bottom-Trawl Fisheries in Divisions 4VWX of Subarea 4 of the Convention Area

Panel 4 recommends that the Commission transmit to the Depositary Government the following proposal for joint action by the Contracting Governments:

"1. That the Contracting Governments take appropriate action to prohibit persons under their jurisdiction from using bottom trawls with a mesh size of less than 130 mm or attaching any protective device to pelagic fishing gear or employing any means which would enable a trawl with a mesh size of less than 130 mm to fish on the bottom in Divisions 4VWX of Subarea 4 of the Convention Area, except when engaging in a directed fishery for redfish and except as provided below.

"2. That the Contracting Governments may permit persons under their jurisdiction to fish with bottom trawls of a mesh size of less than 130 mm from 15 April to 15 November in the area south and east of the line bounded by the following coordinates:

42°10'N, 65°30'W, with the western boundary of the area being a line extending south and east (140° true) from this coordinate;
42°49'N, 64°11'W;
43°00'N, 63°30'W;
43°04'N, 62°30'W;
43°04'N, 62°00'W;
43°22'N, 61°09'W;
43°39'N, 60°00'W, with the eastern boundary of the area being a line extending due south (180° true) from this coordinate.

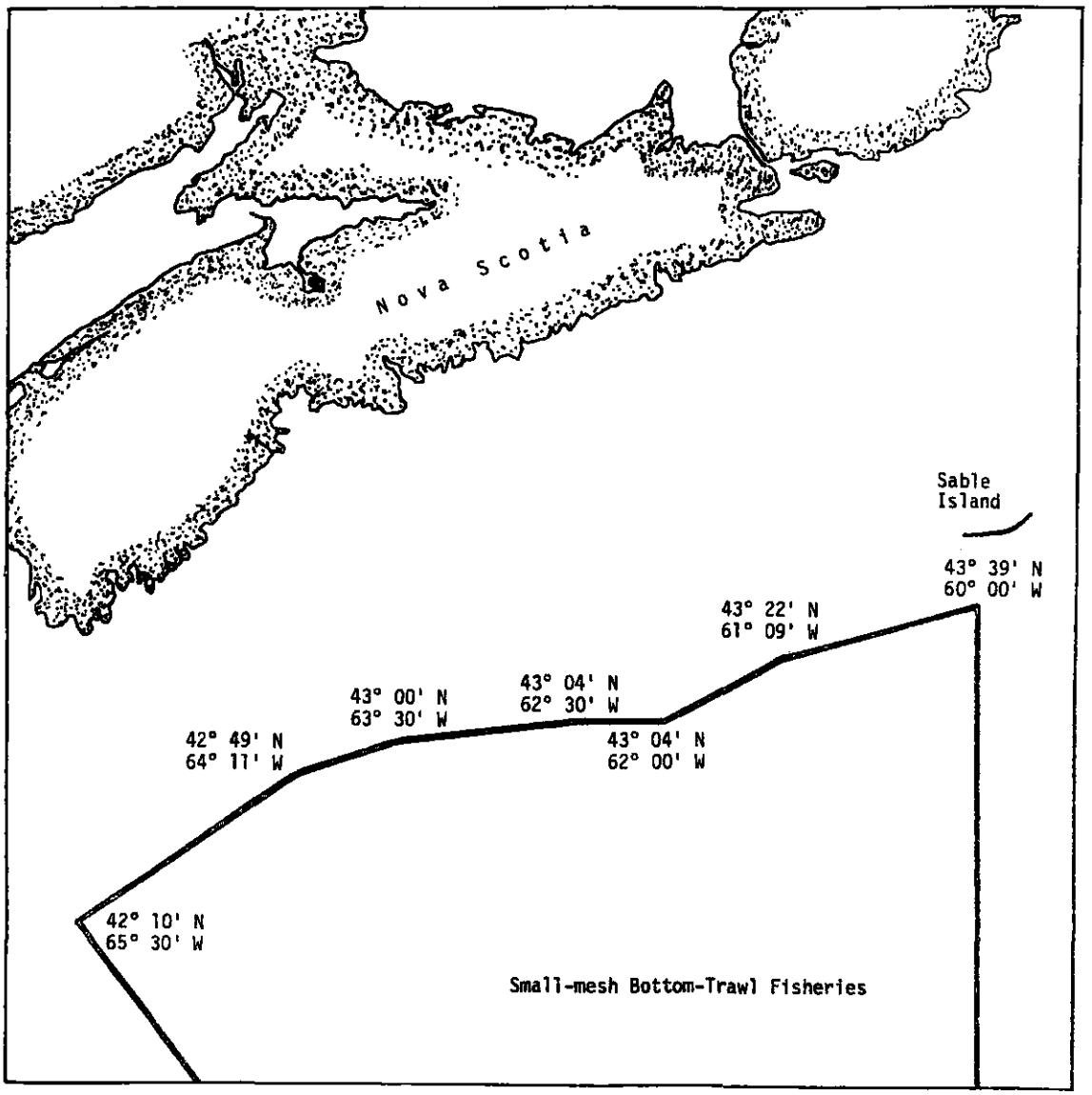
"3. That the Contracting Governments having a national allocation of silver hake in Divisions 4VWX of Subarea 4 will be permitted, in accordance with an agreed research program, to have a limited number of vessels using small-mesh bottom trawls fish in any area in Divisions 4VWX, subject to other regulations in effect in the area, in order to determine areas where small-mesh bottom-trawl fisheries may be conducted without taking significant quantities of other regulated species, providing each such vessel has a technical observer on board at all times while the vessel is fishing.

"4. That nothing in this proposal shall affect the trawl mesh-size requirements in force for silver hake in Subarea 4."

NOTE: The attached chart illustrates the area affected by this proposal.

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

Chart illustrating the area affected by Proposal (3) for the International Regulation of Small-Mesh Bottom-Trawl Fisheries in Divisions 4VWX of Subarea 4 of the Convention Area, adopted by the International Commission for the Northwest Atlantic Fisheries in Plenary Session on 9 December 1976



International Commission for the Northwest Atlantic Fisheries

Serial No. 4077
(R.e.76)

Proceedings No. 7

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

Report of Joint Meeting of Panels 3, 4, and 5

Friday, 3 December, 1130 hrs

1. Opening. The Meeting was called to order by the Chairman of the Commission. The Panels agreed that Dr J.A. Storer (USA), the Chairman of Panel 5, would preside over the meeting. All Members of the Panels were present, also Observers from the EEC.

2. Rapporteur. LT T.R. McHugh (USA) was appointed Rapporteur.

3. Consideration of Conservation Measures for Mackerel in Subareas 3, 4, and 5, and Statistical Area 6. The delegate of USA recalled that it had not been possible to reach a solution to the question of a mackerel assessment at the June 1976 Annual Meeting. In keeping with a commitment recommended by the Commission at that time, STACRES had used additional 1976 catch data to provide a refined assessment. However, minority remarks included in the STACRES Report were disappointing. In keeping with its June 1976 position, the USA was able to accept the recommendations made in the STACRES Report, and proposed that the Joint Panels agree to a TAC of 105,000 tons, because it allowed the greater probability for stock recovery. The delegate of USSR could not agree with the approach taken at the recent meeting of STACRES. The range of TAC of 105,000 to 133,000 tons recommended by STACRES was greatly affected by combining Polish and USSR age/length key data. This was not a satisfactory procedure to have used in the assessment. For example, if the age composition for all of the other catches were re-calculated using USSR data alone, the TAC would have been in the range of 200,000 tons; if solely Polish data were used, the TAC would have been less than 100,000 tons. Therefore, the age/length key data from each country must be used to calculate the age composition for that country's catch. In addition, he contended that using bottom-trawl survey data for the assessment of pelagic species was not adequate. He said that the USSR would stand by the TAC of 180,000 tons that its scientists had recommended in the STACRES Report. The delegate of Poland proposed that the TAC be set at 133,000 tons in view of the new strategy of setting TACs at the level of F_{opt} and of the fact that TACs of both 105,000 tons and 133,000 tons would provide some increase in spawning stock size.

At the request of the delegate of USA, the Chairman of STACRES pointed out that the advice given by STACRES had been agreed by a majority of the scientists, both in the Mackerel Working Group and STACRES itself. There were problems due to the small sample size from the USSR mackerel fishery and, for this reason, the age/length data from the USSR and Poland were pooled. In addition, the majority of the scientists agreed that the best and sometimes the only information available to them on year-class size came from the trawl survey results. The majority of the scientists had agreed that the advice contained in the STACRES Report was based on the best scientific information available. The delegate of USSR pointed out that the position taken by the USSR scientists in the STACRES Report was as follows:

> ".....,, the areas fished by Polish and USSR fishing fleets, and consequently the sampling areas, were considerably different. A possibility of existence of some differences in age-reading techniques should not be completely excluded. In this particular case, the doubts can be eliminated only by the joint work of experts of these countries. The mechanical pooling of "keys" resulted in a 50% decrease in the estimated 1973 year-class abundance at age 1 in comparison with the value obtained when using separate age/length keys (Res.Doc. 76/XII/169). The mackerel stock size in 1977 to a great extent depends on 1974 and 1975 year-class abundance. The estimation of these year-classes based on US bottom trawling surveys in the opinion of the USSR scientists failed to be scientifically justified, because its procedure does not allow reliable information to be obtained on mackerel, whose distribution is extremely unequal and, to a great extent, depends on environmental factors. The US bottom-trawling surveys, conducted in 1969, vividly showed to what extent the results could be distorted due to the above-mentioned reasons. Thus, the estimates of year-class strength run with abundance indices of these surveys are subject to very substantial errors. The commercial data of all countries fishing for mackerel evidently indicate a high abundance of 1974 year-class. The estimates of this year-class used in calculations are apparently extremely underestimated in the opinion of the USSR scientists."

Speaking at the request of the Chairman, the Chairman of the Mackerel Working Group pointed out that the USSR data had been the subject of long discussions. The key to the Working Group's efforts was to find the proportion of fish of different ages at different lengths. In the range of 22-27-cm length, there were

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

several groups of data which showed the majority of fish to be 2-year-olds. USSR data showed the majority of fish to be 3-year-olds. The Working Group had to make a decision based on the influences of the small sample size used for the USSR estimates, of possible different age-reading techniques, and of different geographic areas where the samples were taken. Considering these factors, the Working Group decided that the best solution was to pool the age/length keys.

The delegate of Canada suggested that the Panels take the advice expressed in the STACRES Report: "STACRES notes that, in view of the concern regarding any further reductions in spawning stock, the catch of 105,000 tons would clearly be the more prudent choice since an increase in spawning stock size would be more probable." He added that the mackerel discussions earlier in the year had produced one of the darker moments in ICNAF history and that adopting the STACRES advice would thus now be the best solution. Although Canada had a very small high seas fishery for mackerel, she did have a continuing interest in the most rapid recovery possible of the stocks. Thus, Canada would prefer a 105,000-ton TAC rather than a 133,000-ton TAC. A 180,000-ton TAC was unacceptable. The delegate of Poland pointed out that, in addition to the remarks noted by Canada, STACRES had said: "However, in view of the uncertainty regarding factors controlling spawning success, and the fact that spawning stock is expected to increase under both options (given that the assumptions for the adopted option are, in fact, true), members of STACRES were unable to make a clear choice between the two options." The delegate of USA stated that a 180,000-ton TAC was unacceptable. Further, USA did not intend to make any request beyond 6,300 tons for herself. This request, in combination with the lower TAC recommended by STACRES would accommodate the elements affecting international fishery deliberations - first, the biological estimates, second, management of the fisheries for the future, and third, the needs of others brought to light in an international forum. The delegate of Cuba added that this ICNAF Meeting was taking place under special circumstances which did not lend themselves to solutions by voting as in the past. He suggested that three steps be taken - first, divide the stocks between Subareas 3 and 4, and Subarea 5 and Statistical Area 6, second, satisfy the coastal state requests, and third, allocate the surplus. He suggested that it would be appropriate for the coastal states to propose allocation. The delegate of Canada stated that 30,000 tons would be sufficient in Subareas 3 and 4, with the remainder to be allocated in Subarea 5 and Statistical Area 6.

4. The Joint Meeting of the Panels recessed at 1250 hrs, 3 December.

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5. The Joint Meeting of the Panels reconvened at 1520 hrs, 3 December.

6. Further Consideration of Conservation Measures for Mackerel in Subareas 3, 4, and 5, and Statistical Area 6. The delegate of USA pointed out that the USA had proposed a TAC of 105,000 tons for the mackerel in Subareas 3, 4, and 5, and Statistical Area 6. The proposal reflected 30,000 tons for Subareas 3 and 4. In Subarea 5 and Statistical Area 6, a total of 11,300 tons was allocated for the coastal states (5,000 tons for Canada and 6,300 tons for USA) and the surplus of 63,700 tons was pro-rated among distant-water states based on 1976 allocations as follows: 4,000 tons for Bulgaria, 2,000 tons for Cuba, 1,100 tons for Fed.Rep. Germany, 12,400 tons for German Dem.Rep., 20,200 tons for Poland, 1,100 tons for Romania, 22,800 tons for USSR, and 100 tons for "Others". The delegate of Canada estimated his country's catch as 25,000 tons of the 30,000 tons proposed for Subareas 3 and 4, leaving 5,000 tons for "Others" to cover by-catch. The delegate of GDR expressed regrets that GDR scientists were not able to participate in the deliberations of STACRES. His delegation preferred the 133,000-ton TAC for 1977. However, he expressed his country's interest in a quick recovery of the stocks and the protection that would be afforded by the lower TAC. Therefore, he supported the proposals made by USA and Canada for a TAC of 105,000 tons with 75,000 tons for Subarea 5 and Statistical Area 6 and 30,000 tons for Subareas 3 and 4.

The delegate of Poland recommended a compromise single TAC of 120,000 tons for Subareas 3, 4, and 4, and Statistical Area 6 by removal of the coastal state requests and pro-rating the remainder among the distant-water countries. The delegate of Italy said that the allocations proposed by USA were not equitable. He noted that Italy had taken an average of 500 tons of mackerel each year, yet her needs had not been taken into account in the US proposal. Other countries had been given amounts of mackerel equivalent to their catch in recent years. In light of the fact that countries which had no traditional squid fisheries were given initial squid allocations at Italy's expense, it was not fair to exclude Italy from the mackerel fishery. The delegate of USA, supported by Cuba and Canada, pointed out that two TACs, one for Subareas 3 and 4, and another for Subarea 5 and Statistical Area 6, were needed for enforcement and the new Subarea 5 and Statistical Area 6 regulatory regime. In response to the delegate of Italy, it was noted that her mackerel catch was a by-catch in the squid fishery; only those countries which had conducted viable directed mackerel fisheries in the past had been given a specific allocation in the US proposal.

The delegate of Bulgaria noted that in no case in the past had the Commission, when presented with a choice of two options for a TAC, chosen the lower number. The STACRES Report reflected scientific approaches which advocated higher TACs. The suggested TAC of 105,000 tons represented only one-third of the TAC for mackerel in 1976. This would cause great difficulties for those countries with long-term directed fisheries for mackerel. Without objection to the principle of allocation presented by the USA, Bulgaria proposed that the Joint Meeting of the Panels adopt a minimum TAC of 133,000 tons as proposed in one option by STACRES.

The delegate of France advised the Panels that the coastal vessels of St. Pierre and Miquelon had a catch of approximately 300 tons outside the Convention Area.

Following additional comments concerning the US and Canadian proposals, the Joint Panels, with the exception of USSR and Bulgaria which continued to support a TAC of 180,000 tons and 133,000 tons, respectively,

agreed to recommend

that 1977 TACs and national allocations for the mackerel stocks in Subareas 3 and 4, and in Subarea 5 and Statistical Area 6, be set at the levels shown in Table 1.

7. The Joint Panels adjourned at 1600 hrs, 3 December.

Table 1. Summary of TACs and allocations for stocks overlapping in Subareas 3, 4, and 5 and Statical Area 6 for 1977.

	Mackerel	
	3+4	5+6
TAC recommended by Scientific Advisers	(105,000 to 133,000)[3]	
Bulgaria	-	4,000
Canada	25,000	5,000
Cuba	-	2,000
Denmark	-	-
France	-	-
Fed.Rep. Germany	-	1,100
German Dem.Rep.	-	12,400
Iceland	-	-
Italy	-	300[2]
Japan	-	-
Norway	-	-
Poland	-	20,200
Portugal	-	-
Romania	-	1,100
Spain	-	-
USSR	-	22,800
UK	-	-
USA	-	6,000[2]
Others	5,000[1]	100
Total allocated catches	30,000	75,000

[1] Reserved for by-catch (including 300 tons taken in Subdiv. 3Ps outside the Convention Area by France).

[2] USA agreed to give Italy 300 tons (Proc. No. 8, Appendix V).

[3] USSR and Bulgarian scientists proposed 180,000 tons.

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NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

Report of Meetings of Panel 5

Tuesday, 7 December, 1630 hrs
Wednesday, 8 December, 1050 and 2115 hrs
Thursday, 9 December, 1055 and 1735 hrs

1. Opening. The meeting was opened by the Chairman, Dr J.A. Storer (USA). All Members of the Panel were present, as well as Observers from the EEC and FAO.

2. Rapporteur. LT T.R. McHugh (USA) was appointed Rapporteur.

3. Agenda. The proposed Agenda was adopted.

4. Consideration of Conservation Measures in Subarea 5 and Statistical Area 6. The delegate of USA opened the discussion by expressing her delegation's appreciation for the time allowed for the preparation of a package of proposals for Subarea 5 and Statistical Area 6 and for the cooperation of the other delegations. She thought it only fair that the delegates should see all the proposals in their fullest form for consideration together. When the US delegation announced at the June 1976 Annual Meeting that the US Government would file its notice of intention to withdraw from ICNAF, it was stated that, in view of the enactment of the Fishery Conservation and Management Act of 1976, the USA could not remain in ICNAF, in its present form, beyond 1977. It was stated in Montreal, and was now being repeated, that the USA could not allow itself, as a nation, to be confronted with a conflict between the international treaty obligations of ICNAF and the requirements of its domestic law. The USA believed that its obligations under ICNAF did not need to be inconsistent with the requirements of the Fishery Conservation and Management Act, which was now a part of the body of its domestic law. But, if the USA should determine that those obligations, as they resolved themselves at this Special Meeting of the Commission, would make it impossible for USA to continue to participate in ICNAF beyond 31 December 1976, the notice of withdrawal would remain in effect. The four conditions, the fulfillment of which were stated in June 1976 to be prerequisite to continued US participation in ICNAF were:

a) That ICNAF nations understand that the USA will enforce its national fisheries jurisdiction within 200 miles and that within these limits of national fisheries jurisdiction the USA would enforce ICNAF regulations;

b) That the USA will establish, within the national limits of fisheries jurisdiction, a national permit system determined by the USA and issued in a manner consistent with its domestic law;

c) That ICNAF regulations not intrude into the area of US rule-making with respect to the management of fishery resources within the limits of US fishery jurisdiction; and,

d) The task that the Panel is about to consider here, that the quotas established by ICNAF for 1977, with respect to that area within US fishery jurisdiction, take into account the setting by the USA of total allowable catch and US harvesting capacity before the allocation of any surplus.

The USA had not, at this time, reached any conclusions regarding continued participation in ICNAF in 1977. The USA was, at this meeting, under *ad referendum* instructions so that following this meeting, in light of the outcome of these discussions on which the Panel is now embarking, USA will undertake to assess the situation taking into account all factors bearing upon continued US ICNAF membership. Enforcement, *per se*, was not a question here, although acceptance of the matter of issuance by the USA of registration permits had not been received from all ICNAF nations. While some nations had stated they would accept the US registration permits, others had stated that they were not prepared to make a decision or had expressed the opinion that this was a matter which must be solved within the framework of US law and thus within ICNAF to ensure her continued participation.

On another matter, the USA announced in the Federal Register of 4 November 1976 the lateral limits in certain areas off the coasts of the USA adjacent to areas off the coasts of Canada, within which the USA

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

will exercise its fishery management authority. The limits of the maritime jurisdiction of the USA established by that announcement were intended to be without prejudice to any negotiations with Canada or to any positions which might have been or might be adopted respecting the limits of maritime jurisdiction in such areas. The USA and Canada were involved in a range of discussions related to the extension of their national fisheries jurisdictions. There were at present unresolved issues which were the subject of ongoing negotiations. Consistent with established practice, pending the outcome of the discussions of the jurisdictional questions which remain to be resolved, the USA proposed that fishing in the areas involved in negotiations should be conducted only by vessels of the coastal states. Having brought this matter to the attention of the Commission, the USA wished to underline that it had come to this meeting to participate to the fullest extent possible in all efforts to develop rational schemes for the conservation and management of the fisheries with which all Panel Members here were concerned.

The delegate of Canada advised the Panel that the Canadian Government published in the Canada Gazette of 1 November 1976 the text of a proposed Order in Council extending the fishing zones of Canada to 200 miles. The limits of the fishing zones of Canada, as established in that Order, were intended to be without prejudice to any negotiations or to any positions which might have been or might be adopted respecting the limits of maritime jurisdiction in such areas. Canada and the USA were engaged in a range of discussions related to their extensions of national fisheries jurisdiction. Consistent with international practice in respect to interim measures, pending the conclusion of discussions on outstanding jurisdictional questions, Canada proposed that fishing in an area involved in these negotiations shall be conducted only by vessels of the coastal states.

5. The delegate of USA then proceeded with the introduction of the full package of US conservation proposals for Subarea 5 and Statistical Area 6 for 1977, as shown in Comm.Docs. 76/XII/71 for herring, 76/XII/72 for squid, 76/XII/73 for mackerel, 76/XII/74 for silver and red hakes, and 76/XII/84 for first- and second-tier TACs and allocations. First, USA proposed a 300-ton mackerel allocation for Italy to account for by-catch in Italy's squid fishery. Then the difficulties in arriving at a TAC and allocations for herring were reviewed. The US commitment to rebuilding herring stocks and the June 1976 proposal of a 33,000-ton TAC, with no directed fishery for distant-water fishing countries, was recalled. The USA had now reconsidered its position. While remaining committed to the concept of no directed fisheries for herring, if the stocks did not become more healthy, because some countries had to make extremely difficult decisions, a US proposal for herring allocations (Comm.Doc. 76/XII/84) outlined a difficult compromise, but reflected a balance of interests. Only Canada, France, Fed.Rep. Germany, GDR, Poland and the USA would be allowed directed fisheries. Other countries would be permitted a by-catch of herring based on their decided or proposed allocations of other species in Subarea 5. The delegate of USA pointed out that butterfish and river herring had been removed from the "Other finfish" category. Individual national allocations of these species reflected the by-catch anticipated in directed fisheries for other species.

With regard to the squids, *Illex* and *Loligo*, the delegate of USA recalled the suggestion at the June 1976 Annual Meeting that it would be appropriate for the USA to make any squid, which its fishery would be unable to take, available to other countries at the 1977 Annual Meeting. The USA had agreed with that proposal only with regard to *Loligo*. The USA now recommended a proposal to be discussed at the June 1977 Annual Meeting for the reallocation of both *Illex* and *Loligo* (Comm.Doc. 76/XII/84). The US allocation of 12,000 tons for herring and the 10,000-ton proposed reallocations for *Illex* and *Loligo* squid, gave the US fishermen realistic options as they, along with the distant-water fishermen, faced the effects of depleted stocks. The proposed reallocations of squid were based on a US desire to reallocate squid to countries which fished for their own markets. The proposed second-tier allocations acknowledged the possibilities for the reallocation of squid.

The delegate of USA then described the US proposal to fulfill the US commitment to the concept of "windows" as a management measure. This new management concept fulfilled three criteria felt to be essential to the USA: first, it eased enforcement, second, it helped ensure that by-catch limitations were not exceeded, and third, it reduced the potential for gear conflicts. The sum effect of all the US proposals was to ensure that foreign fisheries could take their allocations while protecting US fishing interests. The USA had taken the results of all deliberations into account when preparing the proposals in order to ensure fairness.

The delegate of USSR noted the seriousness of the proposals, and, although some were absolutely unacceptable to his delegation, wished to have more time to study them fully before commenting further. The delegate of Spain acknowledged an improvement in the "window" proposals over those proposed earlier, but pointed out that the Area "D" in Comm.Doc. 76/XII/72 for squid should take into account the steep slope of the Continental Shelf and proposed that area be redrawn to include waters to 50 fathoms.

The delegate of Poland stated that the "window" concept was not acceptable to Poland for a number of reasons. First, heavy fishing in a very small area was not good for the stocks. Second, conflicts would arise because of the great number of ships operating in the small area, for example, 85 ships might be operating in the "windows" proposed for mackerel. Third, because the location of the stocks changed from month to month, and year to year, it might happen that stocks of interest to a country would be outside a "window", with the result that the ships would have crossed the ocean only to have no opportunity to fish. He understood the coastal state's concern for by-catch and conservation, but pointed out that the

closed areas proposed by USA in Comm.Doc. 76/VI/50 (Revised) were more preferable than the "windows".

The delegate of Cuba stated that the "window" proposals were not at all satisfactory to his delegation. He was not against the concept as such, but the "windows" had to be judged on whether they enabled countries to take their allocations, or were too restrictive of fishing activity. His delegation was firmly against the latter. He noted that the "window" concept had been discussed very seriously and with complete honesty by delegations for a long time. The US proposal did not appear to have taken adequate consideration of those discussions, nor did the proposals take into consideration the sound reasons for the Cuban position. Although the coastal state was preoccupied with by-catch, the Commission had to consider how much weight to give that interest in establishing its regulations. One of the factors in making this decision was that the reductions in the TACs had reduced the amount of by-catch, not proportionally, but in absolute terms. Choosing his words carefully, he stated that Cuba was prepared to accept a serious proposal, a proposal that would stand up to the spirit of a just compromise. He promised that his delegation would study the matter further. He proposed that the issues in Panel 5 were so important that they should be addressed at the earliest opportunity, otherwise the future of the Commission could not be discussed realistically in the Plenary Session.

The delegate of Fed.Rep. Germany expressed his gratitude that the "windows" were not meant to prevent any country from taking its quota, but wondered if they fulfilled that purpose. Two questions arose, first, there was no scientific advice on the second-tier quota proposed by the USA in Comm.Doc. 76/XII/84, his best recollection from the June 1976 Annual Meeting was that the level of the second-tier quota depended on the TACs for herring and mackerel. Second, the allocations of the second-tier TAC proposed by the USA gave each country approximately 85% of the sum of the individual species allocations. The Fed.Rep. Germany fared somewhat better than the other countries having 88% of the sum of its individual species allocations included in its second-tier quota. This restriction was not justified in light of the Fed.Rep. Germany's record of fishing for herring and mackerel, as recorded scientific reports demonstrated that there was no by-catch in those fisheries. He argued that, because of constraints on the type of gear used in the fishery, the second-tier restrictions should not be applied to the Fed.Rep. Germany. Additionally, the small herring "window" proposed was not in the location of the main concentrations of herring. Its size would cause large numbers of vessels to congregate in a small area. Unless the area were redrawn to the west, the Fed.Rep. Germany would not be able to take its herring allocation. He repeated that, if the "windows" were meant to solve by-catch problems, the Fed.Rep. Germany fisheries did not have this kind of a problem. It, therefore, did not seem necessary to have limited "windows", nor to limit the time to one month and thereby concentrate the vessels in a small area. In sum, he stated the "window" was not needed but if adopted the proposed herring "window" should be larger and open longer.

The delegate of USA pointed out, in partial response to the remarks of the delegate of Fed.Rep. Germany, that Panel 5 had agreed at the June 1976 Annual Meeting to abide by the advice given by the Scientific Advisers to the Panel (page 190 of Redbook 1976). The level of the second-tier TAC would be set based on the level of the mackerel TAC adjusted for by-catch ratios, assuming a 50% increase in by-catch ratios.

The delegate of Spain described what the "windows" meant to Spain's squid fishery in actual terms. If squid Areas "D" and "C" shown in Comm. Doc. 76/XII/72 were opened in the summer months, it would assist Spain in conducting a viable *Illex* fishery. Additionally, some other adjustments in time would be valuable. The delegate of Japan agreed with the delegate of Fed.Rep. Germany. If the "windows" were adopted to reduce by-catch, the concept of the second-tier quota had to be reassessed. He recalled his remarks at the June 1976 Annual Meeting that, if the "windows" were adopted, the second tier would lose its present level of importance. He stated that his delegation would have to look very closely at the "windows" and how they related to the second-tier quota.

6. Panel 5 recessed at 1850 hrs, 7 December.

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7. Panel 5 reconvened at 1050 hrs, 8 December.

8. Further Consideration of Conservation Measures in Subarea 5 and Statistical Area 6. The delegate of Bulgaria opened the discussion by referring to Comm.Doc. 76/XII/84 and asking the delegate of USA to clarify which species remained in the category of "Other finfish" after the butterfish and river herring were removed. He also asked how the by-catch allocations of the remaining 122,000 tons was determined. The delegate of USA replied that TACs for butterfish and river herring were removed from the 150,000-ton TAC for "Other finfish" in quantities recommended by the Scientific Advisers to the Panel. The remaining 122,000 tons were allocated to account for by-catch and on the basis of second-tier allocations. He reminded the Panel that USA had proposed that "Other finfish" be reserved for by-catch at the June 1976 Annual Meeting.

The delegate of USSR understood the coastal state's concern for the conservation of the fish stocks and the need to reduce by-catch, but questioned whether the problem of by-catch had not been artificially expanded. For example, by-catch in mackerel and herring fisheries conducted with midwater trawls was not

greater than 1%, and the by-catch of cod and flounders in those fisheries was non-existent. The regulation of by-catch depended on the fishery in question. At the present time, there was not a great deal of data on by-catch of species whose stocks need recovery. He stated that the USSR delegation was prepared to participate in the development of regulations to protect groundfish fisheries. With regard to "windows", he felt that the concept was not well grounded scientifically, and presented several other problems. It did not meet the need for conservation nor did it give countries the opportunity to catch their allocations. Immense concentrations of vessels would fish in limited areas, making it difficult for them to observe the rules of navigation. Their mobility would be reduced and the chances of unnecessary conflicts could possibly increase. In addition, the concentration of vessels in small areas would have an adverse impact on the living resources of these areas. Finally, his main concern was that the proposals did not provide any additional protection for the many species which were already under regulation and have been allocated among the Member Countries. It appeared that, beyond the stated reason for the "windows", the reduction of by-catch, there might really be intended a further reduction of fisheries generally. He reminded the Panel of the existing regulatory structure, including mesh regulations, gear restrictions, closed areas, and catch quotas. Now, with the "window" concept in place, countries would be unable to take their allocations. Regulations in Subarea 5 and Statistical Area 6 had already caused USSR to fall 38% short of its silver hake quota and 62% short of its red hake allocation. As pointed out in materials given to the Working Group (Appendix I), the new regulations would make it impossible for the USSR to take any of its allocations. All of these factors shaped the USSR delegation's attitude toward the US proposal. He offered his delegation's assistance in preparing new proposals. He reserved the option to speak further on the individual proposals.

The delegate of USA, in reply, noted that the delegate of USSR had focused on two issues. USA had asked herself some of the same questions while preparing the proposals. First, regarding the question of navigational conflicts arising from concentrations of large numbers of vessels in small areas, there were two influences: the size of the "window" and the size of the TAC for the species. Because of the reduced TACs, there should be reduced numbers of vessels trying to catch the allocations. At the same time, the "windows" were drawn according to the existing fishing patterns reported by Member Countries to the *ad hoc* Working Group (Appendix I). With smaller numbers of vessels, the skippers should be able to handle this problem. Secondly, with regard to fishing in small areas so as to wipe out the living resources, this reflected practice today but without the consequences. The USA considered it better to permit fishing in areas where fish concentrate rather than to have vessels wandering all over the ocean looking for small schools of fish which they could easily decimate, while harming other species at the same time. Further, the "windows" were not immutable in the face of changes in the status of the stocks, or as allocations change; they must be treated as part of an entire regulatory structure. The delegate of Japan recalled that at first the squid fishery had not been profitable for Japanese fishermen; now it appeared to be very important for all. In fact, the Japanese squid fishery no longer had a by-catch. Butterfish had been a "by-catch", but it was really caught in a directed fishery conducted when the butterfish were available, or the squid were not being fished. As butterfish were not discarded, they are more like an "intentional by-catch" today, therefore, the Japanese squid fishery needs no "windows". It was necessary to recognize the concerns of both the coastal state and distant-water fisheries in developing management for the future. He suggested that it might be beneficial from the point of view of multilateral relationships to examine some modifications to the US proposal. The delegate of Spain repeated his suggestion that the shoreward boundary of Area "D" in the US squid proposal be moved shoreward, because, at present, there were only limited possibilities to fish in that area. Area "B" was large optically, but presented only limited opportunities in its eastern areas. The problem was not so much one of geography, but one of time. He proposed, as a modification to the US proposal, that all the proposed areas be opened 1 January to 15 April for the *Loligo* fishery, 15 June to 15 September for the *Illex* fishery, and 15 October to 31 December for the *Loligo* fishery again. The delegate of Japan expressed his support for the substance and philosophy of the Spanish proposal.

The delegate of GDR stated that his delegation was better prepared to discuss the previous US closed area proposals than the "windows", and felt that the regulatory problems could be solved by the closed area approach. Although his delegation could accept the "window" principle for regulations, they had great concern over the locations and seasons in the US proposal. Although he disagreed with the US assessment that the "windows" could meet both conservation requirements and allow countries to catch their quotas, he was optimistic that other solutions could be found which met the biological, enforcement, and gear conflict problems the "windows" were designed to reduce. With specific reference to the mackerel fishery, he stated that the US proposal did not reflect the data from the GDR fishery. Although Area "B" in Comm.Doc. 76/XII/73 was large, it would not be of great use unless it was more to the north. It would be helpful if USA would reconsider the data presented by the countries which fished for these stocks and redrew the "windows" so that countries could take their quotas. The delegate of Italy reiterated the position taken by the delegate of Spain that the "windows" did not present so much of a problem geographically, but did from the point of view of time. He proposed, in addition to the Spanish proposal, that squid Areas "C" and "E" remain open from January through June. This would fill in an interval in the squid fishery. The delegate of Romania agreed with many of the comments put forth by other delegations. But, in light of the small Romanian fishery in the area, his delegation would find it possible to support the US proposal and accept the "window" concept. He stated that his delegation would comment on specific allocations at a later time in the Meeting.

The delegate of Cuba began a comprehensive review of the US proposals by stating that his delegation was not opposed to the "windows" in principle, and would be prepared to accept them, if they were important for controlling the by-catches. But the "windows" must be large enough to permit distant-water fisheries

to take their allocations. The proposed "windows" must be reviewed, therefore, to meet problems which exist now. He questioned, for example, whether scientists were able to predict with enough certainty what the hydrological conditions would be in an area far enough in advance so as to be sure where the stocks of fish would be. The "windows" would be more acceptable if there were a mechanism established in conjunction with the "windows" which would allow changes to be made in the specific regulations as conditions changed during the year. The Panel could define the kinds of information which would be necessary to change any of the regulations, but if the factors so often mentioned such as a country's inability to take its quota, or if serious by-catch, gear conflict or enforcement problems arose, representatives could meet to discuss the problems and seek to alter the regulations to solve them. More specifically, with regard to the silver and red hake "windows", he stated that there were serious differences between the US proposal and the data submitted by the hake fishing countries. For example, in the western part of the area proposed by the USA, fishing was restricted to pelagic gear only, a complicating factor, because he understood that the hakes were in gullies during that period of the year and thus would be difficult to catch with pelagic gear. He felt that it would be appropriate to move the southern boundary of the area northward and add some additional areas north of those proposed. Further, the small size of Area "C" in Comm.Doc. 76/XII/74 would lead to dangerous concentrations of vessels in an area where no one can be sure there would be hake. For Area "B" there might not be much fish left in the shallow areas included in the "window". The "window" does not reach into deep water where there are concentrations of fish, nor does it reach major concentrations to the east in June and July. He understood the position taken by the coastal states with regard to their unsettled boundary in the Gulf of Maine and their desire not to have fishing in the disputed area while the talks were going on, but the "windows" should be drawn in that area for the time when the boundary issues were settled. Cuba had a developing fishery and honestly felt that it could take no more than one-third of its silver hake allocation under the US proposal. He noted that the proposed mackerel "window" only provided a narrow overlap with the areas proposed by the mackerel fishing countries. He suggested that both of the areas proposed in Comm.Doc. 76/XII/73 be moved to the north to provide access to large concentrations of fish. Additionally, he suggested March, April, and May should be added to more accurately reflect the seasonal distribution of the mackerel. He noted that the proposed June re-allocation of *Loligo* squid had reduced the US allocation from 25,000 to 6,000 tons. He surmised that the re-allocation of the 19,000-ton difference from the US point of view would have taken several factors into consideration, for example, special bilateral interests, traditional fisheries, and the fact that some of the countries which had received large shares of the re-allocated squid had small or no quotas for other species. Even though Cuba was not a country which traditionally fished for squid, it was interested in the stock. He reported that Cuba took 3,000 tons in Subarea 4 and needed more squid because of the rising demand for domestic consumption. Additionally, future negotiations would depend on the allocation Cuba was able to obtain at this meeting when squid is allocated in the future. He requested that the coastal state reconsider the proposed re-allocations, taking into account Cuba's special needs. Additionally, the second-tier quota raised some serious problems for Cuba. Many restrictions had been placed on fisheries already, such as the reduction in individual species TACs, "windows", and a large decrease in the by-catch allowances. The second tier might no longer be needed. If it was necessary, however, the delegate of Cuba pointed out that the reduction between the 1976 and 1977 second-tier quotas was 138,000 tons, a burden borne entirely by the distant-water fishing states. It should be possible for the coastal states to share some of this burden to permit the distant-water states to catch a higher percentage of their allocations. In addition, the proportion of Cuba's second-tier allocation compared with the sum of the individual species allocations was 75.8%, compared with an average of 79.8% for all distant-water fishing countries. Cuba also had calculated that there would be 1,600 tons of by-catch in its directed fisheries. Cuba's second-tier allocation was 4,995 tons less than the sum of its individual species allocations; this number should be only 1,600 tons if the second tier was really meant to control by-catches. He concluded by seeking the cooperation of other delegations to find solutions to the problems he had outlined.

The delegate of Poland promised to distribute a proposal which would address the question of an acceptable "window" for mackerel. The delegate of Bulgaria recalled some of the arguments made by other delegations in the Panel meeting. He stated that Bulgaria would stand by the position it had taken in the Working Group with regard to "windows" (Appendix I). Bulgarian by-catch is only about 1% due to the extensive use of pelagic trawls in its fisheries. The issue of the "windows" should be addressed again. It was difficult to see how all of the proposals could be summarized. He repeated the statement made by others that it was difficult to ascertain the method used to allocate the second-tier quotas. Using the principle of pro-rating after the deduction of the coastal state allocations, he calculated that the Bulgarian second-tier allocation should be 9,630 tons, rather than the 6,750 tons as proposed by the USA. Additionally, because there were deviations in the percentages of the ratio of second tier to the sum of the individual species allocations, the common pro-rating principle should be applied. With regard to "Other finfish", the level of 122,000 tons was too high even after the deduction of river herring and butterfish, and represented a level that could not be reached by vessels fishing with pelagic gear.

9. Panel 5 recessed at 1310 hrs, 8 December.

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10. Panel 5 reconvened at 2115 hrs, 8 December.

11. Further Consideration of Conservation Requirements for Mackerel in Subarea 5 and Statistical Area 6 (see also Proceedings No. 7). The delegate of USSR introduced Comm.Doc. 76/XII/77 in reopening the question of allocations of mackerel in Subarea 5 and Statistical Area 6. He said his proposal allocated the TAC of 75,000 tons based on the national shares principle as applied in ICNAF in the past. His proposal deducted the coastal state request for 5,000 tons for Canada and 6,000 tons for USA and applied a pro-rated reduction to the individual allocations to other countries from the remainder, giving 4,260 tons for Bulgaria, 1,830 tons for Cuba, 310 tons for Fed.Rep. Germany, 12,780 tons for GDR, 20,460 tons for Poland, 840 tons for Romania, 23,000 tons for USSR, and 520 tons for "Others". This provided for equal sacrifice when all of the TACs were reduced so drastically. The delegate of Italy noted that his country disappeared from the allocations proposed by the USSR, although his country had an average of 500 tons of by-catches annually going back to 1972. The delegate of USSR maintained that the fairest way to make allocations was to deduct the coastal state share, then pro-rate the other countries' allocations equally. The delegate of USA said that the USA had used this procedure in preparing its proposal for allocations of mackerel in Subarea 5 and Statistical Area 6 (Comm.Doc. 76/XII/84), but then had made adjustments necessary to ensure viable fisheries for those countries receiving allocations. The delegate of Bulgaria believed that a common principle should be used to establish allocations, otherwise the Panels could make no decision. He supported the USSR proposal to pro-rate the surplus.

The delegate of Romania reiterated his agreement with the principle of "windows". He pointed to Romania's catches of mackerel from 1964 to the present time and, although Romania could agree to her mackerel allocation for 1977, it was too low for the future. He noted that, because the USSR proposal reduced the Romanian allocation by approximately 25%, it was unacceptable to his delegation. The delegate of USSR stated that the USSR had suffered tremendous losses in its allocations from 1975 to 1976. The delegate of Cuba noted that a number of principles could be applied to the allocation of catches - pro-rating had most commonly been used in ICNAF. He was not against pro-rating, but it did not take into consideration the special circumstances of developing fishing countries. Cuba had quotas in ICNAF today because of these special circumstances. The special circumstances of developing countries should be given consideration in making allocations either in bilateral or multilateral forums.

The Panel agreed that the mackerel allocations for Subarea 5 and Statistical Area 6 as decided by the Joint Meeting of Panels 3, 4, and 5 (Proceedings No. 7, Table 1) should stand.

12. Consideration of Conservation Measures for Herring in Div. 5Z of Subarea 5 and in Statistical Area 6. The delegate of USA introduced the proposed allocations shown in Comm.Doc. 76/XII/71 by noting that, as in the case of mackerel, a number of different formulae could be used for allocation of the TAC. The USA had taken the STACRES recommendations into account and sought a 10% annual recovery of the stock by proposing a TAC of 33,000 tons. After deduction of allocations of 1,000 tons for Canada and 12,000 tons for USA, the remainder was allocated by pro-rating, then adjusitng the allocations to ensure that clear directed fisheries remained viable, while a by-catch allowance remained for countries with other fisheries. The USA remained committed to the principle of no directed fishery for herring if the recovery of the stock did not progress in a satisfactory manner. The delegate of Fed.Rep. Germany recognized that the USA had taken into account the different fishing patterns of countries in the area when making its proposal and supported the US proposal. But, noting the US continued commitment to no directed fisheries in case the stocks failed to recover, he stated that his delegation had not, did not and would not accept the principle that, in the case of the failure of the stocks to recover, clear directed fisheries would be excluded. The delegates of France and GDR expressed their support for the US proposal. The delegate of USSR introduced Comm.Doc. 76/XII/78 which contained his delegation's proposal for allocation of the herring TAC arrived at by deducting the coastal state share and pro-rating the surplus among the other countries. The US proposal, he said, contradicted the principles of justice and fairness of the Commission, and because the USSR allocation was 3,400 tons in the US proposal instead of 5,210 tons in the pro-rating system, posed practical problems for the USSR. If the USSR was restricted to by-catch, it would be unable to take its allocation as by-catches had been reduced to 5% of directed fisheries. Improvements in USSR fishing methods showed that his country had taken action on the by-catch problem.

The delegate of USA replied that paragraph 3 of the US proposal addressed some of the definition problems which had arisen with regard to directed fisheries and by-catch. The US position was that, because of special circumstances relating to the nature of their fisheries, only four non-coastal states, France, Fed.Rep. Germany, GDR, and Poland, would be allowed to conduct directed fisheries for herring in Subarea 5.

The delegate of Romania stated that, although he could accept the allocations proposed by the USA, he wished to have the record show his request for a directed fishery for herring in Subarea 5 for Romania in the future after the stock was rebuilt. The delegate of Canada believed it was reasonable for the USA to apply an allocation system which took into account by-catches and directed fisheries. He noted further that the US and Canadian allocations proposed by USA were unchanged from 1976, although both coastal states had had the option at the Annual Meeting to double their requests by asking for the same allocations in the second half of 1976 as they had in the first. There should be no doubts about Canada's ability to take a larger allocation. Both coastal states had exercised restraint and had reluctantly acquiesced in the 1976 allocations. The US proposal represented a good combination of a number of reasonable principles, including historic fishing and the purity of the catch. Continued controversy over the size of allocations could lead to a departure from the coastal state unselfishness at the Annual Meeting; in a dog fight, only the coastal states might gain.

The delegate of Bulgaria pointed out that, because the principle of pro-rating surpluses had not been applied to herring and mackerel, his country had lost a total of 550 tons, 260 tons of mackerel and 290 tons of herring. This was approximately 20% of the Bulgarian allocations for those species. Because she had no other directed fisheries in Subarea 5, this was a severe loss. The Bulgarian delegation could not agree to the US approach. Subsequently, Panel 5

agreed to recommend

that the TAC, as recommended by STACRES, and the national allocations for herring in Div. 5Z and Statistical Area 6 for 1977 be set at the levels shown in Table 1.

13. Consideration of Conservation Measures for "Other Finfish" in Subarea 5 and Statistical Area 6. The delegate of USA introduced the proposed TAC and national allocations contained in Comm.Doc. 76/XII/84. The USA had removed river herring and butterfish from the TAC for "Other finfish" and reserved their allocations for by-catch only. The allocations were based on US estimates of by-catch. Panel 5

agreed to recommend

that the TACs and the national allocations for other finfish, river herring, and butterfish in Subarea 5 and Statistical Area 6 for 1977 be set at the levels shown in Table 1.

14. Consideration of Re-allocation of the Expected Unused Portion of the Squid (*Loligo*) Catch Quota in Subarea 5 and Statistical Area 6 for 1977. The delegate of USA noted that the allocations proposed in Comm. Doc. 76/XII/84 and set out in Table 1 were intended to provide guidance to those countries which might benefit from a re-allocation at the June 1977 Annual Meeting, provided coastal states did not appear to be able to take their allocations adopted for 1977 at the June 1976 Annual Meeting. The delegates of Spain and Japan expressed their support for the re-allocations suggested by USA.

15. Consideration of Conservation Measures for All Finfish and Squid in Subarea 5 and Statistical Area 6. The delegate of USA, in introducing the allocations proposed in Comm.Doc. 76/XII/84, noted first that it was not strictly pro-rated. Consideration had been given to pelagic fisheries with the result that countries which depended on these fisheries had received for their second-tier quota a higher percentage of the sum of their individual species TACs. Also, the proposed allocations took into consideration the suggested re-allocations of squid. After a brief discussion by the beneficiaries of the squid re-allocation of the influences on the second-tier allocations, the Panel decided that it would be inappropriate to re-allocate the second tier at the next Annual Meeting. The delegate of Poland noted that, because of the exclusive use of pelagic trawls by his country in Subarea 5 and the resulting low by-catch, the allocation for Poland was unjustifiably low. Panel 5, then

agreed to recommend

that the TAC, as recommended by STACRES, and the national allocations for all finfish and squid in Subarea 5 and Statistical Area 6 for 1977 be set at the levels shown in Table 1.

16. Consideration of a Regulatory Regime for Subarea 5 and Statistical Area 6. The Chairman of the *Ad Hoc* Working Group on a Subarea 5 Regulatory Regime introduced the Working Group's Report (Appendix I). In summary, he noted that the practice of fishery management included a multitude of elements that cover conservation, gear and fishery conflicts, and enforcement. Regulatory measures used to control fisheries operations included area, season, and gear specifications. The main issue was to (1) minimize factors which adversely affect conservation, create fishery conflicts (including *ad hoc* allocations) and increase enforcement problems, and (2) maximize the taking of TACs and efficiency of fishing operations. By-catch was certainly one of the primary factors which prevent achievement of these objectives. Panel 5 accepted the Report.

With regard to the regulatory measures themselves, the delegate of Fed.Rep. Germany requested that, because of the two-week difference between the 30 September closure of the herring fishery and the 15 October opening of the mackerel "window", the opening of the mackerel season be moved forward two weeks to avoid having his country's vessels idle. The delegate of GDR said that the historical performance of the mackerel fishery did not indicate that this proposal would be of benefit.

The delegate of Bulgaria pointed out that the mackerel quota allocation in Subarea 5 and Statistical Area 6 (Proceedings No. 7, Table 1) had not been executed on the principle of pro-rating. As a result of that, the Bulgarian mackerel allocation had been reduced by 242 tons (6%), herring allocation by 288 tons (75%), second-tier quota by 2,980 tons (30%), while some countries had been favoured at the expense of Bulgaria and other nations. For that reason, Bulgaria was not prepared to accept the allocations given to her.

17. Panel 5 recessed at 0045 hrs, 8 December.

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18. Panel 5 reconvened at 1055 hrs, 9 December.

19. Further Consideration of a Regulatory Regime for Subarea 5 and Statistical Area 6. The delegate of USA introduced Comm.Doc. 76/XII/74 (Revised) which proposed "windows" for the silver and red hake fisheries and noted that it included changes which were based on the comments of countries which fished for hake. The delegate of USSR proposed an amendment to the US proposed "windows" which took into account the migration of the fish and the fleet operations. Panel 5

agreed to recommend

that the Commission transmit to the Depositary Government, for joint action by the Contracting Governments, proposal (4) for regulation of the fishery for silver hake and red hake in Div. 5Z of Subarea 5 of the Convention Area and adjacent waters to the west and south within Statistical Area 6 (Appendix II).

20. Paned 5 recessed at 1200 hrs, 9 December.

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21. Panel 5 reconvened at 1735 hrs, 9 December.

22. Further Consideration of a Regulatory Regime for Subarea 5 and Statistical Area 6.

(a) The delegate of USA, in introducing the herring proposal contained in Comm.Doc. 76/XII/71 (Revised), pointed out that the proposal reflected the results of extensive consultations with other delegations. Although not all distant-water nations' concerns had been met, the progress had to be measured against the change from the position against directed fisheries for herring that the USA had taken at the last Annual Meeting. The delegate from Fed.Rep. Germany stated that he was grateful for the change in the US position. He felt that, within the newly proposed "window", fishermen might just possibly be able to take their allocations. He pointed out that, in any case, their fishermen would not wander all over Georges Bank looking for only 5,000 tons of herring. Because of the low by-catch in the directed fishery for herring conducted by their fishermen, he saw no need for the "window" at all, and, therefore, had to state his delegation's disapproval of the proposal. He reiterated the suggestion made by the delegate of Cuba in an earlier session of the Panel 5 meeting, that some arrangements be made to adjust the "windows" if it appeared during the fishing season that fishermen would be unable to take their allocations. Panel 5

agreed to recommend

that the Commission transmit to the Depositary Government, for joint action by the Contracting Governments, proposal (5) for the international regulation of the fishery for herring in Div. 5Z of Subarea 5 of the Convention Area and adjacent waters to the west and south within Statistical Area 6 (Appendix III).

(b) The delegate of USA offered some thoughts on the suggestion made by the delegate of Cuba that some mechanism be established to evaluate "windows" during the course of a fishing season if problems in fisheries management occurred. The proposal for "windows" had taken into account the need to provide distant-water fleets an honest opportunity to catch their alloations - the USA could provide no guarantee that they would do so. The USA had explored the potential for some mechanism to make mid-season adjustments in the "windows". There were provisions in the US extended jurisdiction legislation which required an assessment of the environmental impact of actions taken in managing the fisheries which would have to be met, should adjustment be made in the management measures approved in ICNAF. At the present time, the US delegation could not undertake to describe how to hear concerns expressed at the mid-point of a fishing season, make adjustments in the "windows", and comply with the requirements of the legislation. Because some of the "windows" are open for long seasons, it would be more possible to make adjustments. Changes in international fishery relationships could provide opportunity for such review. However, for the herring fishery, which has a short season, this would not be administratively possible.

(c) With regard to the proposed squid "windows" contained in Comm.Doc. 76/XII/72 (2nd Revision), the USA had attempted to make the proposals more realistic in fishery terms. It was noted that the outer limits of the "windows" had been drawn along the 1,000-fm contour. The delegates of Spain, Italy, and Japan expressed their approval of the proposal. Panel 5

agreed to recommend

that the Commission transmit to the Depositary Government, for joint action by the Contracting Governments, proposal (6) for the international regulation of the fishery for squid (*Loligo* and *Illex*) in Div. 5Z of Subarea 5 of the Convention Area and adjacent waters to the west and south within Statistical Area 6 (Appendix IV).

(d) The delegate of USA next introduced the proposal for the regulation of the mackerel fishery

contained in Comm.Doc. 76/XII/73 (Revised). She noted that the seaward limits of the "windows" in the previous proposal had been moved shoreward to remove the optical effects of a large area which could not be fished, and that the date of the opening of the fishery had been moved forward two weeks to coincide with the termination of the herring fishery. Panel 5

agreed to recommend

that the Commission transmit to the Depositary Government, for joint action by the Contracting Governments, proposal (7) for the international regulation of the fishery for mackerel in Div. 5Z of Subarea 5 of the Convention Area and adjacent waters to the west and south within Statistical Area 6 (Appendix V).

(e) To terminate existing regulations in Subarea 5 and Statistical Area 6 which had been replaced by the "windows", Panel 5

agreed to recommend

that the Commission transmit to the Depositary Government, for joint action by the Contracting Governments, proposal (8) for the repeal of fishing gear regulations in Subarea 5 and Statistical Area 6 (Appendix VI).

23. Further Consideration of Re-allocation of the Expected Unused Portion of the Squid Catch Quotas in Subarea 5 and Statistical Area 6 for 1977 (see Section 14). The delegate of USA presented Comm.Doc. 76/XII/82 which set forth language concerning the immediate implementation of any changes in the squid allocations for 1977 which might be decided at the 1977 Annual Meeting. Panel 5

agreed to recommend

that the Commission transmit to the Depositary Government, for joint action by the Contracting Governments, proposal (9) for the international quota regulation of the fishery for squid (*Illex* and *Loligo*) in Div. 5Z of Subarea 5 of the Convention Area and adjacent waters to the west and south within Statistical Area 6 (Appendix VII).

24. Panel 5, having completed its work, adjourned at 1915 hrs, 9 December.

Table 1. Summary of TACs and national allocations for stocks in Subarea 5 and Statistical Area 6 in 1977.

	Herring	Butter-fish[1]	River herring[1]	Other finfish[1]	All finfish and squids	Squid	
						Illex[2]	*Loligo*[2]
	5Z+6	5+6	5+6	5+6	5+6	5+6	5+6
TAC recommended by Scientific Advisers	50,000	18,000	10,000	150,000	500,000[3]	30,000	44,000
Bulgaria	100	-	-	2,000	6,750	600	-
Canada	1,000	100	-	2,500	23,000	1,000	1,000
Cuba	700	-	-	3,000	14,950	-	1,100
Denmark	-	-	-	-	-	-	-
France	1,000	-	-	200	1,100	-	-
Fed.Rep. Germany	4,725	-	-	200	6,300	-	1,050
German Dem.Rep.	4,825	-	-	3,000	16,850	-	-
Iceland	-	-	-	-	-	-	-
Italy	-	400	-	900	5,000	1,750	3,585
Japan	-	3,300	-	7,000	25,000	4,900	17,000
Norway	-	-	-	-	-	-	-
Poland	4,825	-	-	6,200	32,100	6,800	1,825
Portugal	-	-	-	-	-	-	-
Romania	100	-	-	200	1,200	-	-
Spain	-	1,500	-	3,600	18,450	8,000	10,000
USSR	3,400	-	-	31,100	141,250	7,500	2,140
UK	-	-	-	-	-	-	-
USA	12,000	12,500	9,990	62,000	228,000	4,000	6,000
Others	50	200	10	100	50	500	300
Total allocated catches	33,000	18,000	10,000	122,000	520,000	35,000	44,000

[1] Reserved for by-catch only.

[2] Suggested re-allocations of the expected unused portion of the squid quotas in Subarea 5 and Statistical Area 6 for 1977 to be considered at the 1977 Annual Meeting.

[3] Overall TAC if TAC for mackerel in Subarea 5 and Statistical Area 6 is zero and TAC for pollock in Subarea 5 and Statistical Area 6 is 7,000 tons.

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Appendix I

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

Report of the *Ad Hoc* Working Group on a Subarea 5 Regulatory Regime

Tuesday, 30 November, 0930 hrs
Sunday, 5 December, 1015 hrs
Monday, 6 December, 1530 hrs

1. Opening. The Meeting was opened at 0930 hrs by the Chairman, Mr R.C. Hennemuth (USA). Countries represented were Bulgaria, Canada, Cuba, Fed.Rep. Germany, Italy, Japan, Poland, Spain, USSR, and USA.

2. Rapporteur. Mr J.S. Beckett (Canada) was appointed Rapporteur.

3. Agenda. The Chairman read the terms of reference (Circular Letter 76/66) for the Working Group: "An *ad hoc* Working Group will meet on 30 November to further evaluate the efficiency of geographic-area control of fisheries in Subarea 5 and Statistical Area 6 (see Comm.Doc. 76/VI/50 Revised; also Item 5 in Circular Letter 76/46 dated 26 July 1976, Circular Letter 76/49 dated 11 August 1976, and Proceedings No. 9, Appendices V and VII of the 1976 Annual Meeting). In addition, there will be general discussion on methods by reducing by-catch and controlling harvest of directed fisheries." The Chairman suggested that the Group should work on the basis of the STACRES analysis of the status of the stocks in order to avoid discussion of conservation requirements. He considered that the Group should seek ways to maximize the possibilities for and efficiency of, fulfilling TACs while minimizing gear and fishery conflicts; deleterious effects of one fishery on other stocks; and the problems of enforcement. He noted that there appeared to be three variables to consider: area, season, and gear.

4. Review of Papers. Research Documents 76/XII/141 (USA), 158 (USSR), 167 (USSR), 173 (USA/Spain), and working papers from USSR, Cuba, Poland, and Japan provided information on the areal and seasonal distribution of fisheries, and on by-catches, for the various national fisheries in Subarea 5 and Statistical Area 6. The documents were summarized and reviewed in turn. The data were presented in varying ways, ranging from very detailed tables with the species composition of the catches according to each main species sought, to rather rough compilations of total catch without species breakdown. The by-catches reported varied considerably between national fisheries, areas, seasons, species sought, and gear, the overall range being 1% to over 50%. All the papers submitted indicated that pelagic fishing gear took a minimum by-catch. The by-catch of those species (cod, haddock, and flounders) which were regulated was small. Discussion of the papers resulted in a number of comments, many common to several of the documents. In particular, it was felt that the term "by-catch" should be defined (e.g. relative to predominant species caught or to species sought); that the source of the data should be identified (biologist, captain, or inspection agent); that the relative importance of avoiding by-catches of certain species should be determined; that the significance of research data compared to commercial catches should be examined especially where regulations affect the latter; and that allowance for the effects of variation in environmental conditions, both physical and geographical should be incorporated into any regulation.

The Chairman suggested that the Working Group could examine the problem in terms of the effects of season and area on the magnitude of the by-catches and consider the establishment of more stringent by-catch regulations for areas and seasons with greater possibilities of high levels of by-catch. It would also be necessary, he added, to take into account the effects of changes in fishing patterns that might result from changes in regulations.

The delegate of USA drew attention to the difference between fishing effort justified by the level of catch rate and fishing effort justified by other considerations such as employment of a vessel in the interim period between different seasonal fisheries. He felt that the present closed area regulations resulted in a complex "patch work quilt" of areas that would be greatly simplified and more readily understood if the philosophy was changed to a system of open areas.

5. Constraints on a Management Regime. The Working Group considered the various factors that might influence decisions with regard to various management options. These factors appeared to fall into four categories, although with considerable overlap: the biological, enforcement, gear and fishery conflict, and economic factors.

(a) Biological factors. Such constraints include the necessity of protecting hard-pressed stocks, e.g. haddock, flounders; the effects of geographical movement of a stock, e.g. from offshore to inshore areas; the degree of mixing of individuals of different size within a stock; and the adverse effects of concentrating effort in rigidly defined areas.

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[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

(b) Enforcement factors. Under this category the Group included factors such as the simplicity or complexity not only of individual regulations but also of the aggregate of regulations. Measures should be readily interpreted in order to avoid confusion among fishermen and different enforcement agencies. Area and time blocks should be as few as possible, and should minimize gear mixtures.

(c) Gear/fishery conflicts. In addition to direct conflict between different fishing gears and methods, e.g. fixed and moving gear, there were also geographically or temporally separated conflicts, resulting from multiple use of the same stock. Safety of fishing operations should be considered. Any regulations needed to be adjustable to allow for changes in availability.

(d) Economic factors. Constraints of this kind included the implications to industry of any proposed regulation for conservation purposes which affects fishing strategy and fleet operations.

6. "Window" Concept. Discussion of the concept of defined areas in which fishing would be permitted, in contrast to closed areas where no fishing was allowed, indicated a number of criticisms of the "window" concept, particularly by the delegates of Japan, USSR, Spain, and Poland. These criticisms stemmed from the severe effects that the scheme of "windows", as proposed by the USA at the June 1976 Annual Meeting, would have on present fishing practices; the adverse effects of a stock of fishing intensively in a restricted area, particularly if there was any limitation on the amount of mixing of individuals within the stock or any change in the distribution of the stock; and the navigational hazards of confining all vessels within a small area. The delegates of Japan, USSR, and Spain all stated that the "window" concept was unacceptable to them, particularly in its present form.

The Chairman noted that any "window" regulation should be flexible with regard to the actual defined area in order to allow for variation in environmental or other factors that might affect the distribution of the stocks. He also observed that fishing fleets often tended, in practice, to concentrate in very restricted areas according to fishing success.

The delegates of Cuba and USSR considered that it was necessary to examine fully the efficiency of the present regulations and the implications of the proposed "window" regulations, before making any decisions, while the delegate of Spain proposed a multinational program under US coordination, to provide better data for a study of the implications of "windows".

7. Fishing Effort Distribution. The Working Group then recessed for two hours, while a smaller group of experts plotted, on charts, the areas of commercial fishing activity for the hakes (Fig. 1), squids (Fig. 2), and mackerel (Fig. 3). On reconvening, the Working Group agreed that the Secretariat should copy and distribute the charts prior to further discussion of changes in the existing regulations, such discussion to include consideration of the various constraints developed earlier in the present Meeting. A suggestion by Canada that each country should present written proposals for changes in the regulations gained no support. A suggestion by Spain that the USA should provide written proposals was adopted. The delegates of Japan and USSR noted that, while they had participated in charting the distribution of fishing effort, they reserved their position with regard to the "window" concept.

8. The Working Group recessed at 1815 hrs, 30 November.

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9. The Working Group reconvened at 1015 hrs, 5 December.

10. The Chairman noted the submission of two further working papers by Italy and GDR, describing fisheries and by-catch in Subarea 5 and Statistical Area 6. The delegate of GDR summarized his working paper and the Chairman noted another example of the need to define by-catch, in this case referring to fishing directed on an opportunistic basis at schools of other species encountered when searching for a different species. The delegate of Spain noted that a document providing data from Spanish fishing vessels was in preparation.

The Chairman reiterated his views of the terms of reference of the *ad hoc* Working Group, as specifically including definition of the areas of distribution of fish stocks and the fisheries on them, and the examination of such distributions with regard to by-catches, gear conflicts, and similar problems. The terms did not require putting forward proposals.

The Working Group reviewed the draft report of its 30 November Meeting and several amendments were adopted. The delegate of Bulgaria stated his association with statements at this Meeting with regard to the unacceptability of the "window" concept. With regard to the maps of fishing effort distribution (Fig. 1-3), the Working Group agreed that a smaller group of experts would examine these and make any changes deemed necessary.

11. Illustration of the "Window" Concept. The Working Group examined charts showing possible application of the "window" concept for hakes, squids, and mackerel prepared by the USA. It was noted that such a presentation had been requested by the Group at the previous meeting and was offered reluctantly by the USA.

The delegate of USA summarized the suggested "windows" which included seasonal as well as geographical aspects, and explained the relevance of the suggested "windows" to by-catch and gear conflict problems. He also noted that the mackerel "window" was based on earlier discussions of a lower TAC for that species than had been adopted recently by a Joint Meeting of Panels 3, 4, and 5 (Proceedings No. 7).

The delegate of Japan expressed his difficulty in addressing the "window" concept as he understood that the idea had been withdrawn during the Commission Meeting in June 1976 and a decision taken to examine a different concept. He offered some specific comments on the present illustrated suggestions, while emphasizing his continuing reservation on the "window" concept. Specifically, he noted that the suggestions would eliminate fishing in the shallower parts of the areas of fishing shown on the charts developed by the Working Group and thus exclude the major squid grounds. Similarly, the seasonal restrictions would also exclude important fishing in October-December.

The delegate of Italy agreed with these comments and added that the proposed seasonal restrictions with a break between seasons would create problems for specialized fishing vessels which would not be able to take a full load in any one proposed season.

The delegate of USSR agreed with the remarks of Japan, and contended that some of the proposed restrictions had little biological justification, particularly those on the mackerel fisheries which were conducted with pelagic gear and took little by-catch. He felt that such fisheries should be unrestricted in terms of area or season, so that fishing tactics were not affected adversely.

The delegate of Spain expressed his opinion that the proposals were based on enforcement, rather than biological considerations and that they would prevent most countries from taking their allocations. He illustrated this latter aspect by reference to the experience of Spanish squid fisheries relevant to the proposed areas and seasons for fishing. He noted that some of the proposal would result in dangerously heavy concentrations of vessels.

The delegate of Cuba supported the comments of USSR and Spain and stated that there was a need to take all factors into account, including the concerns of both the coastal states and other nations fishing in the area. He felt that further discussions on these concerns should be carried out in different form.

The delegate of Poland also concurred with earlier critical comments and stated that the existing regulations of allowable by-catches, the second-tier quota scheme, and the severe reduction in TACs all were effective in achieving the objectives sought by the new proposals. He drew attention to the problems created by the "window" concept if any change occurred in stock distribution.

The delegate of Canada suggested that the fact that there were by-catch and gear conflict problems indicated that there was a need for change and that some dislocation of effort was necessary to achieve this. A primary objective was to reduce by-catch in the small-mesh fisheries. The essential element was to develop new proposals and examine whether these would impede harvesting quotas in an economically acceptable manner. With regard to any enforcement aspects of the present proposals, he noted that the existing complex of regulations could confuse fishermen and inspection officers alike.

The Chairman summarized the discussions by noting that many delegates felt that there was no need for further by-catch regulations; that the present "window" proposals would gravely handicap existing fisheries, or even make them impossible; that short, separated open seasons would create difficulties for vessels operating at considerable distance from their ports; and that the variable distribution of stocks implied a need for flexible regulations capable of being modified rapidly.

The delegate of USA noted that the discussions revealed differences in national preferences for area and season which might require separate accommodation in any regulations. He felt, however, that the Working Group had concentrated on the "window" concept and not considered other means of dealing with the by-catch and gear conflict problems. He suggested that the Group examine alternative measures such as the closed areas, and consider modifications of these.

The Chairman expressed his concern that the Group had not been able to reach any conclusions, particularly since discussions at the June 1976 Annual Meeting had been postponed pending collection of the additional data which was now available. He noted that the strong reaction to the proposed "windows" for squid was based on fisheries in narrow bands just outside the "windows" and indicated a major dependence by the fleets on a very small part of the total area of the fishery, and hence that heavy fleet concentration was a reality under present conditions. He hoped that delegates were not avoiding making any positive comments on the "window" concept because of fears that they might be interpreted as a commitment to such a concept.

12. The Working Group recessed at 1235 hrs, 5 December.

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13. The Working Group reconvened at 1530 hrs, 6 December.

14. The delegate of Spain reviewed his working paper which provided information on Spanish squid catches by unit area in Subarea 5 and Statistical Area 6. He reported that limited information was available on by-catches which were comprised of mackerel and hakes but not in substantial quantities. He added that the working paper, which referred to one cruise of a Spanish squid vessel, described by-catches that were not representative of the normal situation since *Loligo* had not entered the fishery at that particular time.

The delegate of Italy reviewed his working paper which provided monthly catch and by-catch data in the squid fishery.

15. Review of Closed Areas and Other By-Catch Management Options. The Chairman suggested that the Working Group should examine other options for minimizing by-catches and gear conflicts while yet allowing orderly fisheries. He referred to Comm.Doc. 76/VI/50 (Revised) as a possible basis for discussion of closed areas.

The delegate of USA reviewed this Comm.Doc. and recalled the history of efforts to reduce by-catches. He noted that a number of regulations had been adopted but inspection of catches under the Scheme of Joint International Enforcement indicated that significant by-catches were still being made on occasion for a number of possible reasons.

The Chairman expressed the opinion that the Commissioners would appreciate advice on changes in the existing closed areas, and particularly why these might be preferable to the "window" concept.

The delegate of Japan expressed a willingness to discuss modifications of the closed area proposals in Comm.Doc. 76/VI/50 (Revised). The delegate of Spain noted that 50% of the Spanish fleet would be affected by proposals with regard to 130-ft vessels and that 25% of the fleet would be affected by the 155-ft vessel provisions.

The delegate of USA stated that closed area regulations increased the enforcement tasks, particularly with regard to midwater trawls being operated near bottom and to boarding of all vessels fishing in areas closed to only one type of gear. Multiple boardings were required to ascertain compliance, and the existing areas were extremely large. He suggested that, at some time in the future, fees might reflect the proportional costs of enforcement, and that this could significantly increase the cost of fishing.

The delegate of Canada inquired whether there was a feeling in the Working Group that it was impossible to deal with the by-catch problem. He noted studies on one cod stock that showed that incidental catches of small fish amounting to 4,000 tons would account for observed but unexplained declines in the stock. He added that coastal fisheries often suffered from stock depletion to a greater extent than did the more mobile distant-water fisheries.

The delegate of Cuba felt that the by-catch question was very important but that there was a reluctance to agree on regulations without very complete data on the problem in case the results were unexpectedly severe for distant-water fisheries. He stated that rigid by-catch regulations for an entire year might prevent attainment of national quotas in years of atypical hydrological conditions, so that any regulation should be sufficiently flexible to allow rapid adjustment, a concept requiring a regular flow of appropriate data. He advocated informal discussion of the problems before further formal consideration.

The delegate of Japan sought clarification of the extent of by-catch reduction that was deemed necessary and also on the extent of gear conflict, while the delegate of USSR inquired about information on by-catches by fisheries not subjected to by-catch regulations.

The Chairman summarized some of the elements of the by-catch problem including the different value placed on different species by different fisheries; the market value of mixed or pure landings; the significance of even limited by-catches in management of certain stocks; the unavoidability of by-catches in certain fisheries; and the concept that allowable catches of some stocks might be reserved entirely for by-catches.

The delegate of Canada observed that there were inadequate data to predict properly the effects of by-catch management although models did exist to predict by-catches resulting from varying catches of other species. Such prediction would be easier for fisheries confined to restricted areas rather than those conducted over a much wider area.

The delegate of Spain sought clarification of the basis for restricting by-catches to a certain level and, when the Chairman suggested trial regulations that might be altered after an initial period, stated that commercial fisheries should not be used as an experimental tool.

The delegate of Cuba observed that the prolonged discussions continued to expose new elements of the problems. The aim was to minimize by-catch, but the significance of by-catches at the present time should be determined before taking further action. He noted that recent regulations and the sharp declines in TACs and allocations would result in greatly decreased total by-catches. He stated that distant-water fleets were experiencing increased difficulties as a result of the various management actions. He reviewed

the three main fisheries (squids, hakes, and mackerel) under consideration with respect to the various factors discussed at the previous meetings of the Group, e.g. area of operation, by-catch levels, and variable stock distribution. He commented that the fleets tend to operate in a confined area at any given moment and that enforcement was, therefore, not as difficult as might be expected. He felt that there was no obvious remedy for the gear conflict problem involving offshore lobster traps. It might be possible, he said, to consider modifications to the by-catch regulations around the middle of the following year if adequate data were collected in the interim, particularly as a result of stringent coastal state reporting requirements.

The Chairman commented on the different perception of the problem as seen from the coastal state or distant-water viewpoint. He felt that this resulted from the lack of good data that were satisfactory to both elements.

The delegate of Cuba advocated the collection and processing of by-catch data in a standard format in order to facilitate examination of the problems.

The delegate of GDR recalled the analysis presented earlier with regard to his country's fisheries and stated that it was relatively easy to run updated analyses of the data, but that computers could not examine fully such elements as distributional variation. The GDR recognized the importance attached by coastal states to minimizing by-catches and a working group had been established to analyze the problems. Such analyses had shown that restrictions on the areas open to fishing might result in increased by-catches should the restrictions prevent fleets locating and fishing the densest distribution of the target species. He stated that the GDR could accept by-catch regulations based on percentages taken in specific fisheries as long as it was recognized that some by-catch of any species was unavoidable. He added that any zero allowance for a by-catch species could result in greatly increased by-catches of other species.

The Working Group agreed that, in general, by-catch dropped as the density of target species increased, while the delegate of Spain noted that this effect was magnified by considering the proportion of the by-catch rather than the absolute amount. This, he added, was one reason for his reluctance to accept further regulation of by-catch without examination of the rationale and modalities of application.

The Chairman gave two criteria for an acceptable level of by-catch. These were that the TAC for the by-catch species would not be exceeded, and that the *ad hoc* allocation of the TAC represented as by-catches was minimized.

The delegate of Spain noted that by-catch limitations were already in place, but there was a need for better reporting of by-catches and for better knowledge on the status of the stocks of by-catch species, and that a review of regulations after only a few months would be difficult in view of the marked seasonal variations in the fisheries.

The delegate of USA commented on the number of years it had taken to solicit even the present data reports, some of which served to indicate that substantial improvement in data collection was still necessary. He noted, as an example, that many delegates had expressed their views that the data were inadequate for assessment of the effects of the proposed "window" concept. In fact, he added, such data inadequacies were a significant element from the viewpoint of coastal states' fishermen in the perception of by-catch problems. He expressed his gratitude to the participants in the Working Group for what he felt were valuable contributions to discussions.

The delegate of Poland said that there was insufficient data to show whether a system of "windows" would reduce by-catches and noted that new and more detailed logbooks would provide a better data base in 1977.

The delegate of Canada referred to recent declines in the stocks of many fish that had not been arrested because the data available at the time were inadequate to justify the action needed. Inadequate data should not, therefore, be used as an excuse to delay action on the by-catch problem.

The delegate of Spain noted that by-catches were not the main reason for the observed stock declines but the overfishing of target species themselves and that by-catches only became a problem once stocks had been overfished. He could not accept the suggestion that no action had been taken, but rather that many measures had been introduced, e.g. second-tier TACs and closed area regulations, the effects of which had not yet been fully realized. It was, therefore, important to assess these effects before introducing new regulations.

16. The Chairman, in closing the meeting, summarized the elements, pro and con, of the various management options considered by the Working Group with regard to by-catches and gear conflicts as follows:

"In summary, the practice of fishery management includes a multitude of elements that cover conservation, gear and fishery conflicts, and enforcement. Regulatory measures used to control fisheries operations include area and season and gear specifications. The main issue is to (1) minimize factors which adversely affect conservation, create fishery conflicts (including ad hoc allocations)

and increase enforcement problems, and (2) maximize the taking of TACs and the efficiency of fishing operations. By-catch is certainly one of the primary factors which prevent achievement of these objectives.

"The Working Group considered at length the pro's and con's of the US approach of using "windows", i.e., permitting fishing for certain species only in specified time-area blocks with specified gear.

"Most countries thought that the approach as illustrated by the USA would have an adverse effect on the long-distance fisheries, and that attempting a new approach at this time, without adequate data, would not be justifiable and would not accomplish the objective. The lack of data is a serious problem, somewhat improved by submissions at this meeting, but the countries which have not been able to supply the requisite data, in fact, create a problem because it is not possible to demonstrate the efficiency of the current regulatory measures.

"The USA and Canada maintained that it was necessary to further reduce by-catch and conflicts so as to improve the conduct of coastal fisheries, and the USA maintained that the "window" concept is the best approach.

"In the larger sense, it seems that the issue of "open" or "closed" area-season blocks is not as important as the actual degree and kind of closures and openings.

"The Group could not develop much advice that would be useful in helping the Commission to resolve the issue. However, the new data provided for better definition of fishing operations and, hence, better definition of the effects of proposed regulatory measures. Some members of the Group felt that it might be possible to detect and correct errors in the initial measures in adequate time to permit fisheries to continue successfully, and others felt that the necessary measures could be developed during the next year based on experience and better data.

"All members agreed that the provision of data requested for this meeting on a continuing basis was necessary and desirable. It is fair to say as well that mutual understanding and perception of the problems were increased."

17. The Working Group adjourned at 1820 hrs, 6 December.

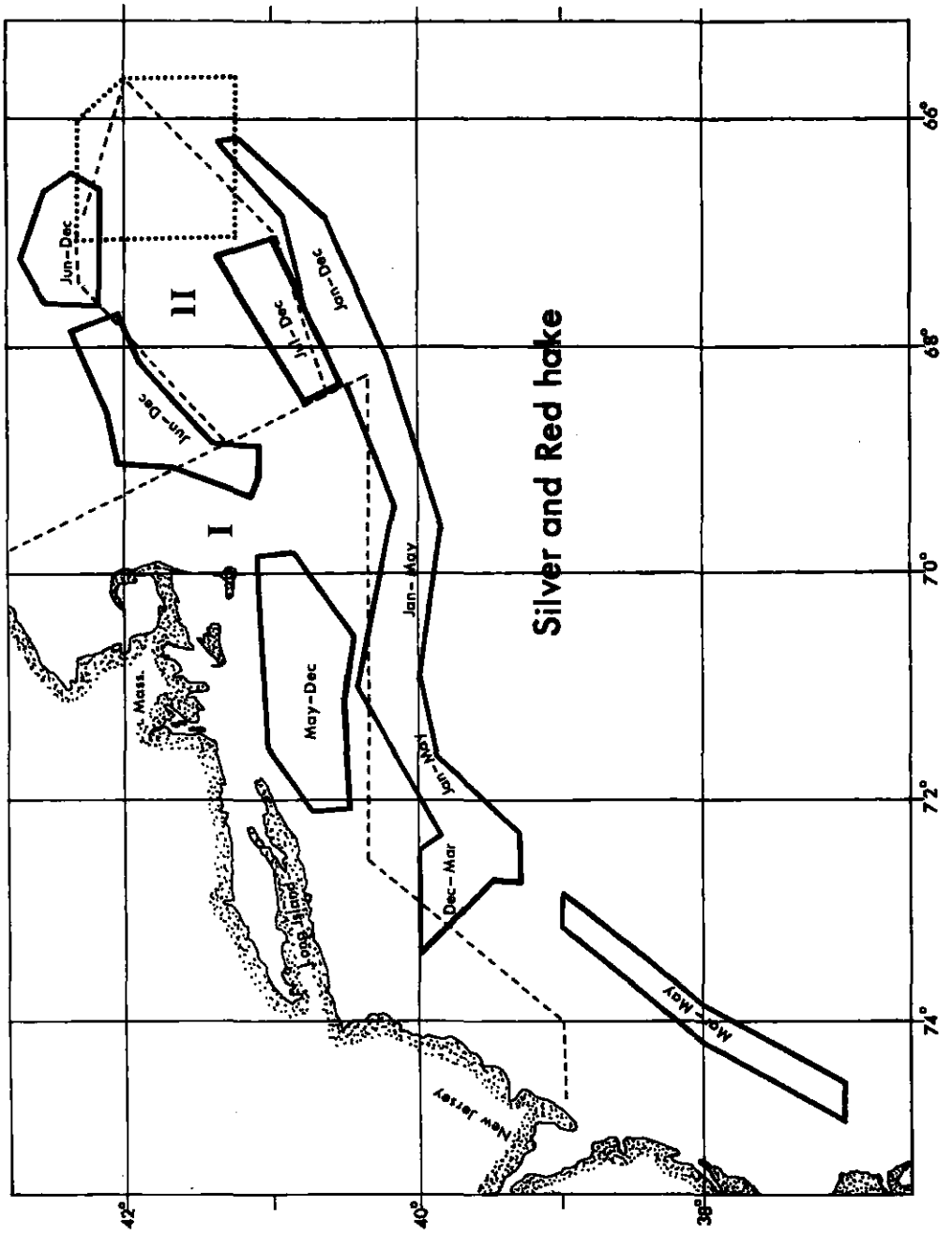

Fig. 1. Solid line = fishing effort distribution for silver and red hakes.
Broken line = fishing gear regulation - Areas I and II from Proposal (2) adopted at the September 1975 Seventh Special Commission Meeting.
Dotted line = haddock closed Area (b) from Proposal (8) adopted at the June 1975 Annual Meeting.

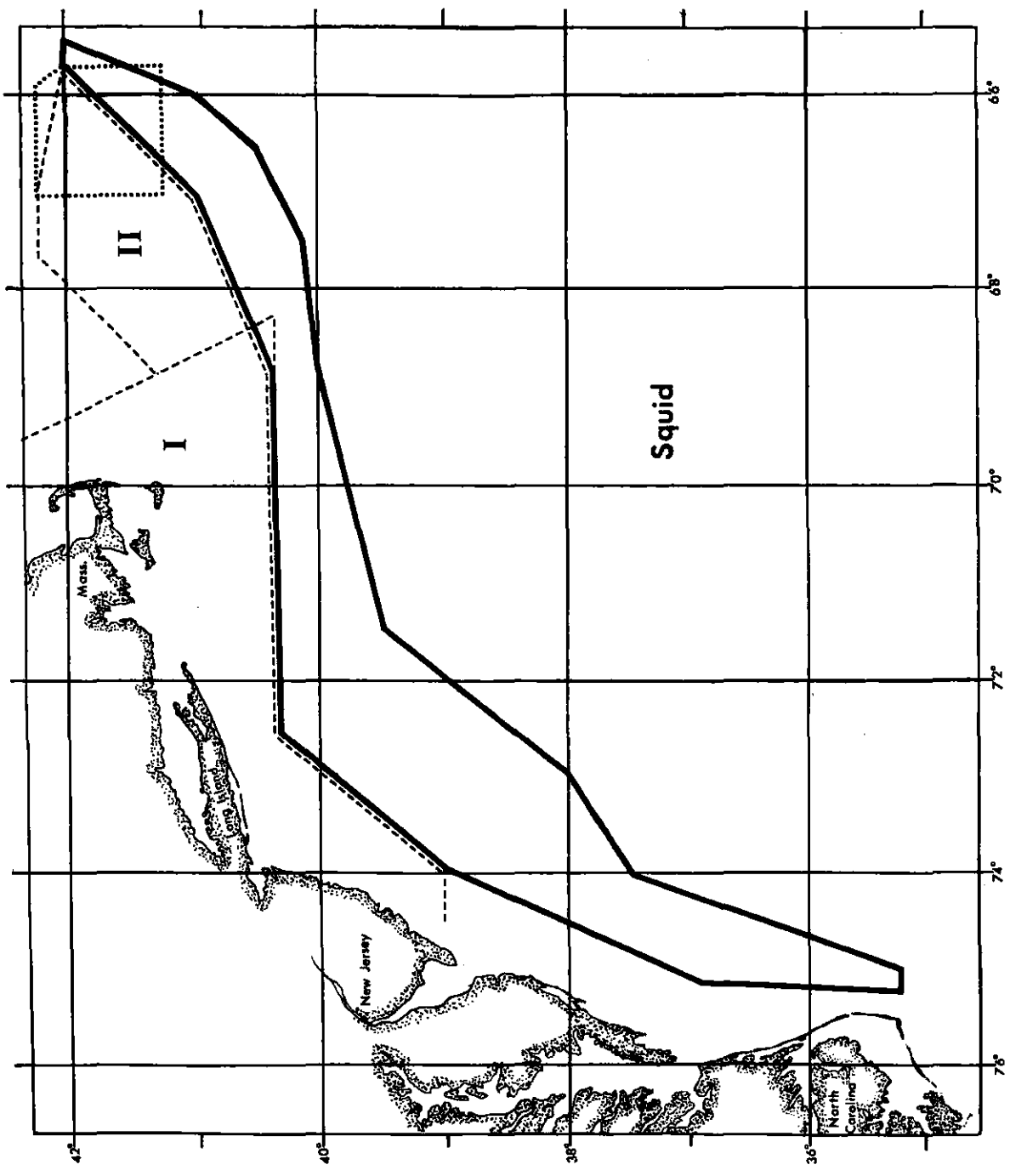

Fig. 2. Solid line = fishing effort distribution for squid.
Broken line = fishing gear regulation - Areas I and II from Proposal (2) adopted at the September 1975 Seventh Special Commission Meeting.
Dotted line = haddock closed Area (b) from Proposal (8) adopted at the June 1975 Annual Meeting.

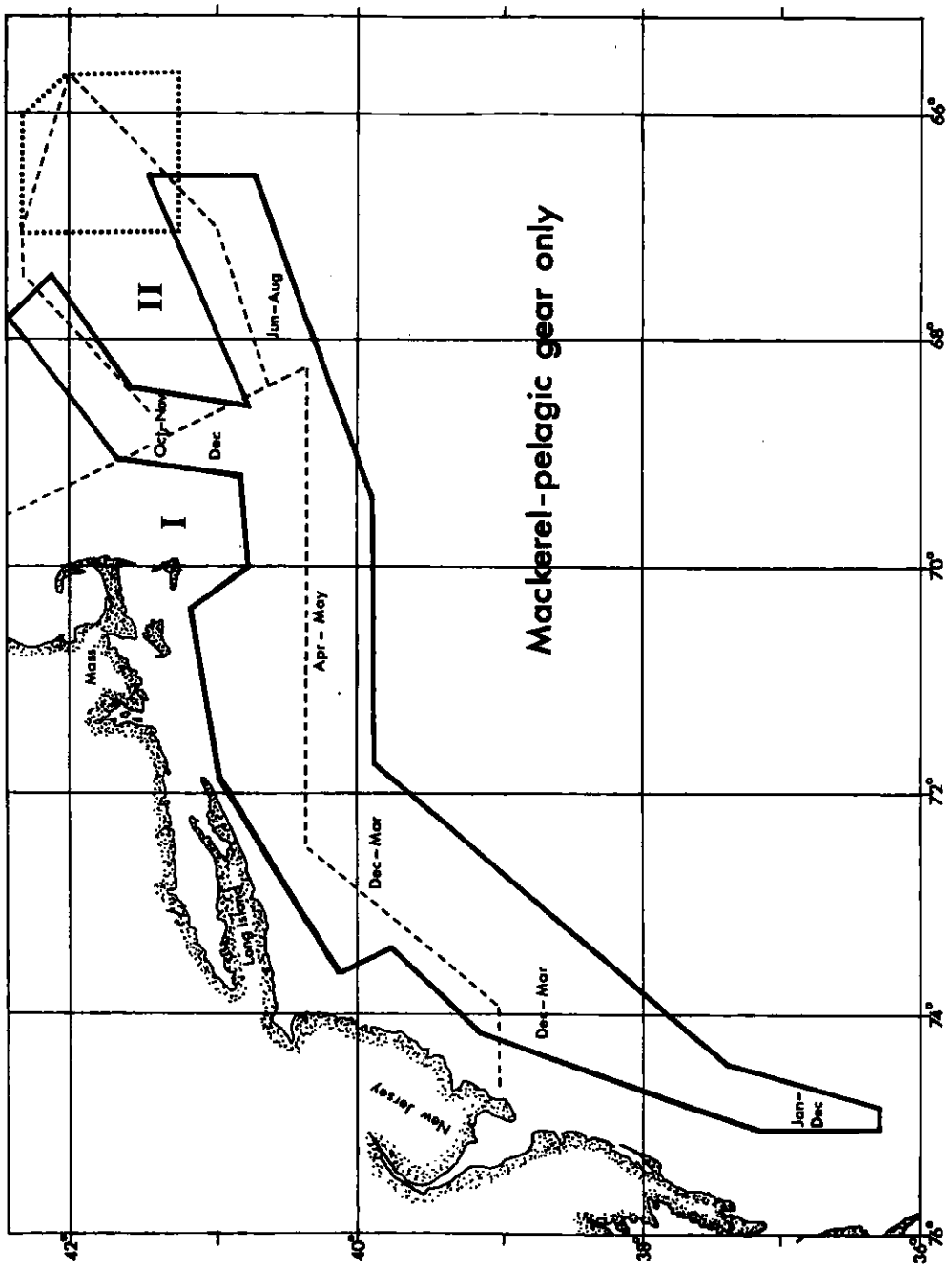

Fig. 3. Solid line = fishing effort distribution for mackerel (pelagic gear only).
Broken line = fishing gear regulation - Areas I and II from Proposal (2) adopted at the September 1975 Seventh Special Commission Meeting.
Dotted line = haddock closed Area (b) from Proposal (8) adopted at the June 1975 Annual Meeting.

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Appendix II

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

(4) Proposal for International Regulation of the Fishery for Silver Hake and Red Hake in Division 5Z of Subarea 5 of the Convention Area and Adjacent Waters to the West and South within Statistical Area 6

Panel 5 recommends that the Commission transmit to the Depositary Government the following proposal for joint action by the Contracting Governments:

"1. That the Contracting Governments take appropriate action to restrict fishing for hakes (silver hake and red hake) by persons under their jurisdiction fishing in Division 5Z of Subarea 5 of the Convention Area and in adjacent waters to the west and south within Statistical Area 6 to the periods and areas (coordinates connected by straight lines) specified below. Hake Area A is effective 1 January to 31 March; Hake Area B is effective 1 January to 30 April; Hake Area C is effective 1 April to 31 August.

Hake Area A	Hake Area B	Hake Area C
39°20'N, 72°30'W	40°11'N, 71°05'W	40°05'N, 69°25'W
39°34'N, 72°30'W	40°20'N, 70°30'W	40°20'N, 69°00'W
39°56'N, 72°00'W	40°05'N, 69°25'W	40°50'N, 67°00'W
40°11'N, 71°05'W	39°50'N, 69°25'W	40°30'N, 67°00'W
39°50'N, 71°05'W	39°50'N, 71°05'W	39°50'N, 69°25'W

"2. That, to minimize the incidental catch of other species in the fisheries for hakes, Contracting Governments shall permit persons under their jurisdiction to have in possession on board a vessel fishing for hakes (either at sea or at the time of off-loading) species, other than those for which specific national allocations have been approved by the Commission, caught in Division 5Z of Subarea 5 or in the area adjacent to the west and south within Statistical Area 6 to which paragraph 1 above applies, in an aggregate amount not exceeding 5,510 pounds or 2,500 kilograms or 10 percent by weight, of all other fish on board, whichever is greater.

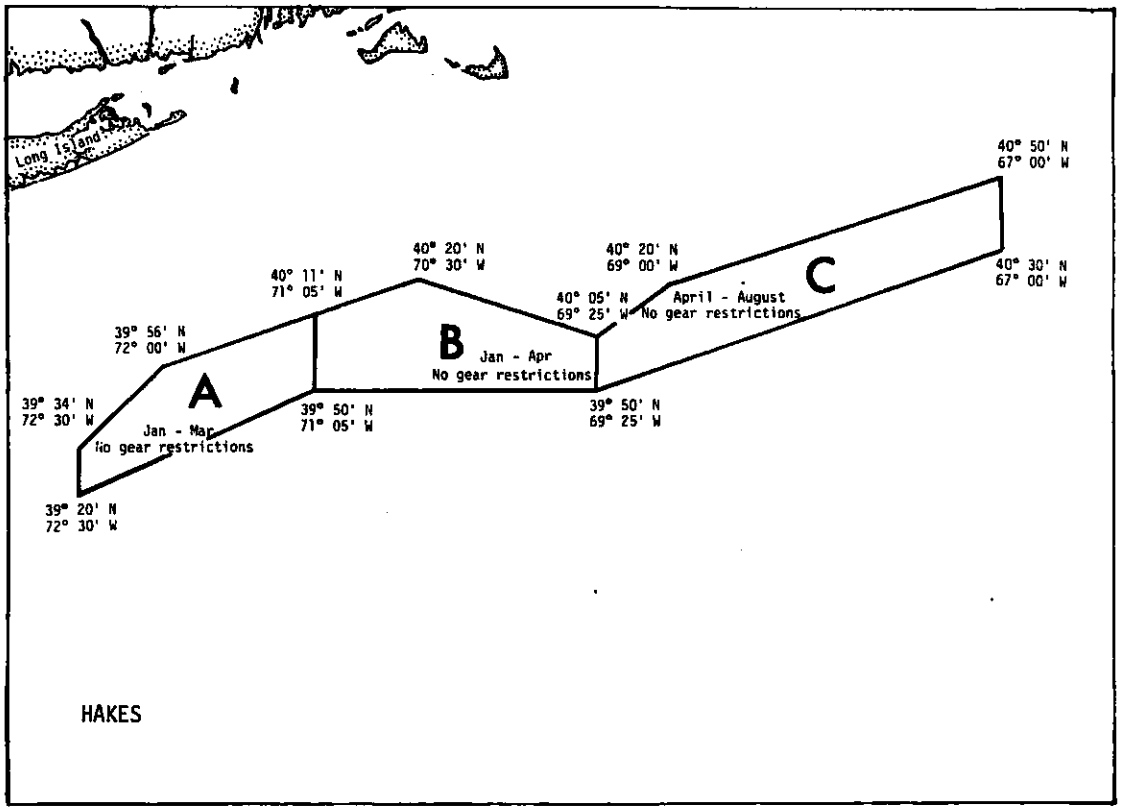
"3. That, to minimize the risk of exceeding the agreed national allocations of hakes, and in order to avoid impairment of fisheries conducted for other species which take hakes incidentally, the Contracting Governments shall limit persons under their jurisdiction fishing for other species to having in their possession on board (either at sea or at the time of off-loading) hakes other than those for which a specific national allocation has been approved by the Commission, caught in Division 5Z of Subarea 5 and in adjacent waters to the west and south within Statistical Area 6 in amounts not exceeding 1 percent by weight of all fish on board. Should it be observed during an inspection that during the first seventy-two hours of fishing after entering the fishery a vessel is taking hakes in amounts greater than that permitted, the inspector shall note this fact on the report of inspection and bring it to the attention of the master. Such observation in itself shall not be considered an infringement.

"4. That the provisions of this proposal shall not apply to vessels of the coastal states."

NOTE: The attached chart illustrates the periods and areas affected by this proposal.

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

Chart illustrating Areas A, B, and C affected by Proposal (4) for International Regulation of the Fishery for Silver Hake and Red Hake in Division 5Z of Subarea 5 of the Convention Area and Adjacent Waters to the West and South within Statistical Area 6, adopted by the International Commission for the Northwest Atlantic Fisheries in Plenary Session on 9 December 1976



NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

(5) Proposal for International Quota Regulation of the Fishery for Herring in Division 5Z of Subarea 5 of the Convention Area and Adjacent Waters to the West and South within Statistical Area 6

Panel 5 recommends that the Commission transmit to the Depositary Government the following proposal for joint action by the Contracting Governments:

"1. That the Contracting Governments take appropriate action to regulate the catch of herring, *Clupea harengus* L., by persons under their jurisdiction fishing in Division 5Z of Subarea 5 of the Convention Area and in adjacent waters to the west and south within Statistical Area 6 so that the aggregate catch of herring by persons taking such herring shall not exceed 33,000 metric tons in 1977.

"2. That Competent Authorities from each Contracting Government listed below shall limit, in 1977, the catch of herring from Division 5Z of Subarea 5 and adjacent waters to the west and south within Statistical Area 6, taken by persons under their jurisdiction, to the following amounts:

Bulgaria	100 metric tons
Canada	1,000 " "
Cuba	700 " "
France	1,000 " "
Federal Republic of Germany	4,725 " "
German Democratic Republic	4,825 " "
Poland	5,100 " "
Romania	100 " "
USSR	3,400 " "
USA	12,000 " "
Others	50 metric tons.

"3. Each Contracting Government mentioned by name in paragraph 2 above shall take appropriate action to prohibit the taking of herring during 1977 by persons under its jurisdiction fishing for stocks or species in Division 5Z of Subarea 5 of the Convention Area and in adjacent waters to the west and south within Statistical Area 6 on the date which

accumulated reported catch,
the quantity estimated to be taken before closure could be introduced, and
the likely incidental catch of herring in all other fisheries,

equal 100 percent of the allowable catch indicated for it in paragraph 2 above.

"4. That the herring fisheries in Division 5Z of Subarea 5 of the Convention Area and in adjacent waters to the west and south within Statistical Area 6 be restricted to the period 15 August to 30 September 1977 and to an area bounded by straight lines joining the following coordinates:

42°10'N, 69°00'W
42°10'N, 68°35'W
41°30'N, 68°35'W
41°10'N, 69°00'W.

"5. That the Contracting Governments prohibit the taking of herring with fishing gear other than pelagic fishing gear (purse seines or true midwater trawls, using midwater trawl doors incapable of being fished on the bottom), and prohibit the attachment of any protective device to pelagic fishing gear or employing any means which would, in effect, make it possible to fish for demersal species in the area described in paragraph 4 above.

"6. That, to minimize the risk of exceeding the amounts listed in paragraph 2 above, and in order to avoid impairment of fisheries conducted for other species which take herring incidentally, the Contracting Governments shall limit persons under their jurisdiction fishing for other species to having in their possession on board (either at sea or at the time of off-loading) herring other than that for which a national allocation has been approved by the Commission, caught in Division 5Z of Subarea 5 and in adjacent waters to the west and south within Statistical Area 6 in amounts not exceeding 5 percent by weight of all fish on board. Should it be observed during an inspection that during

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

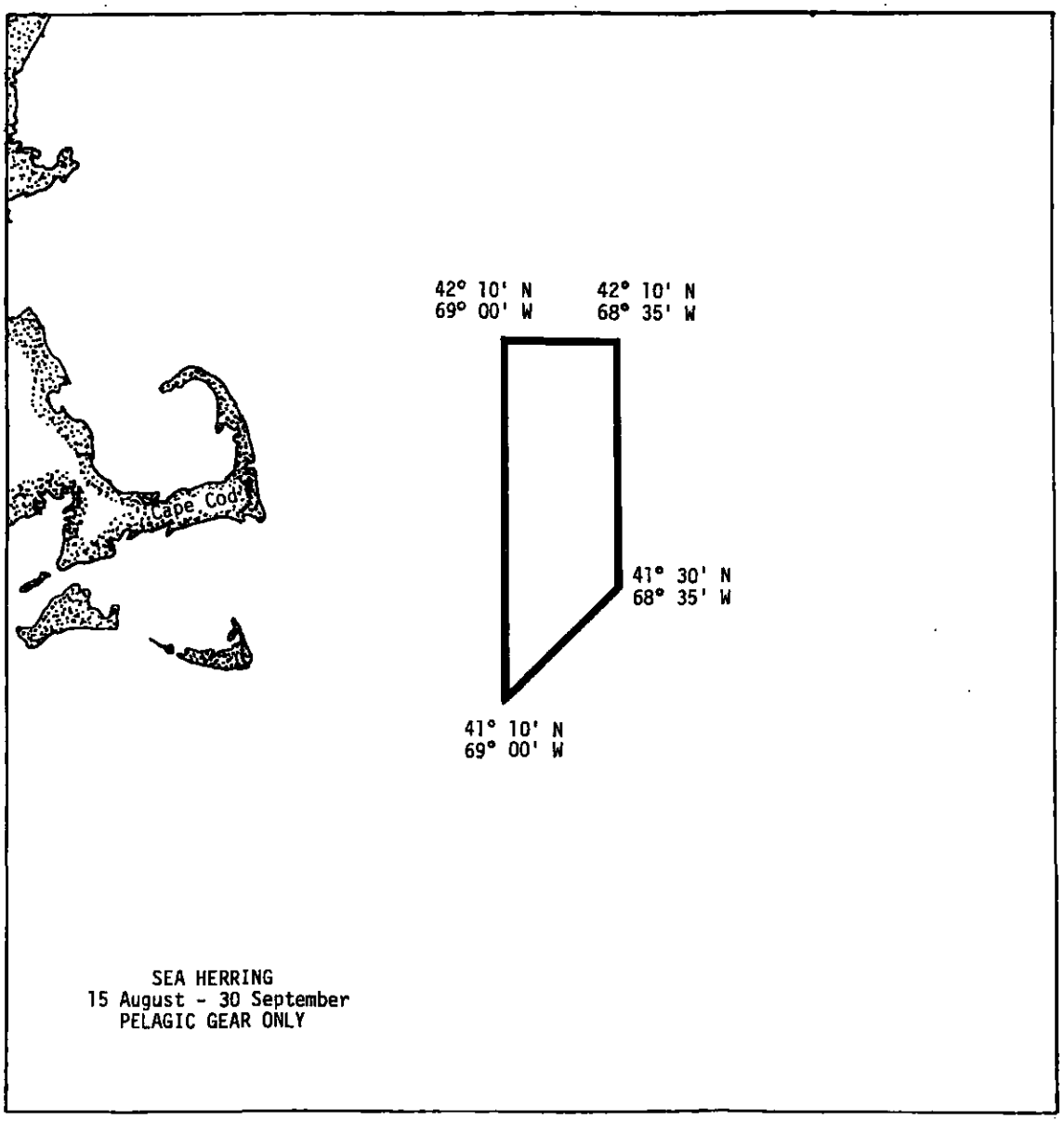
the first seventy-two hours of fishing after entering the fishery a vessel is taking herring in amounts greater than that permitted, the inspector shall note this fact on the report of inspection and bring it to the attention of the master. Such observation in itself shall not be considered an infringement.

"7. That, to minimize the incidental catch in the fisheries for herring, Contracting Governments shall permit persons under their jurisdiction to have on board a vessel fishing for herring (either at sea or at the time of off-loading) species, other than those for which specific national allocations have been approved by the Commission, caught in Division 5Z of Subarea 5 of the Convention Area or in the area adjacent to the west and south in Statistical Area 6 to which paragraph 1 applies, in an aggregate amount not exceeding 1 percent by weight of all other fish on board.

"8. That the provisions of paragraphs 4, 5, 6, and 7 above shall not apply to vessels of the coastal states."

NOTE: The attached chart illustrates the period and area affected by this proposal.

Chart illustrating the area affected by Proposal (5) for International Quota Regulation of the Fishery for Herring in Division 5Z of Subarea 5 of the Convention Area and Adjacent Waters to the West and South within Statistical Area 6, adopted by the International Commission for the Northwest Atlantic Fisheries in Plenary Session on 9 December 1976



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Appendix IV

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

(6) Proposal for International Regulation of the Fishery for Squid (*Loligo* and *Illex*) in Division 5Z of Subarea 5 of the Convention Area and in Adjacent Waters to the West and South within Statistical Area 6

Panel 5 recommends that the Commission transmit to the Depositary Government the following proposal for joint action by the Contracting Governments:

"1. That the Contracting Governments take appropriate action during calendar year 1977 to restrict fishing for squid (*Loligo* and *Illex*) by persons under their jurisdiction fishing in Division 5Z of Subarea 5 of the Convention Area and in adjacent waters to the west and south within Statistical Area 6 to the periods and within the areas specified below which are bounded by straight lines:

Area A - No gear restriction	Season
37°00'N, 74°40'W	January; November-December
35°30'N, 75°00'W	
35°30'N, 74°30'W	
37°00'N, 74°10'W	
Area B - No gear restriction	January-February-March; 15 June-15 September; November-December
37°00'N, 74°30'W	
37°00'N, 74°10'W	
38°00'N, 73°20'W	
39°40'N, 71°20'W	
39°40'N, 69°00'W	
40°02'N, 69°00'W	
39°55'N, 69°25'W	
40°04'N, 70°58'W	
39°55'N, 71°20'W	
39°50'N, 71°20'W	
39°20'N, 72°20'W	
39°25'N, 72°25'W	
38°00'N, 73°53'W	
Area C - No gear restriction	January-March; 15 June-15 September; November-December
37°00'N, 74°30'W	
38°00'N, 73°53'W	
39°25'N, 72°25'W	
39°30'N, 72°30'W	
38°00'N, 74°10'W	
37°00'N, 74°40'W	
Area D - No gear restriction	January; November-December
39°20'N, 72°20'W	
39°50'N, 71°20'W	
39°59'N, 71°20'W	
39°30'N, 72°30'W	
Area E - No gear restriction	January-March; November-December
39°55'N, 71°20'W	
40°04'N, 70°58'W	
39°55'N, 69°25'W	
40°02'N, 69°00'W	
40°20'N, 69°00'W	
40°20'N, 70°30'W	
39°59'N, 71°20'W	
39°55'N, 71°20'W	

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

Area F - No gear restriction	Season
40°15'N, 69°00'W 39°40'N, 69°00'W 40°20'N, 67°00'W 40°45'N, 67°00'W.	January-February; 15 June-15 September; November-December

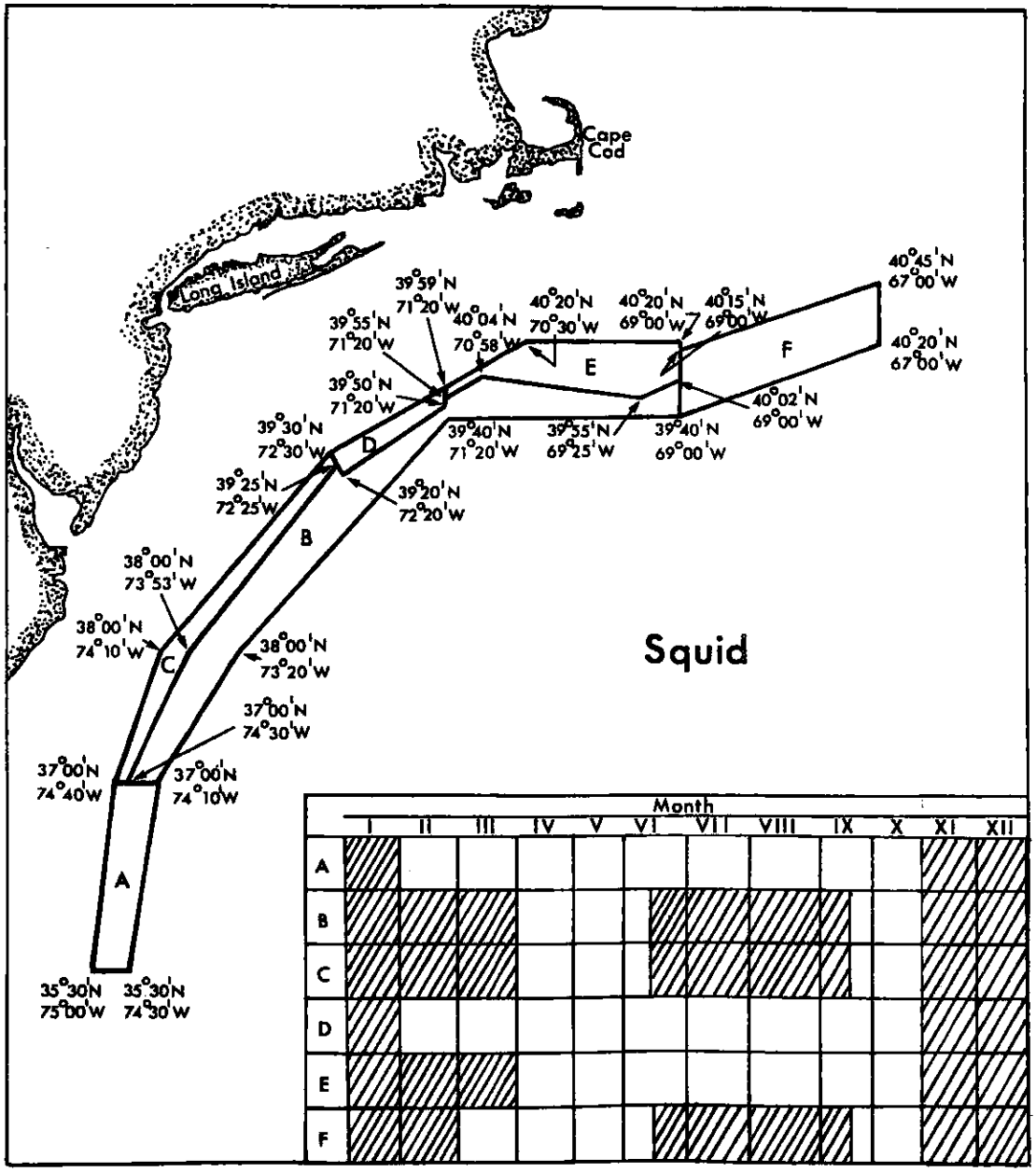
"2. That, to minimize the incidental catch in the fisheries for squid, Contracting Governments shall permit persons under their jurisdiction to have in possession on board a vessel fishing for squid (either at sea or at the time of off-loading) species, other than those for which specific national allocations have been approved by the Commission, caught in Division 5Z of Subarea 5 of the Convention Area or in the area adjacent to the west and south in Statistical Area 6 to which paragraph 1 applies, in an aggregate amount not exceeding 5,510 pounds or 2,500 kilograms or 10 percent by weight, of all other fish on board, whichever is greater.

"3. That, to minimize the risk of exceeding national allocations of squid, and in order to avoid impairment of fisheries conducted for other species which take squid incidentally, the Contracting Governments shall limit persons under their jurisdiction fishing for other species to having in their possession on board (either at sea or at the time of off-loading) squid, other than that for which a specific national allocation has been approved by the Commission, caught in Division 5Z of Subarea 5 of the Convention Area and in adjacent waters to the west and south within Statistical Area 6 in amounts not exceeding 1 percent by weight of all fish on board. Should it be observed during an inspection that during the first seventy-two hours of fishing after entering the fishery a vessel is taking squid in amounts greater than that permitted, the inspector shall note this fact on the report of inspection and bring it to the attention of the master. Such observation in itself shall not be considered an infringement.

"4. That the provisions of paragraphs 1, 2, and 3 above shall not apply to vessels of the coastal states."

NOTE: The attached chart illustrates the periods and areas affected by this proposal.

Chart illustrating Areas A, B, C, D, E, and F and seasons affected by Proposal (6) for International Regulation of the Fishery for Squid (*Loligo* and *Illex*) in Division 5Z of Subarea 5 of the Convention Area and Adjacent Waters to the West and South within Statistical Area 6, adopted by the International Commission for the Northwest Atlantic Fisheries in Plenary Session on 9 December 1976



NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

(7) Proposal for International Quota Regulation of the Fishery for Mackerel in Subarea 5 of the Convention Area and Adjacent Waters to the West and South within Statistical Area 6

Panel 5 recommends that the Commission transmit to the Depositary Government the following proposal for joint action by the Contracting Governments:

"1. That the Contracting Governments take appropriate action to regulate the catch of mackerel, *Scomber scombrus* L., by persons under their jurisdiction fishing in Subarea 5 of the Convention Area and in adjacent waters to the west and south within Statistical Area 6 so that the aggregate catch of mackerel by persons taking such mackerel shall not exceed 75,000 metric tons in 1977.

"2. That Competent Authorities of each Contracting Government listed below shall limit, in 1977, the catch of mackerel from Subarea 5 and adjacent waters to the west and south within Statistical Area 6, taken by persons under their jurisdiction, to the following amounts:

Bulgaria	4,000 metric tons
Canada	5,000 " "
Cuba	2,000 " "
Federal Republic of Germany	1,100 " "
German Democratic Republic	12,400 " "
Italy	300 " "
Poland	20,200 " "
Romania	1,100 " "
USSR	22,800 " "
USA	6,000 " "
Others	100 metric tons.

"3. That the mackerel fisheries in Subarea 5 of the Convention Area and in adjacent waters to the west and south within Statistical Area 6 be restricted to the periods and area bounded by straight lines joining the coordinates specified below:

Area	Season
38°05'N, 74°20'W 37°30'N, 73°45'W 38°50'N, 72°20'W 39°12'N, 72°49'W 39°40'N, 72°30'W 40°05'N, 71°38'W 39°30'N, 71°20'W 40°20'N, 67°00'W 40°50'N, 67°00'W 40°30'N, 69°00'W 40°30'N, 71°50'W 39°52'N, 72°42'W 38°05'N, 74°20'W.	January and February; October, November and December

"4. That the Contracting Governments prohibit the taking of mackerel with fishing gear other than pelagic gear (purse seines or true midwater trawls, using midwater trawl doors incapable of being fished on the bottom), and prohibit the attachment of any protective device to pelagic fishing gear or employing any means which would, in effect, make it possible to fish for demersal species in the area described in paragraph 3 above.

"5. That, to minimize the risk of exceeding the amounts listed in paragraph 2 above, and in order to avoid impairment of fisheries conducted for other species which take mackerel incidentally, the Contracting Governments shall limit persons under their jurisdiction fishing for other species to having in their possession on board (either at sea or at the time of off-loading) mackerel, other than that for which specific national allocations have been approved by the Commission, caught in Subarea 5 or in adjacent waters to the west and south within Statistical Area 6 in amounts not exceeding 5 percent by weight of all fish on board. Should it be observed during an inspection that during the first seventy-two hours of fishing after entering the fishery a vessel is taking mackerel in amounts greater than that permitted, the inspector shall note this fact on the report of inspection and bring it to

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

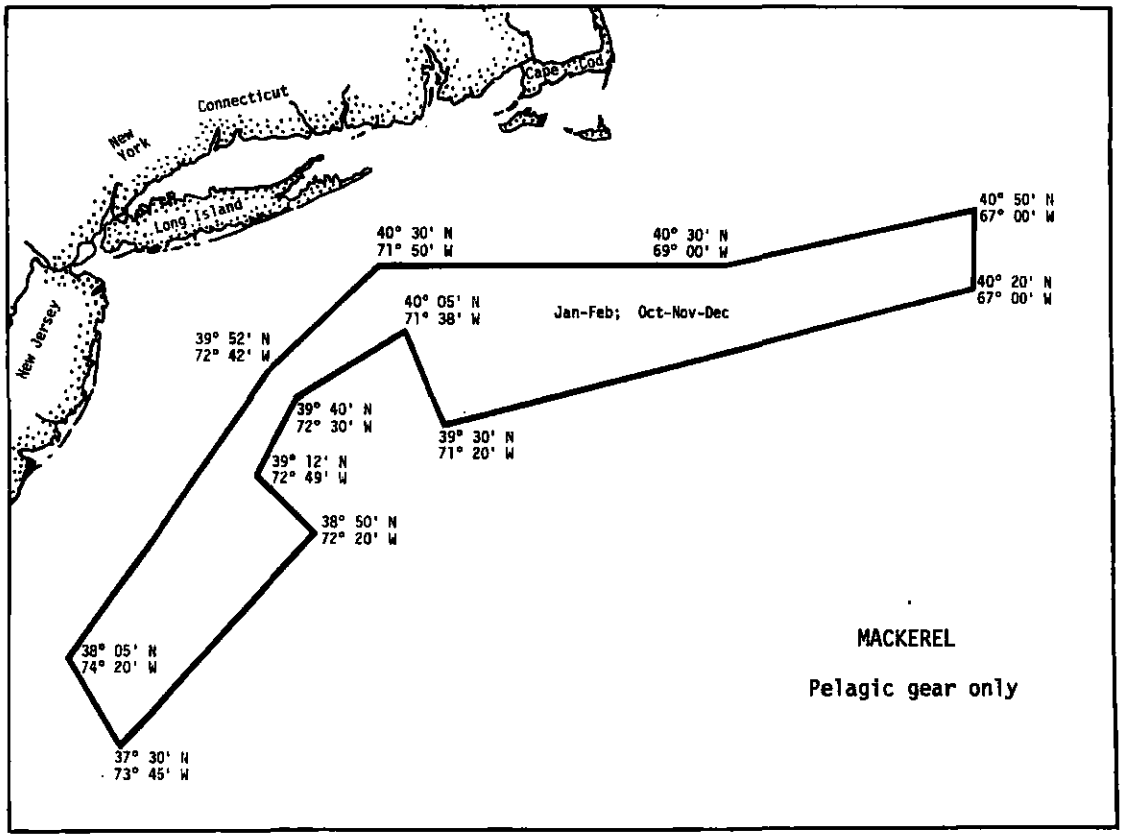
the attention of the master. Such observation in itself shall not be considered an infringement.

"6. That, to minimize the incidental catch in the fisheries for mackerel, Contracting Governments shall permit persons under their jurisdiction to have on board a vessel fishing for mackerel (either at sea or at the time of off-loading) species, other than those for which specific national allocations have been approved by the Commission, caught in Subarea 5 of the Convention Area or in the area adjacent to the west and south within Statistical Area 6 to which paragraph 1 above applies, in an aggregate amount not exceeding 5 percent by weight of all other fish on board.

"7. That the provisions of paragraphs 3, 4, 5, and 6 above shall not apply to vessels of the coastal states."

NOTE: The attached chart illustrates the periods and area affected by this proposal.

Chart illustrating the area and periods affected by Proposal (7) for International Quota Regulation of the Fishery for Mackerel in Subarea 5 of the Convention Area and Adjacent Waters to the West and South within Statistical Area 6, adopted by the International Commission for the Northwest Atlantic Fisheries in Plenary Session on 9 December 1976



NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

(8) Proposal for Repeal of Fishing Gear Regulations for Subarea 5 of the Convention Area and in Adjacent Waters to the West and South within Statistical Area 6

Panel 5 recommends that the Commission transmit to the Depositary Government the following proposal for joint action by the Contracting Governments:

"1. That proposal (2) for international regulation of fishing gear employed in the fisheries in Subarea 5 of the Convention Area and in adjacent waters to the west and south within Statistical Area 6, adopted at the September 1975 Seventh Special Commission Meeting (September 1975 Meeting Proceedings, pages 39-40) and entered into force on 14 April 1976, be repealed effective 1 January 1977."

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

(9) Proposal for International Quota Regulation of the Fishery for Squid (*Loligo* and *Illex*) in Subarea 5 of the Convention Area and Adjacent Waters to the West and South within Statistical Area 6

Panel 5 recommends that the Commission transmit to the Depositary Government the following proposal for joint action by the Contracting Governments:

Taking into Account that the coastal states may not be able to take their 1977 national quota allocations for squid (*Loligo* and *Illex*) in Subarea 5 of the Convention Area and in Statistical Area 6 adopted at the Annual Meeting in June 1976; and

Noting that indicative revised allocations were provided by the USA as guidance to nations which might benefit from a re-allocation and were reflected in second-tier allocations recommended by the Commission at its Ninth Special Meeting:

> "That Competent Authorties from each Contracting Government shall limit in 1977 the catch of squid (*Loligo* and *Illex*) taken by persons under their jurisdiction from the stock in Subarea 5 of the Convention Area and adjacent waters to the west and south within Statistical Area 6 to the amount decided for each Contracting Government at the 1977 Annual Meeting by unanimous vote of the Contracting Governments present and voting, and if a decision to revise the catch taken by persons under their jurisdiction is taken, such amounts would become effective for each Contracting Government upon receipt of notification from the Depositary Government of the amounts decided by the Commission."

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

International Commission for the Northwest Atlantic Fisheries

Serial No. 4079
(B.e.76)

Proceedings No. 9

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

Report of the Joint Meetings of Panels 1-5

Thursday, 2 December, 1715 hrs
Sunday, 5 December, 1520 hrs
Wednesday, 8 December, 0925 hrs

1. Opening. The meeting was called to order by the Chairman of the Commission, Dr D. Booss (Fed.Rep. Germany). Representatives of all Member Countries of the Panels, except Iceland, were present.

2. Rapporteur. The Executive Secretary was appointed Rapporteur.

3. Agenda. The Joint Meeting of the Panels was called to consider a Spanish proposal for the allocation of surplus cod stocks (Comm.Doc. 76/XII/66).

4. Consideration of Procedure for Allocation of Surplus Cod Stocks. The delegate of Spain introduced Comm.Doc. 76/XII/66 in which the procedure for allocation of the surplus cod stocks, on the basis of the species as a whole rather than stock by stock was expanded. The procedure was proposed by the delegate of Spain at the 1976 Annual Meeting (June 1976 Meeting Proceedings Nos. 11 and 13), because of dissatisfaction with the cod stock allocations. The main arguments, he said, for the new principle of distribution were included in Comm.Doc. 76/XII/66. The principle stressed continued cooperation with the coastal states by allocating what was surplus to the needs of the coastal states and recognized that the economic significance of participation in a fishery is determined by the total quota allocated. He acknowledged the arguments at the 1976 Annual Meeting discussions that the new principle may have been introduced too early or too late in view of the pending extension of national fishing limits of the coastal states. Having applied the new principle to all areas and countries, except Subarea 1, he found that there was some doubt concerning the argument that the principle, if adopted, might result in allotments being received by countries in areas in which they did not want them, or at least in the amounts or seasons desired. He found that, in Subareas 2 and 3, the majority of countries, except Denmark, had substantial past historical performance in the cod fisheries. He proposed the adoption of the STACREM formula of 45:45:10 which would provide percentage participation in the surplus stock and, therefore, equal sacrifice. The delegate of Portugal expressed sympathy for the Spanish need for cod, but since Portugal had a similar problem, he could not offer any concrete help. He noted that the 1977 allocations had been set at the 1976 Annual Meeting, except for cod in Subarea 1, and that the Commission's objection procedure was available for use by the Spanish Government. He objected to allocating cod under the new principle and other species under the stock-by-stock procedure. He noted that the possibilities for adopting a new allocation procedure for 1978 were in doubt because of the extension of management jurisdiction by the coastal states to 200 miles offshore. It was, in his opinion, impractical for the Commission to adopt new principles and revise the 1977 allocations. The delegate of Spain noted that Spain had had her quota reduced by 60%, the greatest reduction any country had suffered. This was discriminatory. He said his Government would use the objection procedure only as a last resort and that the new procedure would be acceptable for all species and not just cod. Following a question by the delegate of Canada, the delegate of Spain explained that the amounts recorded by Spain, using the new procedure at the 1976 Annual Meeting (Comm.Doc. 76/XII/52 Addendum), were only based on 1976 quotas and were used for illustration only. The delegate of Poland saw no reason to adopt the new principle which, when applied, showed that Poland would suffer a reduction in allocation. The Chairman, supported by the delegate of Canada and fully agreed by the Panel Members, declared the meeting recessed in order to give the item every chance for resolution outside the Commission Meetings.

5. The Joint Meeting of Panels 1-5 recessed at 1800 hrs, 2 December.

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6. The Joint Meeting of Panels 1-5 reconvened at 1520 hrs, 5 December, to continue consideration of the Spanish proposal for a new procedure for allocation of the surplus cod stocks. The Chairman took the opportunity to express the sincere thanks of the meeting participants and their families for a memorable day on the Teide Mountain and at lunch at the Parador. The delegate of Spain thanked the Chairman for his kind

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

words of appreciation. Regarding the new procedure, he reported that applying the 45:45:10 concept gave results so different from actual allocations that they would not provide any solution to the problem in practical terms. He felt it would be more realistic to attempt a solution such as was proposed for the Bulgarian request for a silver hake quota in Div. 4VWX and suggested that each Member Country, except the coastal states, transfer 1% of its allocation, thus giving Spain a total of 1,500 tons: Spain would then ask the coastal state, Canada, for bilateral compensation to help meet the grave Spanish need for a greater cod allocation.

With the agreement of the Members of the Panels, the delegate of Spain provided, as information, the following allocations of the surplus, as a result of his application of the new procedure and use of the 45:45:10 concept:

Bulgaria	- 0 tons	German Democratic Republic	- 6,437 tons	Portugal	- 26,596 tons
Canada	- not calculated	Iceland	- 39 tons	Romania	- 230 tons
Cuba	- 21 tons	Italy	- 0 tons	Spain	- 37,150 tons
Denmark	- 3,220 tons	Japan	- 7 tons	USSR	- 34,517 tons
France	- 7,544 tons	Norway	- 4,800 tons	UK	- 2,348 tons
Federal Republic of Germany	- 11,877 tons	Poland	- 4,779 tons	USA	- 543 tons

There was no "Others" category and the 10% for special needs (15,480 tons) was not allocated.

The delegate of Portugal reminded the delegates that Portugal had taken the biggest losses in allocation since 1974 and that, if the Portuguese cod allocations as set at the 1976 Annual Meeting were changed, the Government of Portugal would deposit an objection. He had no objection to Spain attempting to solve her cod problem on a bilateral basis with the coastal states. The delegate of Spain pointed out that the proposal for a 1% contribution from each Member Country with an allocation would not affect the amounts set aside for "Others".

The delegate of Canada, in recognizing the great Spanish cod losses in allocations between 1976 and 1977, stated that Canada was prepared to contribute more than 1% if those Member Countries with allocations would each contribute 1%. The delegate of Cuba suggested that the 1% be given on a voluntary basis by those Member Countries that felt they could give, while Canada could give as much as she felt possible.

In response to the Chairman's question, the delegate of Canada replied that it would be easier for him to obtain the support of his delegation and Government if all countries with allocations would contribute, but that he would like to see how many countries with allocations could give 1% voluntarily in recognizing the seriousness of the Spanish problem.

7. Panels 1-5, in joint session, having agreed to defer a decision until later in the week, recessed at 1630 hrs, 5 December.

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8. Panels 1-5 reconvened at 0925 hrs, 8 December, to continue consideration of the Spanish proposal for a 1% contribution of cod to Spain from each Member Country with an allocation for 1977 in Subareas 2 and 3. The Chairman asked the delegate of Spain to express the warm thanks of the delegates and their families to the local authorities of Tenerife and the Mayor of Puerto de la Cruz for the banquet tendered the ICNAF meeting participants the previous evening. The delegate of Spain acknowledged the thanks of the Chairman and assured the meeting that the expression would be conveyed to the local authorities and the Mayor. Regarding the Spanish proposal, he noted that the 1% formula seemed the best approach for providing much needed cod to Spain. Bilateral discussions with the Canadian delegation had been encouraging and he felt that the 1% formula, applied on a voluntary basis, might get considerable support. At the request of the delegate of Portugal, he detailed the actual amounts of a 1% contribution from each Member Country with an allocation in the stocks of cod in Div. 2GH, Div. 2J-3KL, Div. 3M, and Div. 3NO as follows: Cuba - 42 tons; Denmark - 58 tons; France - 103 tons; Fed.Rep. Germany - 125 tons; German Dem.Rep. - 59 tons; Norway - 32 tons; Poland - 122 tons; Portugal - 318 tons; Romania - 4 tons; USSR - 305 tons; and UK - 32 tons.

The delegate of Portugal was prepared to negotiate a bilateral agreement with Spain to contribute, in order to relieve the grave Spanish situation, but on the condition that the tables of allocations as agreed at the Annual Meeting in June 1976 for the cod stocks concerned would remain as set and that Div. 3M be excluded from the agreement, which would result in a transfer of 256 tons by bilateral agreement if successful. The delegate of USSR understood the Spanish situation as USSR had lost about 100,000 tons of cod since 1975. Because the proposal of a 1% contribution had not been on the agenda for previous study and because the USSR allocations agreed at the 1976 Annual Meeting had already been legally agreed and re-allocated to the Soviet fishing enterprises, some of which already had vessels in the ICNAF Area ready to operated under the 1977 regulations, his delegation was unable to reconsider the USSR allocations but he would be ready to consider other possibilities for Spain.

The delegate of Poland also found himself in an embarrassing situation. He had no instructions to agree to any part of the Polish quota being allocated but felt his Government could, like Portugal, consider negotiating a bilateral agreement with Spain. The delegate of Denmark stated he was in the same legal position as USSR. He could agree to contribute from Div. 2J-3KL but not from Div. 3M. At his request, the delegate of Canada said that Canada would agree to contribute 1,250 tons from Div. 2GH and 2,250 tons from Div. 2J-3KL toward the solution of the Spanish problem. Canada had no objection to amending the allocations set at the 1976 Annual Meeting but he suggested that, if the transfers were to be made on a bilateral basis, there should be a resolution adopted saying that the Panels recommended, as a special case for 1977, the transfer of cod to Spain, to a maximum of 1% from Member Countries with cod allocations in the stocks concerned for approval by the Commission without prejudice to the allocations set at the 1976 Annual Meeting and to future cases. The Chairman, in supporting this resolution, suggested that the Member Countries should report the exact amounts of their transfers before the end of the year. The delegates of Cuba, UK, Norway, and France agreed to transfer 1% to Spain from all areas except Div. 3M. The delegate of Fed.Rep. Germany was prepared to transfer 116 tons on a voluntary basis to Spain from Div. 2GH. Panels 2 and 3, in joint session with Panels 1, 4, and 5, agreed to recommend to the Commission for adoption the proposed resolution regarding approval of the transfers to Spain as at Appendix I. The delegate of Spain expressed his sincere thanks to the Panel Members for their courtesies and understanding of the Spanish problem. Although the amounts were small, they meant much to Spain from the point of view of sympathy for the Spanish needs. He extended warm thanks to Canada for contributing substantially.

9. Panels 1-5, in joint session, having completed their work, adjourned at 1005 hrs, 8 December.

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

(2) Resolution Relating to the Transfer to Spain of Quota Allocations for the Year 1977 on Certain Cod Stocks in Subareas 2 and 3 of the Convention Area

Panels 2 and 3, in joint session with Panels 1, 4, and 5, recommend the following resolution for adoption by the Commission:

The Commission

Having Considered the request of the Spanish Commissioner for re-allocation of cod stocks in Subareas 2 and 3;

Desiring not to jeopardize the decisions taken in respect to these stocks at the 26th Annual Meeting;

Having Noted that Member Countries concerned are willing to contribute to a solution of the problems explained by the Spanish Commissioner;

Agrees that, in this particular situation, without any prejudice to present and future quota allocations, transfers from the quota allocations for the year 1977 on the cod stocks in Divisions 2GH, 2J-3KL, and 3NO from other Member Countries to Spain would be permitted, provided that these transfers will be submitted to the Executive Secretary of the International Commission for the Northwest Atlantic Fisheries not later than 24 December 1976;

Having Noted that these transfers have already been submitted by the Commissioners of the following Contracting Governments:

Canada	- Div. 2GH	- 1,250	tons
	- Div. 2J-3KL	- 2,250	"
Cuba	- Div. 2J-3KL	- 18	"
	- Div. 3NO	- 12	"
Denmark	- Div. 2J-3KL	- 17	"
France	- Div. 2J-3KL	- 56	"
	- Div. 3NO	- 3	"
Federal Republic of Germany	- Div. 2GH	- 116	"
Norway	- Div. 2J-3KL	- 16	"
UK	- Div. 2J-3KL	- 13	tons;

Affirms that, for the cod stocks mentioned above, the transfers would be communicated to all Contracting Governments not later than 31 December 1976 by the Executive Secretary of the Commission in respect of all transfers submitted to him, and such transfers would come into effect on 1 January 1977 for all Contracting Governments.

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

International Commission for the Northwest Atlantic Fisheries

Serial No. 4080
(B.e.76)

Proceedings No. 10

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

Report of the Joint Meetings of Panels 2 and 3

Thursday, 2 December, 1800 hrs
Sunday, 5 December, 1700 hrs
Wednesday, 8 December, 0920 hrs

1. Opening. The meeting was called to order by the Chairman of Panel 3, Mr R.H. Letaconnoux (France), who was elected Chairman of the Joint Meeting of the Panels. Representatives of all Member Countries were present (Iceland was not represented at the 2 December meeting). Observers were present from EEC, FAO, ICES, and ICCAT (from 5 December).

2. Rapporteur. The Executive Secretary was appointed Rapporteur.

3. Agenda. The Joint Meeting of the Panels was convened to consider the Romanian request for an allocation of cod in Div. 2J and 3KLM of Subareas 2 and 3 (Comm.Doc. 76/XII/69).

4. Consideration of the Romanian Request for an Allocation of Cod in Div. 2J and 3KLM. At the request of the Chairman, the delegate of Romania reviewed the Romanian catch and quota allocations from 1969. He noted a drastic reduction in the cod quota for Romania since 1975. Until now Romania only had a single quota for cod of 400 tons in Div. 2GH of Subarea 2. He stated the Romanian request for 1,000 tons of cod from Div. 2J-3KL, 200 tons from Div. 3M, and 400 tons in Div. 2GH which gave a grand total of 2,000 tons as Romanian needs from Subareas 2 and 3. The Panel Members noted that the amounts reserved for "Others" was 1,200 tons in Div. 2J-3KL, 400 tons in DIv. 3M, and 1,000 tons in DIv. 3NO, enough to allow Romania to take her requirements from the "Others" category and leave token amounts. The delegate of Spain thought that the Romanian situation could be accommodated in the results given by the Spanish proposal (see Proceedings No. 9). He stated that agreement to the Romanian request would force Spain to use the objection procedure unless consideration could be given also to the Spanish problem.

5. Panels 2 and 3, in joint session, agreed to recess at 1820 hrs, 2 December, to allow Romania to consult informally with other delegations regarding her request.

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6. The Joint Meeting of Panels 2 and 3 reconvened at 1700 hrs, 5 December, to continue consideration of the Romanian request for a cod quota in Div. 2J and 3KLM of Subareas 2 and 3. Following a review of the 2 December meeting proceedings by the Chairman, the delegate of Romania pointed out that Romania after 10 years as a Member of the Commission now had no cod quota for 1977 in Subareas 2 and 3, except in Div. 2GH. Romanian vessels had participated in the fishery respecting all regulations and making catches which were not very great but which were very important for Romania. In considering Romania's needs for further quotas, totalling 1,600 tons of cod, he hoped the Panels would find it possible to allow Romania to take this amount from the allocations for "Others" in Div. 2J-3KL, Div. 3M, and Div. 3NO.

The delegate of Spain pointed out that the Spanish proposal for cod before the Joint Meeting of Panels 1-5 (Proceedings No. 9), out of fairness to others, did not touch the allocations for "Others" but only asked 1% of the allocation of each country with an allocation. He noted that the Romanian fishery was small and had been given consideration in past years, and again explained that, with a substantial "Others" quota, adequate consideration could be given not only to Romania's request but also to those of other countries not having specific allocations.

The delegate of Cuba thought that serious consideration should be given to making the Romanian operation for cod a worthwhile venture from an economic point of view. The delegate of Spain pointed out that, to make the Romanian fishery economically viable, it was proposed to affect the viability of these countries who were intending to fish in the present allocation for "Others" in 1977. When reference was made to the fishing effort limitation scheme in effect in Subareas 2, 3, and 4 in relation to the size of catch quotas, the delegate of Canada pointed out that no fishing effort limitation scheme had been proposed for 1977 as all

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[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

vessels fishing within the coastal state's extended jurisdiction would be licensed by Canada.

The delegate of UK considered it would be difficult to meet the request of Romania from the "Others" allocations. Following suggestions for postponement, as in the consideration of the Spanish proposal in Panels 1-5, from both the delegates of Cuba and Canada, and having noted that in past years Romania had fished the major share of the total allocation for "Others", the Panels agreed to postpone further discussion to a later meeting.

7. Panels 2 and 3, in joint session, recessed at 1730 hrs, 5 December.

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8. Panels 2 and 3 reconvened at 0920 hrs, 8 December, to continue consideration of the Romanian request for an allocation of cod in Div. 2J and 3KLM. The delegate of Canada reported that discussions had been held between the Romanian and Canadian delegations and a satisfactory arrangement for accommodating the Romanian needs had been agreed.

The delegate of Romania affirmed the satisfactory conclusion of discussions with the Canadian delegation. He noted that, in accordance with these discussions, Romania would have the possibility to fish from the alloations for "Others" in the cod stocks in Subareas 2 and 3.

9. The Joint Meeting of Panels 2 and 3 adjourned at 0923 hrs, 8 December.

International Commission for the Northwest Atlantic Fisheries

Serial No. 4096
(B.s.9)

Proceedings No. 11

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

Report of the Final Plenary Session

Thursday, 9 December, 1530 hrs

1. The Chairman, Dr D. Booss (Fed.Rep. Germany), opened the meeting. Representatives of all Member Countries were present. Observers were present from the European Economic Community (EEC), Food and Agriculture Organization of the United Nations (FAO), International Commission for the Conservation of Atlantic Tunas (ICCAT), International Council for the Exploration of the Sea (ICES), and International Transport Workers' Federation (ITF).

2. The Report of STACRES (Redbook 1977, Part A) was adopted with the Plenary noting that STACRES, as at the June 1976 Annual Meeting, strongly endorsed the view that there be continued international cooperation in research and that STACRES and its Subcommittees can continue to be an effective forum for the formulation and conduct of research in the Northwest Atlantic. The Chairman, on behalf of the Plenary, expressed their appreciation for the continued conscientious and valuable efforts.

3. The Report of the Ceremonial Opening (Proceedings No. 2) was accepted.

4. The Report of the First Plenary Session (Proceedings No. 3) was adopted, with the Plenary noting that the Proposal for Amendment to Articles I and VI of the International Convention for the Northwest Atlantic Fisheries (Proceedings No. 3, Appendix III) and Resolution (1) regarding development of a framework for future multilateral cooperation (Proceedings No. 3, Appendix IV) were adopted at a meeting of the First Plenary Session on 8 December.

5. The Report of Panel A (Seals) (Proceedings No. 4), with Proposal (1) regarding conservation measures for harp and hooded seals in the Convention Area (Proceedings No. 4, Appendix III), were adopted. The Plenary took note of a statement by the USA regarding the Report of Panel A (Seals) and requested that it be recorded at Appendix I. The delegate of Denmark, speaking on behalf of the Chairman of Panel A, Mr E. Lemche (Denmark) and the Danish delegation, pointed out that the Members of Panel A and the Scientific Advisers had recognized the various values in the management of seals and, although the catch quotas had increased, the proposed conservation measures for 1977 were based on extensive and serious scientific and economic considerations. He pointed out that the conservation programs apply to more than the harp and hooded species of seals alone. The delegate of Canada wished to associate Canada, which held the same point of view, with the remarks made by the delegate of Denmark.

6. The Report of Panel 1 (Proceedings No. 5), with Proposal (2) for mesh-size regulation of the fishery for northern deepwater prawn (shrimp) in Subarea 1 (Proceedings No. 5, Appendix I), were adopted with the delegate of Norway repeating his objection, stated in the Panel 1 meeting, to the TAC and allocation for shrimp in Subarea 1.

7. The Report of Panel 4 (Proceedings No. 6), with Proposal (3) for regulation of the small-mesh bottom-trawl fisheries in Div. 4VWX of Subarea 4 (Proceedings No. 6, Appendix I), were adopted.

8. The Report of Joint Meetings of Panels 3, 4, and 5 (Proceedings No. 7) was adopted.

9. The Report of Joint Meetings of Panels 1-5 (Proceedings No. 9), with Resolution (2) relating to the transfer to Spain from the quota allocations for other countries in 1977 (Proceedings No. 9, Appendix I), were adopted.

10. The Report of Joint Meetings of Panels 2 and 3 (Proceedings No. 10) was adopted.

11. The Plenary recessed at 1645 hrs to allow Panel 5 to complete its work, then reconvened at 1950 hrs.

12. The Report of Panel 5 (Proceedings No. 8) was adopted, including the Report of the *ad hoc* Working Group on a Subarea 5 Regulatory Regime (Proceedings No. 8, Appendix I), and Proposals (4) regarding periods and

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

areas for silver and red hake fisheries in Div. 5Z and Statistical Area 6 (Proceedings No. 8, Appendix II), (5) regarding quota, period, and area regulations for herring in Div. 5Z and Statistical Area 6 (Proceedings No. 8, Appendix III) with the Fed.Rep. Germany objecting, (6) regarding period and area regulations for squid (*Loligo* and *Illex*) in Div. 5Z and Statistical Area 6 (Proceedings No. 8, Appendix IV), (7) regarding quota, period, and area regulations for mackerel in Subarea 5 and Statistical Area 6 (Proceedings No. 8, Appendix V), (8) regarding the repeal of gear regulations in Subarea 5 and Statistical Area 6 (Proceedings No. 8, Appendix VI), and (9) regarding quota revisions for squid (*Loligo* and *Illex*) in Subarea 5 and Statistical Area 6 (Proceedings No. 8, Appendix VII).

13. The Chairman drew attention to the Table at Appendix II which contained the TACs and allocations for 12 stocks or species recommended by the Panels and adopted by the Plenary for 1977. These TACs and national allocations also constituted a proposal for the international quota regulation of the fisheries in the Convention Area and Statistical Area 6 with the June 1974 Proposal (14) as amended providing the management procedure. The Plenary

agreed

that the Commission transmit to the Depositary Government, for joint action by the Contracting Governments, Proposal (10) for international quota regulation of the fisheries in the Convention Area and Statistical Area 6 (Appendix II).

14. The attention of the Plenary was drawn to Resolution (3) from the June 1976 Annual Meeting (June 1976 Meeting Proceedings No. 14, Appendix III) regarding early implementation for 1977 of the decisions from the December 1976 Special Meeting.

15. The Chairman acknowledged the Observer from the International Transport Workers' Federation (ITF) who thanked the Commission for the opportunity to attend its meetings, and explained the Federation and its objectives to the delegates. The Observer from the International Council for the Exploration of the Sea (ICES) pointed to the special interest of ICES in this meeting and to the similarity of ICES and STACRES in their responsibilities for providing advice for management. He was happy to be able to report back to ICES that cooperative multilateral scientific effort will continue in the Northwest Atlantic area and between ICES and ICNAF. The Observer from the Food and Agriculture Organization of the United Nations (FAO) shared the sentiments of the ICES Observer, and pointed to the numerous occasions and ways in which ICNAF and FAO had collaborated in the past. He looked forward to continuing collaboration with either ICNAF or its successor.

16. Date and Location of Future Meetings. In the absence of an invitation from a Member Country and since meeting accommodation in the ICNAF Headquarters area was not available, the Plenary was informed that the Executive Secretary with the help of the Canadian Government would try to find accommodation for a 1977 Annual Meeting, perhaps in the Ottawa area. The Plenary noted that NEAFC had meetings of the Group of Experts on the Future of NEAFC in January 1977, a Plenipotentiary Conference in March-April 1977 and the Annual Meeting in July, and that these would not conflict with ICNAF Annual Meeting dates if set to include the first week in June 1977. The Plenary agreed that the 1977 Annual Meeting would be held from 31 May to 10 June 1977 with STACRES meeting during the preceding week at a location to be determined.

17. Adjournment. The delegate of Spain, speaking on behalf of his delegation and his Government, thanked the delegates of the Member Countries for their constructive approach to the Spanish problem. He felt that the Commission had accomplished much at this meeting and he was less skeptical about a continuing multilateral cooperative mechanism. He hoped all had enjoyed their stay in Tenerife and looked forward to the possibility of other productive meetings in similar surroundings. The delegate of UK addressed the Commission on behalf of the ICNAF Member Countries who were members of the EEC. The statement is recorded at Appendix III. The Chairman noted that ICNAF had survived another meeting and that all should recall the warm words of praise from Dr Needler in speaking of the past work and accomplishments of the Commission. He hoped that, although steps had already been taken to change the institutional framework, the spirit of cooperation that has prevailed in ICNAF for many years and had made it successful, would prevail. He had warm thanks for the host Government for their hospitality, for the scientists, and for the staff of the Secretariat for their excellent work, and for the delegates who, although the deliberations and decisions were not easy, for their understanding and cooperative spirit. The delegate of Canada expressed appreciation of the efficient and effective way in which the Chairman had conducted the meeting.

18. There being no other business, the Chairman declared the Ninth Special Commission Meeting adjourned at 2010 hrs, 9 December 1976. A press notice summarizing the Proceedings is at Appendix IV.

Serial No. 4096
(B.s.9)

Proceedings No. 11
Appendix I

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

Statement by the Observer from the USA

regarding the Report of Panel A — harp and hooded seals

The United States is seriously concerned with Panel A recommendations for an increased TAC for harp seals in 1977 and, in the absence of a detailed, comprehensive scientific assessment for hooded seals, with the continuation of the previous TAC level for hooded seals. We urge a cautious, conservative approach to the management of these unique resources.

As the Commission moves to adopt specific seal management programs for 1977, the United States requests that the Commission continue to take into account the broader criteria of aesthetic, scientific, cultural, and recreational values of the harp and hooded seal resource, and that these programs not be based solely on economic utility.

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

Serial No. 4096
(A.a.4)

Proceedings No. 11
Appendix II

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

(10) Proposal for International Quota Regulation of the Fisheries in the Convention Area and in Statistical Area 6, adopted by the International Commission for the Northwest Atlantic Fisheries in Plenary Session on 9 December 1976

That (a) the national quota allocations for 1977 of nine stocks deferred from the 1976 Annual Meeting (Proposal (8)), and

(b) the national quota allocations for 1977 of the whole group of stocks or species (collectively) in Subarea 5 of the Convention Area and in adjacent waters to the west and south within Statistical Area 6 (excluding menhaden, tunas, billfishes, and large sharks other than dogfish),

shall be in accordance with the following table:

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

Table - Integral part of Proposal (10) for International Quota Regulation of the Fisheries in the Convention Area and in Statistical Area 6, adopted by the International Commission for the Northwest Atlantic Fisheries in Plenary Session on 9 December 1976.

(a) National allocations (in metric tons) for 1977 of particular stocks or species in the Convention Area and in Statistical Area 6. (Total = Total Allowable Catches (TAC)).

Country	Northern Deepwater Prawn (= Shrimp)[1]					Cod	Silver hake	Flounders[5]	Herring	
	1A (N69°30')	1A (S69°30') + 1B (N68°)	1B (S68°) + 1C	1DEF	1	1	4VWX	4VWX	4XW(b)[6]	5Z+6[8]
Bulgaria	-	-	-	-	-	-	950	-	-	100
Canada	-	-	-	-	-	-	14,850	26,000	82,000	1,000
Cuba	-	-	-	-	-	-	8,910	-	-	700
Denmark	4,800[2]	2,400	22,600[2]	2,400	29,000	29,000	-	-	-	-
France	-	-	-	-	-	-	-	250	-	1,000
Federal Republic of Germany	-	-	-	-	-	-	-	-	-	4,725
German Democratic Republic	-	-	-	-	-	-	-	-	-	4,825
Iceland	-	-	-	-	-	-	-	-	-	-
Italy	-	-	-	-	-	-	-	-	-	-
Japan	-	-	-	-	-	-	-	-	-	-
Norway	-	-	-	-	-	-	-	-	-	-
Poland	-	-	-	-	-	-	-	-	-	5,100
Portugal	-	-	-	-	-	-	-	-	-	-
Romania	-	-	-	-	-	-	-	-	-	100
Spain	-	-	-	-	-	-	-	-	-	-
USSR	-	-	-	-	-	-	44,950	1,000[7]	-	3,400
UK	-	-	-	-	-	-	-	-	-	-
USA	-	-	-	-	-	-	100	500	1,000	12,000
Others	1,200[3]	600	5,400[3]	600	7,000	2,000	240	250[7]	1,000[7]	50
Total	6,000[4]	3,000	28,000[4]	3,000	36,000	31,000	70,000	28,000	84,000	33,000

Table (a) continued

(b) National allocations for 1977 of stocks or species (collectively) in Subarea 5 and Statistical Area 6 (excluding menhaden, tunas, billfishes, and large sharks other than dogfish).

Country	Mackerel		River herring	Butterfish	Other finfish		All finfish + squids
	3+4	5+6[10]	5+6	5+6[11]	5+6[11]		5+6
Bulgaria	-	4,000	-	-	2,000		6,750
Canada	25,000	5,000	-	100	2,500		23,000
Cuba	-	2,000	-	-	3,000		14,950
Denmark	-	-	-	-	-		-
France	-	-	-	-	200		1,100
Federal Republic of Germany	-	1,100	-	-	200		6,300
German Democratic Republic	-	12,400	-	-	3,000		16,850
Iceland	-	-	-	-	-		-
Italy	-	300	-	400	900		5,000
Japan	-	-	-	3,300	7,000		25,000
Norway	-	-	-	-	-		-
Poland	-	20,200	-	-	6,200		32,100
Portugal	-	-	-	-	-		-
Romania	-	1,100	-	-	200		1,200
Spain	-	-	-	1,500	3,600		18,450
USSR	-	22,800	-	-	31,100		141,250
UK	-	-	-	-	-		-
USA	-	6,000	9,990	12,500	62,000		228,000
Others	5,000[9]	100	10	200	100		50
Total	30,000	75,000	10,000	18,000	122,000		520,000

FOOTNOTES:

[1] TACs and allocations pertain to offshore fishing grounds in Subarea 1, with specified catch limits in four designated regions of the Subarea.

[2] Sum of these catches not to exceed 24,200 tons.

[3] Sum of these catches not to exceed 5,800 tons.

[4] Sum of these catches not to exceed 30,000 tons.

[5] American plaice, witch, and yellowtail.

[6] Fisheries for adult herring.

[7] For by-catch only.

[8] (see also Proposal (5) from the Ninth Special Commission Meeting)

[9] Includes 300 tons expected to be taken by France in Subdiv. 3Ps outside the Convention Area; remainder for by-catch only.

[10] (see also Proposal (7) from the Ninth Special Commission Meeting)

[11] All allocations are for by-catch only.

Serial No. 4096
(B.s.9)

Proceedings No. 11
Appendix III

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

Statement for the European Economic Community

by

the delegate of UK

Mr Chairman:

I would like at this concluding state of the proceedings to make a statement on behalf of the Member States of the European Economic Community.

Yesterday, the Commission adopted an interim solution, in the form of amendments to the Convention, and also recommended expedient action for future multilateral cooperation in relation to fisheries in the Northwest Atlantic.

As was said at the beginning of this Special Meeting, the Community is interested in such multilateral cooperation and expects to participate in it. I may add that the Community intends to determine its position on this matter as soon as possible and that it will take its decisions in particular in the light of the outcome of the present meeting of the Commission and of subsequent action for the development of the future multilateral cooperation.

Today, Mr Chairman, the Commission has finalized all TACs, quota allocations, and other conservation measures to be applied for the year 1977. As was already announced in our statement at the Annual Meeting in Montreal in June, and elaborated in the statement made at the opening session of the present meeting, these agreements, which meet with the concurrence of Community Member States, will be implemented pursuant to the rules and regulations applicable to waters under the jurisdiction of Community Member States, as from the beginning of 1977.

These rules and regulations under the new regime have not yet been finalized. However, they will be based on the existing principle, which means that the new fisheries regime is a common policy reflecting the common interests of all Member States of the Community.

As stated earlier, the acceptance of the ICNAF quotas for 1977 is a temporary solution, which is no substitute for the conclusion of bilateral agreements between the Community and third states, the conditions of which will govern their right to fish accepted quotas in 1977.

I believe, Mr Chairman, that this approach is in line with the approach adopted by other coastal states in the ICNAF Area.

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

NOT TO BE CITED WITHOUT PRIOR
REFERENCE TO THE COMMISSION[1]

Serial No. 4096
(B.s.9)

Proceedings No. 11
Appendix IV

NINTH SPECIAL COMMISSION MEETING - DECEMBER 1976

Press Notice

1. The Ninth Special Meeting of the International Commission for the Northwest Atlantic Fisheries (ICNAF) was held at Puerto de la Cruz, Tenerife, Canary Islands, Spain, during 1-9 December 1976. About 155 representatives attended from all Member Countries as follows: Bulgaria, Canada, Cuba, Denmark, France, Federal Republic of Germany, German Democratic Republic, Iceland, Italy, Japan, Norway, Poland, Portugal, Spain, Union of Soviet Socialist Republics, United Kingdom, and United States of America. Observers were present from the European Economic Community (EEC), Food and Agriculture Organization of the United Nations (FAO), International Council for the Exploration of the Sea (ICES), International Commission for the Conservation of Atlantic Tunas (ICCAT), and International Transport Workers Federation (ITF). With the resignation of the Chairman, Mr E. Gillett (UK), following the June 1976 Annual Meeting, the Vice-Chairman, Dr D. Booss (Federal Republic of Germany) became Chairman of the Commission and presided over the Meeting.

2. Purpose of the Meeting

The main purpose of the Meeting was to consider a number of matters deferred from the June 1976 Annual Meeting: (a) establish total allowable catches (TACs) and national quotas for 1977 in respect of cod and shrimp stocks in Subarea 1, mackerel stocks in Subareas 3 to 5 and Statistical Area 6, herring stocks in Subareas 4 and 5 and Statistical Area 6, silver hake and flounder stocks in Subarea 4, and "other finfish" and "all finfish and squids" in Subarea 5 and Statistical Area 6; (b) consider a regulatory regime in Subarea 5 and Statistical Area 6 relating to means of reducing by-catch and controlling catches of protected species; and (c) further consideration of the future of the Commission and its potential role under extended coastal state jurisdiction. In addition, the Commission considered a Spanish proposal for allocation of surplus cod stocks, a Romanian request for an allocation of cod, and a Japanese request for preliminary consideration of the reallocation of any expected unused portion of squid quotas.

3. Scientific and Technical Advice

The Commission's Standing Committee on Research and Statistics (STACRES) met during 24 November to 1 December 1976 to review the state of the shrimp stocks in Subarea 1, silver hake stocks in Subarea 4 and mackerel stocks in Subareas 3 to 5 and Statistical Area 6, and a submitted a comprehensive report on these subjects. In addition, meetings of the *ad hoc* Working Group on a Subarea 5 Regulatory Regime were held during 30 November to 6 December to review the fishing patterns and practices of the various Member Countries with a view to reducing by-catches by such means as open areas and seasons and gear restrictions.

4. Catch Quotas

The Commission agreed to total allowance catches (TACs) for 1977 in respect of several stocks in Subareas 1, 3, 4, 5, and Statistical Area 6, for which decisions were deferred to this Special Meeting (Table 1) and also agreed to the national allocations for 1977 in respect to these stocks (Table 2). The Commission further agreed on TACs and allocations for harp and hooded seals in the northern part of the Convention Area for 1977 (Table 3). The agreed catch levels, combined with new regulations limiting the take of adult harp seals and breeding female hooded seals, allow an increase in the catch of each species compared with the 1976 quotas.

The Commission favourably considered the Spanish request for an additional allocation of cod in Subareas 2 and 3 for 1977, and agreed to the possible reallocation of the 1977 squid quotas at the next Annual Meeting.

5. Management Regime in Subarea 5 and Statistical Area 6

The Commission further considered the US proposals from the June 1976 Annual Meeting on a regulatory regime for Subarea 5 and Statistical Area 6 that would reduce by-catches and control the catches of protected species. The Commission agreed to a regime of open areas and seasons in respect of fisheries for herring, mackerel, silver and red hakes, and squids, together with restrictions on the use of bottom trawls in certain areas and periods.

6. Future of the Commission

In the light of the decisions taken by the coastal states in the Northwest Atlantic to extend their jurisdiction over fisheries to 200 miles in 1977, the Commission agreed to amendments of the Convention that

[1] Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

provide for the continued functioning of the Commission, pending further consideration of future multilateral cooperation with regard to the fishery resources of the Northwest Atlantic, and resolved that action be taken early in 1977 to develop a framework for such future cooperation, including institutional arrangements.

7. Next Annual Meeting

The Twenty-Seventh Annual Meeting of the Commission will be held during the latter part of May and early June 1977 in Canada. The Meeting will be preceded by meetings of the Commission's Standing Committee on Research and Statistics.

22 December 1976

Office of the Secretariat
Dartmouth, Nova Scotia, Canada B2Y 3Y9

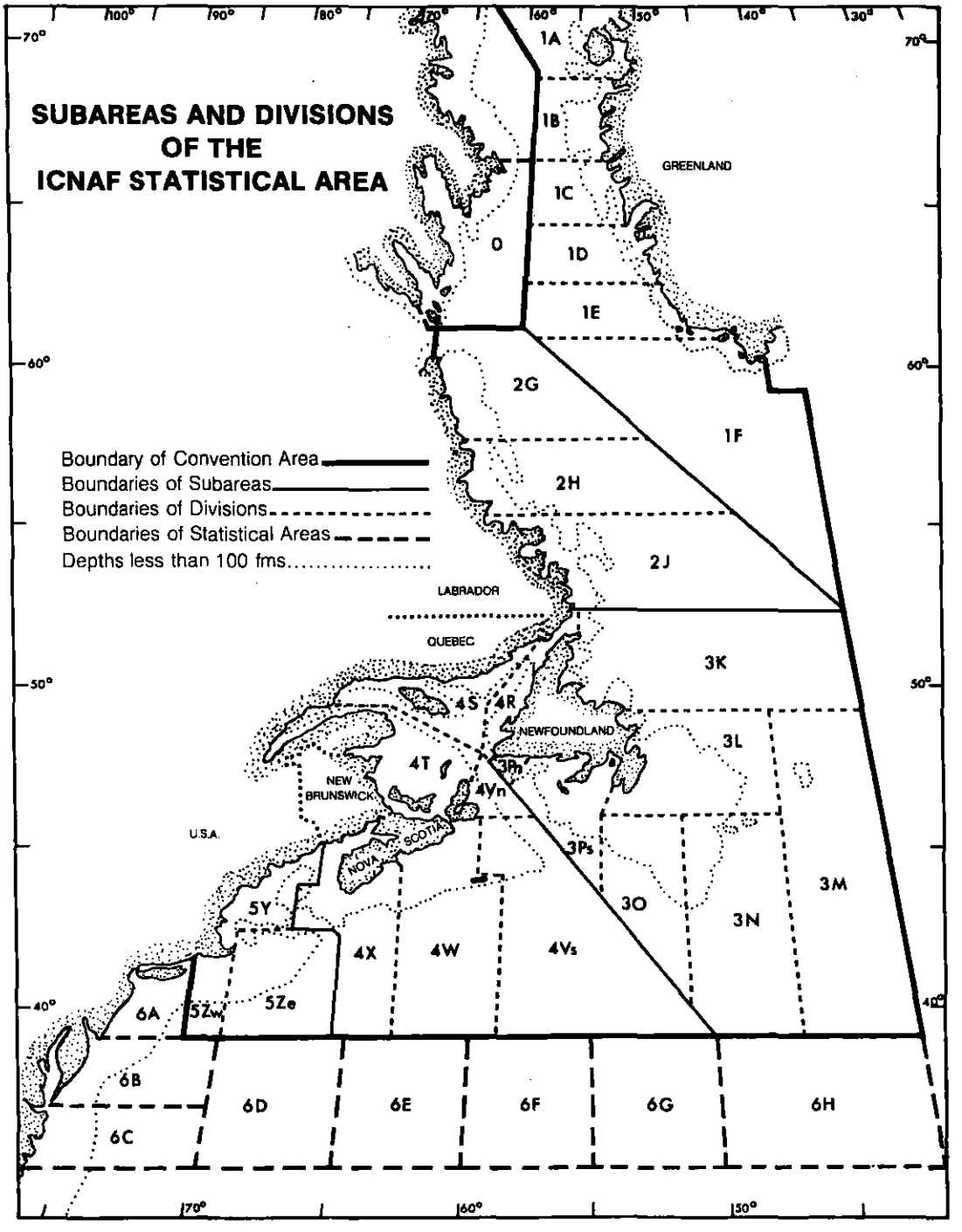
SUBAREAS AND DIVISIONS
OF THE
ICNAF STATISTICAL AREA
Boundary of Convention Area
Boundaries of Subareas
Boundaries of Divisions
Boundaries of Statistical Areas
Depths less than 100 fms
GREENLAND
LABRADOR
QUEBEC
NEWFOUNDLAND
NEW BRUNSWICK
NOVA SCOTIA
U.S.A.
1A
1B
1C
1D
1E
1F
0
2G
2H
2J
3K
3L
3M
3N
3O
3Ps
3Pn
4R
4S
4T
4Vn
4Vs
4W
4X
5Y
5Zw
5Ze
6A
6B
6C
6D
6E
6F
6G
6H
70°
60°
50°
40°
100°
90°
80°
30°

Table 1. Nominal catches for 1973-75 and total allowable catches (TACs) for 1975-77 for several stocks deferred from the 1976 Annual Meeting.

Species	Stock area	Catches (000 tons)			TACs (000 tons)		
		1973	1974	1975	1975	1976	1977
Cod	1	63	48	48	60	45	31
Shrimp	1 (offshore)	5	12	28	-	-	36
Silver hake	4VWX	299	96	116	120	100	70
Flounders[1]	4VWX	28	25	22	32	28	28
Herring	4XW(b) (adults)	91	97	95	90	89	84
	5Z + 6	202	150	150	150	60	33
Mackerel	3 + 4	38	45	36	70	56	30
	5 + 6	381	295	251	285	254	75
Other finfish[2]	5 + 6	121	103	95	150[4]	150[4]	122
River herring	5 + 6	17	16	14	-	-	10
Butterfish	5 + 6	19	13	11	-	-	18
All finfish[3] and squids	5 + 6	1,159	942	852	850	650	520

[1] American plaice, witch, and yellowtail.

[2] Excludes all TAC species and also menhaden, billfishes, tunas, and large sharks other than dogfish.

[3] All finfish except menhaden, billfishes, tunas, and large sharks other than dogfish.

[4] Includes river herring and butterfish.

Table 2. TACs and national allocations for 1977 of particular stocks or species which were deferred from the June 1976 Annual Meeting to this Special Commission Meeting.

(a) National allocations (in metric tons) for 1977 of particular stocks or species in the Convention Area and in Statistical Area 6. (Total = Total Allowable Catches (TAC)).

Country	Northern Deepwater Prawn (= Shrimp)[1]					Cod	Silver hake	Flounders[5]	Herring	
	1A (N69°30')	1A (S69°30') + 1B (N68°)	1B (S68°) + 1C	1DEF	1	1	4VWX	4VWX	4XW(b)[6]	5Z+6[8]
Bulgaria	-	-	-	-	-	-	950	-	-	100
Canada	-	-	-	-	-	-	14,850	26,000	82,000	1,000
Cuba	-	-	-	-	-	-	8,910	-	-	700
Denmark	4,800[2]	2,400	22,600[2]	2,400	29,000	29,000	-	-	-	-
France	-	-	-	-	-	-	-	250	-	1,000
Federal Republic of Germany	-	-	-	-	-	-	-	-	-	4,725
German Democratic Republic	-	-	-	-	-	-	-	-	-	4,825
Iceland	-	-	-	-	-	-	-	-	-	-
Italy	-	-	-	-	-	-	-	-	-	-
Japan	-	-	-	-	-	-	-	-	-	-
Norway	-	-	-	-	-	-	-	-	-	-
Poland	-	-	-	-	-	-	-	-	-	5,100
Portugal	-	-	-	-	-	-	-	-	-	-
Romania	-	-	-	-	-	-	-	-	-	100
Spain	-	-	-	-	-	-	-	-	-	-
USSR	-	-	-	-	-	-	44,950	1,000[7]	-	3,400
UK	-	-	-	-	-	-	-	-	-	-
USA	-	-	-	-	-	-	100	500	1,000	12,000
Others	1,200[3]	600	5,400[3]	600	7,000	2,000	240	250[7]	1,000[7]	50
Total	6,000[4]	3,000	28,000[4]	3,000	36,000	31,000	70,000	28,000	84,000	33,000

Table 2. continued

(a) continued

(b) National allocations for 1977 of stocks or species (collectively) in Subarea 5 and Statistical Area 6 (excluding menhaden, tunas, billfishes, and large sharks other than dogfish).

Country	Mackerel		River herring	Butterfish	Other finfish		All finfish + squids
	3+4	5+6[10]	5+6	5+6[11]	5+6[11]		5+6
Bulgaria	-	4,000	-	-	2,000		6,750
Canada	25,000	5,000	-	100	2,500		23,000
Cuba	-	2,000	-	-	3,000		14,950
Denmark	-	-	-	-	-		-
France	-	-	-	-	200		1,100
Federal Republic of Germany	-	1,100	-	-	200		6,300
German Democratic Republic	-	12,400	-	-	3,000		16,850
Iceland	-	-	-	-	-		-
Italy	-	300	-	400	900		5,000
Japan	-	-	-	3,300	7,000		25,000
Norway	-	-	-	-	-		-
Poland	-	20,200	-	-	6,200		32,100
Portugal	-	-	-	-	-		-
Romania	-	1,100	-	-	200		1,200
Spain	-	-	-	1,500	3,600		18,450
USSR	-	22,800	-	-	31,100		141,250
UK	-	-	-	-	-		-
USA	-	6,000	9,990	12,500	62,000		228,000
Others	5,000[9]	100	10	200	100		50
Total	30,000	75,000	10,000	18,000	122,000		520,000

FOOTNOTES:

[1] TACs and allocations pertain to offshore fishing grounds in Subarea 1, with specified catch limits in four designated regions of the Subarea.
[2] Sum of these catches not to exceed 24,200 tons.
[3] Sum of these catches not to exceed 5,800 tons.
[4] Sum of these catches not to exceed 30,000 tons.
[5] American plaice, witch and yellowtail.
[6] Fisheries for adult herring.
[7] For by-catch only.
[8] (see also Proposal (5) from the Ninth Special Commission Meeting)
[9] Includes 300 tons expected to be taken by France in Subdiv. 3Ps outside the Convention Area; remainder for by-catch only.
[10] (see also Proposal (7) from the Ninth Special Commission Meeting)
[11] All allocations are for by-catch only.

Table 3. TACs and national allocations for harp and hooded seals in the Northwest Atlantic.

	Harp seals	Hooded seals
Estimated catch in West Greenland and the Canadian Arctic	10,000	-
Norwegian vessels	35,000	6,000
Canadian vessels and landsmen	125,000[1]	6,000
Unallocated amount to be taken after 29 March by Canada and Norway	-	3,000
Others	100	100
TOTAL	170,100	15,100

[1] Includes an estimate of 63,000 seals to be caught by small vessels and landsmen.

PART II

PROCEEDINGS OF THE 27TH ANNUAL MEETING
OTTAWA, CANADA, 31 MAY-10 JUNE 1977

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International Commission for the Northwest Atlantic Fisheries

Serial No. 5109
(B.a.27)

Proceedings No. 2

ANNUAL MEETING - JUNE 1977

Ceremonial Opening

Tuesday, 31 May, 1020 hrs

1. The Opening Session of the Twenty-Seventh Annual Meeting of the Commission was convened in the Adam Room of the Chateau Laurier Hotel in Ottawa, Canada, at 1020 hrs on 31 May 1977.

The Chairman of the Commission, Dr D. Booss (Federal Republic of Germany), opened the Meeting. He welcomed the Commissioners, Advisers, Observers, and Guests and introduced Dr A.W.H. Needler, Head of the Canadian delegation, who addressed the Meeting on behalf of the Honourable Roméo LeBlanc, Minister of Fisheries for Canada, as follows:

"On behalf of the Minister of Fisheries for Canada, who unfortunately is not able to be here today, I have the honour and pleasure to welcome you here to Ottawa for the 27th Annual Meeting of ICNAF.

"We meet in circumstances different from previous years, as this is the first meeting of the Commission when Extension of Fisheries Jurisdiction is a reality for all the Coastal States bordering the Northwest Atlantic.

"In announcing Canada's intention to extend its fisheries jurisdiction at last year's Annual Meeting, the Minister of Fisheries made clear that 1977 would be a "year of transition", during which TACs and allocations agreed within ICNAF with Cnaadian concurrence would be adopted by Canada. However, this approach would not be appropriate for 1978, and this means that the format for this ICNAF Meeting will be somewhat different.

"In this new situation you are here in Ottawa attending not only the ICNAF Meeting itself, but also intergovernmental consultations regarding TACs and allocations of certain stocks of the Canadian 200-mile zone. As a result of the jurisdictional changes, many of you will also be involved in the preparatory meeting to develop a new Convention regarding future multilateral cooperation in the Northwest Atlantic fisheries.

"This ICNAF meeting and the associated intergovernmental consultations then will be the first where we will be adopting international regulations for stocks beyond coastal state jurisdiction and embarking on consultations regarding total allowable catches and allocations for stocks of the Canadian 200-mile zone. Canada attaches a great deal of importance to using the occasion of the ICNAF Meeting to hold the related intergovernmental consultations, as this gives us the opportunity to consider the total picture of the fisheries in the Northwest Atlantic. It will be a challenge to us all to test this approach and make it work.

"In these meetings, the Canadian approach will be to establish TACs, on the basis of scientific information, which will permit recovery of severely depleted stocks as rapidly as possible - such an approach will benefit not only Canadian fishermen but fishermen of other countries fishing in the Canadian zone as well, because the size of future surpluses is directly dependent on the abundance of the stock. However, in establishing the TACs, we will keep in mind the hardships that severe reduction would impose on overseas fishermen and temper our approach accordingly. The Canadian delegation will be setting forth Canadian requirements for these stocks, consistent with as precise an assessment of Canadian harvesting capacity and plans as possible. We are mindful of our obligations to make available the surplus over Canadian requirements to other countries, and we will seek the views of our partners on how such surpluses should be allocated.

"I am pleased to note, however, that even under these changed jurisdictional circumstances the scientific work of ICNAF is continued, with a Flemish Cap Workshop being held in May in Murmansk, and with the Assessments Subcommittee and STACRES continuing to provide advice to the Commission and to the Coastal States.

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* Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

"I welcome you then not only to the ICNAF Meeting but for all three sets of deliberations. I wish you a success in these discussions and trust that you will have a pleasant stay in Canada's Capital."

2. The Chairman noted, with regret, that the Minister had not been able to attend and open this Meeting which was one of the many ICNAF sessions held in Canada over the years. He asked Dr Needler to express the Meeting's gratitude to the Minister for his warm welcome and the good wishes for success in the forthcoming discussions.

3. The Chairman then declared the Twenty-Seventh Annual Meeting of the Commission recessed at 1040 hrs to prepare for the beginning of the work of the Commission in its First Plenary Session.

International Commission for the Northwest Atlantic Fisheries

Serial No. 5110
(B.b.27)

Proceedings No. 3

ANNUAL MEETING - JUNE 1977

Report of the First Plenary Session

Tuesday, 31 May, 1105 and 1515 hrs
Wednesday, 8 June, 1530 hrs
Thursday, 9 June, 1530 hrs

1. The First Plenary Session of the Twenty-Seventh Annual Meeting of the Commission was called to order by the Chairman, Dr D. Booss (Federal Republic of Germany), after the Ceremonial Opening (Proceedings No. 2). The Chairman welcomed the delegates present from all Member Countries, except Romania, and the Observers from the European Economic Community (EEC), the Food and Agriculture Organization of the United Nations (FAO), the International Commission for the Southeast Atlantic Fisheries (ICSEAF), and USA (Appendix I).

2. The provisional Plenary Agenda (Appendix II), as circulated by the Executive Secretary, was considered. The Chairman drew attention to Items 16-28, Conservation, and noted that, with the extension of jurisdiction over fisheries to 200 miles by Canada and USA and the withdrawal of USA from membership in the Commission, Canada had submitted a request for advice on the scientific basis for management of certain fisheries within their new national fisheries limits (Comm.Doc. 77/VI/4). The Commission's STACRES had provided this advice in its report (Redbook 1977, Part B). The Chairman raised the question of the need for Panel meetings. The delegate of Canada noted that, since there had been no response from Member Countries regarding the decisions at the Ninth Special Commission Meeting to amend Articles I and VI of the Convention (Summ.Doc. 77/VI/2), there would seem to be a need for a meeting of Panel 3 only, to consider conservation measures for those stocks in Subarea 3 which were outside the 200-mile limit and those stocks which overlapped the 200-mile line. He noted that there were three levels of meetings to be conducted, the ICNAF meetings, the informal intergovernmental consultations, and the second preparatory meeting on future multilateral cooperation in the Northwest Atlantic fisheries, the latter two to be convened by Canada. The Chairman noted that Subarea 1 stocks would be dealt with by the two coastal states, Canada and Denmark. The delegate of Denmark noted that, under Agenda Item 28 on Atlantic salmon, he was prepared to discuss informally any questions which might arise. The Plenary agreed that the meeting would proceed as if the December 1976 amendments to Articles I and VI of the Convention (Tenerife amendments) were in effect and that there would be a meeting of Panel 3 only.

3. Under Plenary Item 3, Publicity, the Plenary agreed that a committee consisting of the Chairman of the Commission, the Chairman of STACFAD, and the Executive Secretary should be responsible for publicity.

4. Under Plenary Item 4, Report of the Ninth Special Commission Meeting, Tenerife, 1-9 December 1976, the Plenary approved the Report.

5. Under Plenary Item 5, Panel Memberships, the Plenary agreed that the Federal Republic of Germany and Italy might transfer memberships in Panel 5 to Panel 3, effective immediately upon the concurrence of Panel 3.

6. Plenary Items 5. Panel Memberships, 6. Administrative Report, 7. Auditor's Report, 1975/76, 8. Financial Statement, 1976/77, 9. Budget Estimate, 1977/78, 10. Budget Forecast, 1978/79, were referred to the Commission's Standing Committee on Finance and Administration (STACFAD).

7. Under Plenary Item 11, Status of Commission Proposals, the Plenary noted that the Protocols relating to basic payment by the Contracting Governments and to continued functioning of the Commission (Comm.Doc. 77/VI/7) were still not in effect.

8. Plenary Items 12. Annual Returns of Infringements, 13. Scheme of Joint International Enforcement, 14. Research Vessel Notification and Fishing Vessel Registration, were referred to the Commission's Standing Committee on International Control (STACTIC).

9. Under Plenary Item 15, Future of the Commission, the Plenary agreed to consider this item later in the meeting.

10. Under Plenary Item 30, Standing Committee on Finance and Administration (STACFAD), the Plenary agreed that Portugal would replace USA as a member of STACFAD.

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* Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

11. Under Plenary Item 31, Standing Committee on International Control (STACTIC), the Plenary noted that, as a consequence of the US withdrawal of membership in the Commission, the chairmanship of STACTIC held by Mr W.G. Gordon (USA) became vacant on 31 December 1976. The Plenary expressed its appreciation of Mr Gordon's excellent services. Mr D.R. Bollivar (Canada) agreed to accept the chairmanship of STACTIC.

12. Under Plenary Item 29, Report of the Standing Committee on Research and Statistics (STACRES), the Chairman of STACRES, Mr Sv.Aa. Horsted (Denmark), presented a summary of the provisional Report of STACRES. The Chairman of the Commission thanked the Chairmen of STACRES and its Subcommittees and their colleagues, on behalf of the meeting participants, for their continued excellent efforts and drew attention to the items raised for later consideration by STACTIC, STACFAD, and the Plenary. The delegate of Canada expressed the warm appreciation of his delegation for the advice provided by the scientists in response to the Canadian request.

13. The Plenary recessed at 1220 hrs, 31 May.

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14. The Plenary reconvened at 1515 hrs, 31 May, to consider Plenary Item 15, Future of the Commission and its Potential Role under Extended Coastal State Jurisdiction. The Chairman drew attention to the Report of the International Preparatory Conference on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, Ottawa, March 1977 (Comm.Doc. 77/VI/11). The Chairman of the Preparatory Conference, Dr A.W.H. Needler (Canada), reported that throughout the Conference he was consistently aware of the strong desire of the participants to reach agreement on future multilateral cooperation in the Northwest Atlantic fisheries. He emphasized the value of continuing the excellent performance and cooperation established by the STACRES scientists. The delegate of Portugal explained that the lack of a Portuguese statement in the Report of the Preparatory Conference was not due to the lack of concern for the matters considered but due to the late arrival of the Portuguese delegation.

The Chairman of the Commission, in referring to the concern expressed by STACRES about the significant decline in the amount of information presented to various STACRES meetings this year, pointed out that the Commission must continue to encourage the provision of scientific data during the transition period from ICNAF to its successor organization. The delegate of Canada stated that the transition should proceed as uninterruptedly as possible. He hoped that the present membership of ICNAF would remain unchanged until the new organization comes into existence, and he suggested that STACFAD should be asked to consider the usefulness of their examining some of the transitional arrangements, including personnel and financial matters. The EEC Observer noted that the recent extension of fisheries jurisdiction by the EEC to 200 miles involves certain areas in the Northwest Atlantic and, because it was difficult for the EEC members who were also Members of ICNAF to take part in the meeting, he requested that ICNAF develop a procedure whereby EEC could act as a coastal state during the transitional period.

The Chairman pointed out that the Commission should proceed with its work as if the amendments to Articles I and VI of the Convention proposed at the Ninth Special Commission Meeting in Tenerife had been adopted, that consideration would have to be given to the EEC's request for quota arrangements during the transition period, and that the present structure of ICNAF must be stabilized in order to facilitate budgeting during the next two or three years. He asked Canada for clarification on how conservation measures for the various stocks, which are inside, overlapping and outside its 200-mile fishing zone should be considered at this meeting. The delegate of Canada indicated (a) that stocks completely outside the 200-mile zone should be considered in Panel 3, (b) that overlapping stocks should be considered during informal intergovernmental consultations and the results presented to the Commission for approval, and (c) stocks completely inside the 200-mile zone would be considered during informal intergovernmental consultations and the results presented to the Commission for information.

15. The Plenary recessed at 1630 hrs, 31 May, noting that informal intergovernmental consultations would be convened by Canada on Thursday and Friday, 2-3 June.

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16. The Plenary reconvened at 1530 hrs, 8 June, to continue discussion on Plenary Item 15, Future of the Commission and its Potential Role under Extended Coastal State Jurisdiction. In particular, the Plenary agreed that this session should concentrate on two problems: (a) the technical problem of dealing with quota regulations for overlapping stocks, and (b) the problem of EEC's request presented in the Meeting of Panel 3 (Proceedings No. 6) for a global quota consisting of the combined quotas for EEC Member States who are also Members of ICNAF.

17. The Chairman suggested that the EEC's request for a global quota should be considered first and invited the EEC Observer to elaborate on the matter. The EEC Observer, after taking into account some of the comments previously expressed by delegates, presented a revised suggestion to the effect that the quotas allocated by ICNAF to the EEC Member States be listed as a combined quota for EEC, which would be subject to subsequent re-allocation among the five EEC Member States involved (Denmark, Federal Republic of Germany, France, Italy, and UK). This would be explained in a footnote to the "Table of TACs and Quota Allocations

for 1978" as follows: "This total is derived from the individual allocations, mentioned in Table 1, to the five Contracting Parties concerned, Member States of the EEC. The allocation of this total among these Contracting Parties shall be notified to the Commission, and, where applicable, shall be subject to the concurrence of the coastal state in respect of its 200-mile fishing zone, without prejudice to the exercise of its discretionary licensing authority. If any one of these Contracting Parties has no initial allocation, its rights under the allocation "Others" are in no way prejudiced by the establishment of a total allocation." The delegate of Portugal noted that the national allocations adopted by ICNAF apply to individual Member Countries who are Contracting Parties to the Convention, and he wondered how the EEC suggestion would affect the enforcement of fishery regulations through the Scheme of International Joint Enforcement. The delegate of USSR indicated that the ICNAF allocations are assigned to Contracting Governments and that the table of national allocations serves as the basis for enforcement. Therefore, the table must contain the allocations for each EEC country and not just a combined quota for the EEC as a whole. However, he suggested that provision could be made so that the allocations applicable to the EEC States could be re-allocated by the EEC and ICNAF notified of the revised allocations before the start of the year to which the allocations apply. The Chairman pointed out that within ICNAF there are several precedents for the transfer of portions of national allocations between Member Countries, citing examples of such transfers made at various times between 1972 and 1976. The delegate of Portugal indicated that the present allocations for the five EEC Member States could be labelled as provisional, subject to re-allocation by the EEC, provided that ICNAF be notified prior to a special meeting proposed for October 1977 when the amended allocations could be adopted. He questioned if the re-allocation by the EEC would include the EEC States who are not Members of ICNAF. The EEC Observer clarified that the re-allocation of the combined quota would only apply to the five Member Countries of ICNAF mentioned above and further noted that the assignment of a global (combined) quota to a group of Member Countries is not inconsistent with Article VIII of the Convention. He indicated that, for control purposes, ICNAF could be notified of the re-allocations before the end of 1977, and questioned whether it was necessary for ICNAF to formally approve the revised allocations.

The delegate of Cuba indicated that he could not agree to a global quota for the EEC, but that the EEC request for re-allocation of the combined quota of the EEC States would be acceptable, provided that the EEC re-allocations of the combined quota are submitted to ICNAF for approval before the end of the year. The delegate of USSR reiterated his proposal that the EEC be allowed to re-allocate the quotas agreed to by ICNAF, and that these re-allocations must be approved by the Commission in order for its "objection procedure" to be operative. The delegate of Spain concurred with the views already expressed that EEC be permitted to re-allocate quotas for the five EEC States, subject to approval by ICNAF. The delegate of Canada elaborated on Canada's commitments to Member Countries, as worked out in various ways during the past few days, with regard to the allocations for stocks within the 200-mile fishing zone and to Canada's sole right to manage the fisheries within this zone. He indicated, however, that it should be possible to make some arrangement within the Commission relating to the EEC request, and suggested some further informal discussions might be useful in an attempt to find a solution to the problem. The delegate of Japan suggested that the informal discussions should include the question of fishing from the "Others" quota under any arrangement with the EEC.

The EEC Observer presented a revision of his previous suggestion, indicating that, while the main table of TACs and quotas would list the combined EEC quotas, the quotas of the individual EEC States could be listed in an annex table, which would be cross-referenced to the main table by an appropriate footnote. The delegate of Portugal could see no need for a second table, and expressed his concern about the EEC countries fishing from the "Others" quota. In the first place, no country could be allowed to fish both a nominal quota and an "Others" quota. Secondly, the Portuguese delegation would not favour "Others" quotas being distributed to a larger number of countries than originally intended. The delegate of Spain agreed that any arrangement with the EEC must protect the rights of ICNAF Member Countries, who are not Members of the EEC and who do not have specific quotas, to obtain their fair share from the "Others" quota. The delegate of USSR again pointed out that the EEC's request for re-allocation of its Member States' quotas could be dealt with by simply adding a footnote to the main table (with appropriate reference to quotas of the EEC countries) to the effect that the EEC is permitted to re-allocate among its five Member States and to submit the revised allocations to ICNAF within a reasonable period of time for approval. The delegates of Poland and the German Democratic Republic concurred with the views expressed earlier by various delegates and agreed with the USSR proposal relating to the listing of the allocations in the table of TACs and quotas, and with the delegate of Portugal about the necessity of having specific arrangements regarding fishing from "Others". The delegate of USSR noted that the EEC is not a Contracting Party to the ICNAF Convention, and he regretted that the EEC does not understand the USSR proposal (stated above), which takes into account the views expressed by all delegates who have now commented on the EEC request. The Chairman reviewed briefly the discussion, pointing out three problems to be resolved: (a) the organization of EEC Member States' quotas in the quota table, (b) the notification of the EEC re-allocations to the Commission, and (c) clarification of the EEC countries' participation in fishing the "Others" quota. The Plenary agreed that a Working Group on Quota Implementation be established to consider these points and to prepare a compromise text and an example of how the quota table should be arranged. The Chairman designated the delegations of Canada, Portugal, and USSR, and the Observers from the EEC as constituting the Working Group, which would meet at 1000 hrs, Thursday, 9 June.

18. The Plenary session recessed at 1930 hrs, 8 June.

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19. The Plenary reconvened at 1530 hrs, 9 June, to continue consideration of the problem of catch quota implementation. Mr L. Legault (Canada), Chairman of the Working Group on Quota Implementation, reported that the members had reached a reluctant consensus to group the five EEC Member Countries (Denmark, Federal Republic of Germany, France, Italy, and UK) together in the table of quotas with an asterisk after each one and a footnote to the asterisk. Following discussion, the Plenary agreed that the five EEC countries should be grouped in the table and the footnote should read "The allocation among these Contracting Governments of the sum of the quantities attributed to them in this table may be changed by them, subject to notification to the Commission not later than 1 October 1977, and, where applicable, subject to the concurrence of the coastal state in respect of the area in which it exercises national fisheries jurisdiction, without prejudice to the exercise of its licensing authority. The quantities attributed to Denmark in respect of cod in Divisions 2J, 3K, and 3L, and Division 3M are not included in the aforementioned sum and are not subject to change." The EEC Observer said he could accept the footnote with reluctance but that it did not, in a formal sense, fulfill the legal requirements of the EEC. However, the Working Group had worked hard to achieve a compromise solution which he would take to the EEC in the hope it could be accepted. The Chairman of the Commission thanked the Working Group for its good efforts.

20. The Plenary, after considerable discussion, agreed that the June 1974 ICNAF proposal, as amended June 1975 and January 1976, for management of international quota regulations (Comm.Doc. 77/VI/1, pages 11-13) should apply to all the Subarea 2, 3, and 4 stocks for which 1978 catch quotas were set in Panels 2, 3, and 4 (see Proceedings No. 5 and 6). The EEC Observer expressed surprise that all the Subarea 2, 3, and 4 stocks, including the stocks inside the Canadian fisheries zone, should be included. However, he would not oppose the action. He noted that the December 1976 amendments to Convention Articles I and VI, when adopted, would provide a new legal situation and allow the EEC to take a firm position. The Chairman noted the conflict of the ICNAF and Canadian laws and that the Plenary had tried to remove the conflict pragmatically by assuming that the December 1976 amendments to the Convention apply in order to make decisions. The delegate of USSR, in following up on an issue raised by the delegate of Portugal, asked why the Commission did not discuss the Subarea 1 and Statistical Area 0 Canada-Denmark overlapping stocks or the Subdiv. 3Ps stocks and asked when these other issues and stocks would be discussed. The Chairman reviewed the confused legal situation and noted that the consensus in the Plenary was that the action taken in the Joint Panels and which resulted in a mixture of coastal state and ICNAF management seemed the best and only approach which would provide suitable arrangements for all.

21. The Chairman then drew attention to Annex X of the Report of the Second Preparatory Meeting on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, Ottawa, June 1977, entitled "Report of the Working Group on Transitional Arrangements" (Comm.Doc. 77/VI/14). The Plenary agreed that, with regard to paragraph 2 of the Working Group's Report (see Appendix III) concerning the transfer of ICNAF assets and the financial discharge of its obligations prior to its termination, no action need be taken by ICNAF until new multilateral arrangements were adopted. The Plenary then gave careful consideration to an amendment to the ICNAF Convention drafted by the Working Group (see Appendix II of the Working Group Report) which would provide for termination of the ICNAF Convention on 31 December of the year the new multilateral arrangements came into force. The Plenary noted that, because of the Commission's requirement for amendment proposals to be presented to the Member Countries 90 days before a Commission meeting, the draft amendment could not be agreed to at this meeting. The delegate of Japan questioned if an amendment to the Convention was really necessary. He noted that, if the Member Countries of ICNAF withdrew at the same time, it would remove the need for an amendment to the Convention with its lengthy ratification procedure. The Chairman noted that such a procedure had been discussed at both the First and Second Preparatory Conferences, and the amendment procedure had been adopted as a safety measure because Member Countries could not be forced to withdraw. Following suggestions for change in the Working Group's Report which the Plenary agreed would go forward to the final session of the Second Preparatory Conference on 10 June 1977 for its approval, the Plenary agreed that the following draft amendment to the Convention in the form of a Resolution should be considered for adoption, pursuant to Article XVII of the Convention, at a Special Commission Meeting in October 1977:

"The Commission

"Noting the results of the recently concluded (Diplomatic Conference on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, held in Ottawa, October __ to October __ 1977);

"Desirous of effecting an orderly transition from ICNAF to the proposed (NAFCO);

"Adopts the following amendment to the International Convention for the Northwest Atlantic Fisheries pursuant to Article XVII of that Convention, as amended:

""Article XVIII is renumbered Article XIX, and a new Article XVIII is inserted to read as follows:

Article XVIII

1. This Convention shall terminate 31 December of the year the (name of NAFCO Convention) entered into force.

2. Following the entry into force of the (name of NAFCO Convention), the Commission shall not adopt any proposal under Article VIII.""

22. The Chairman declared the First Plenary Session adjourned at 1630 hrs, 9 June.

NOT TO BE CITED WITHOUT PRIOR
REFERENCE TO THE COMMISSION*

Serial No. 5110
(B.b.27)

Proceedings No. 3
Appendix I

ANNUAL MEETING - JUNE 1977

List of Participants

(Head of Delegation underlined)

Chairman: Dr D. Booss, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Rochusstrasse 1, 5300 Bonn-Duisdorf, Federal Republic of Germany

BULGARIA

Commissioners:

Capt K.N. Gaydarov, Ribno Stopanstvo, 3 Industrialna Str., Bourgas
Mr P. Kolarov, Research Institute of Fisheries and Oceanography, Boul. Chervenoarmeisky 4, Varna

Adviser:

Mr I. Nedelev, Bulgarian Embassy, 325 Stewart St., Ottawa, Canada

CANADA

Commissioners:

Mr E.H. Demone, National Sea Products Ltd., P.O. Box 867, Lunenburg, N.S. B0J 2C0
Mr A.A. Etchegary, Fishery Products Ltd., P.O. Box 25, General Post Office, St. John's, Nfld.
Dr A.W.H. Needler, P.O. Box 481, St. Andrews, N.B.

Advisers:

Mr S.A. Akenhead, Fisheries and Marine Service, Research and Resource Services, Department of Fisheries and Environment, Biological Station, St. John's, Nfld. A1C 1A1
Mr S.W. Bartlett, Resource Allocation Branch, Fisheries and Marine Service, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A 0H3
Mr D.R. Bollivar, Resource Allocation Branch, Fisheries and Marine Service, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A 0H3
Mr E. Cadegan, Resource Management, Nova Scotia Department of Fisheries, P.O. 2223, Halifax, N.S.
Dr J. Carscadden, Fisheries and Marine Service, Research and Resource Services, Department of Fisheries and Environment, Biological Station, St. John's, Nfld. A1C 1A1
Mr L.J. Cowley, Fisheries and Marine Service, Fisheries Management (Nfld.), Department of Fisheries and Environment, P.O. Box 5667, St. John's, Nfld. A1C 5X1
Mr F. Dopplinger, Department of Fisheries for Newfoundland, 4th Floor, Viking Bldg., St. John's, Nfld.
Dr W.G. Doubleday, Fisheries and Marine Service, Fisheries Research Branch, Department of Fisheries and Environment, 580 Booth Street, Ottawa, ONt. K1A 0H3
Mr E.B. Dunne, Fisheries and Marine Service, Conservation and Protection (Nfld.) Branch, Department of Fisheries and Environment, P.O. Box 5667, St. John's, Nfld. A1C 5X1
Mr J. Gagnon, Marine Environmental Data Service, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A 0H3
Dr R.G. Halliday, Fisheries and Marine Service, Marine Fish Division, Resource Branch, Department of Fisheries and Environment, P.O. Box 1006, Dartmouth, N.S. B2Y 4A2
Mr M. Hunter, Fisheries and Marine Service, International Directorate, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A 0H3
Mr A. LaChance, Quebec Fisheries Directorate, 2700 Einstein Blvd., Ste. Foy, P.Q. G1V 2K2
Mr L.H.J. Legault, Fisheries and Marine Service, International Directorate, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A 0H3
Mr G.A. Leger, Fisheries and Environmental Law Section, Department of External Affairs, Ottawa, Ont.
Dr P.F. Lett, Fisheries and Marine Service, Marine Fish Division, Resource Branch, Department of Fisheries and Environment, P.O. Box 1006, Dartmouth, N.S. B2Y 4A2
Mr J.P. Lussiaa-Berdou, M.I.C., Complex Scientifique, 2700 Einstein Blvd., Ste. Foy, P.Q. G1V 2K2
Mr D.A. MacLean, Fisheries and Marine Service, Policy and Planning, Department of Fisheries and Environment, P.O. Box 550, Halifax, N.S. B3J 2S7
Mr W.H. Marshall, Fisheries and Marine Service, Marine Fish Division, Resource Branch, Department of Fisheries and Environment, P.O. Box 1006, Dartmouth, N.S. B2Y 4A2
Mr P. Matthews, H.B. Nickerson & Sons Ltd., P.O. Box 40, Riverport, N.S.
Dr A.W. May, Fisheries and Marine Service, Resource Services Directorate, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A 0H3

* Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

Mr V.H. Nickerson, Nova Scotia Fishermen's Association, P.O. Box 5260, Yarmouth, N.S.
Mr L.S. Parsons, Fisheries and Marine Service, Resource Assessment, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A 0H3
Mr B.A. Paul, Fisheries and Marine Service, Fisheries Management (Nfld.), Department of Fisheries and Environment, P.O. Box 5667, St. John's, Nfld. A1C 5X1
Miss D.E. Pethick, Fisheries and Marine Service, International Directorate, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A 0H3
Mr A.T. Pinhorn, Fisheries and Marine Service, Research and Resource Services, Department of Fisheries and Environment, Biological Station, St. John's, Nfld. A1C 1A1
Dr T.K. Pitt, Fisheries and Marine Service, Research and Resource Services, Department of Fisheries and Environment, Biological Station, St. John's, Nfld. A1C 1A1
Mr L.G. Riche, Fisheries and Marine Service, Conservation and Protection (Nfld.) Branch, Department of Fisheries and Environment, P.O. Box 5667, St. John's, Nfld. A1C 5X1
Mr R. Roberts, Fisheries and Marine Service, International Directorate, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A 0H3
Mr E.J. Sandeman, Fisheries and Marine Service, Research and Resource Services, Department of Fisheries and Environment, Biological Station, St. John's, Nfld. A1C 1A1
Dr M.P. Shepard, Fisheries and Marine Service, Fishing Services Directorate, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A 0H3
Mr W. Short, N.F.F.A.W.U., P.O. Box 5158, St. John's, Nfld.
Mr G. Slade, Department of Fisheries for Newfoundland, 4th Floor, Viking Bldg., St. John's, Nfld.
Mr R.C. Stirling, Nova Scotia Fish Packers Association, P.O. Box 991, Dartmouth, N.S.
Dr R.W. Trites, Marine Ecology Laboratory, Bedford Institute of Oceanography, P.O. Box 1006, Dartmouth, N.S. B2Y 4A2
Mr G.C. Vernon, Fisheries and Marine Service, International Marine Policy, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A 0H3
Mr R. Wells, Fisheries and Marine Service, Research and Resource Services, Department of Fisheries and Environment, Biological Station, St. John's, Nfld. A1C 1A1
Dr G.H. Winters, Fisheries and Marine Service, Research and Resource Services, Department of Fisheries and Environment, Biological Station, St. John's, Nfld. A1C 1A1
Mr E.B. Young, Fisheries and Marine Service, International Directorate, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A 0H3

CUBA

Commissioners:

Mr R. Cabrera, Ministerio de la Industria Pesquera, Puerto Pesquero, Habana
Mr A. Margolles, Ministerio de la Industria Pesquera, Puerto Pesquero, Habana
Dr J.A. Varea, Dirección Relaciones Internacionales, Ministerio de la Industria Pesquera, Puerto Pesquero, Habana

Advisers:

Mr F.R. Alvarez, Embassy of Cuba, 388 Main Street, Ottawa, Canada
Ms E. Fabregas, Ministerio de la Industria Pesquera, Puerto Pesquero, Habana
Mr N. Picazo, Flota Cubana de Pesca, Muelle "Osualdo Sanches", Habana
Mr J.J. Terré, Ministerio de la Industria Pesquera, Relaciones Internacionales, Enseñada de Potes y Atares, Habana
Mr G. Utrera, P.O. Box 3008 South, Halifax, N.S., Canada B3J 3G6

DENMARK

Commissioners:

Mr E. Lemche, Ministry for Greenland, Hausergade 3, DK-1128 Copenhagen K
Mr K. Løkkegaard, Ministry of Fisheries, 16 Borgergade, 1300 Copenhagen
Mr P. Reinert, Government of the Faroe Islands, Tinganes, 3800 Torshavn, Faroe Islands

Advisers:

Mr J. Djurhuus, Government of the Faroe Islands, Tinganes, 3800 Torshavn, Faroe Islands
Mr Sv.Aa. Horsted, Grønlands Fiskeriundersøgelser, Jaegersborg Allé 1B, 2920 Charlottenlund
Mr K. Hoydal, Fiskerannsoknarstovan, DK 3800 Torshavn, Faroe Islands
Mr G. Martens, Greenland Provincial Council, P.O. Box 615, 3900 Godthaab, Greenland

FRANCE

Commissioners:

Mr D. Hery, Direction des Pêches Maritimes, Secrétariat Général de la Marine Marchande, 3 Place de Fontenoy, 75007 Paris
Mr R.H. Letaconnoux, Institut Scientifique et Technique des Pêches Maritimes, B.P. 1049, 44037 Nantes-CEDEX

Advisers:

Mr J. Dezeustre, French Ship Owners Association, USPF, 59 rue des Mathurins, 75008 Paris
Mr J.P. Minet, Institut Scientifique et Technique des Pêches Maritimes, B.P. 26, St. Pierre et Miquelon

FEDERAL REPUBLIC OF GERMANY

Commissioners:

Dr D. Booss, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Rochusstrasse 1, 5300 Bonn-Duisdorf
Dr A. Schumacher, Institut für Seefischerei, Palmaille 9, 2000 Hamburg

Advisers:

Mr G. Czok, Hanseatische Hochseefischerei, Am Seedeich, 2850 Bremerhaven
Mr F.W. Marwitz, Association of German Trawler Owners, P.O. Box 403, 2850 Bremerhaven 29
Dr J. Messtorff, Bundesforschungsanstalt für Fischerei, Institut für Seefischerei, Fischkai, 2850 Bremerhaven
Capt W.J. Muschkeit, Association of German Trawler Owners, P.O. Box 403, 2850 Bremerhaven 29

GERMAN DEMOCRATIC REPUBLIC

Commissioner:

Mr G. Kröger, VEB Fischkombinat Rostock, 251 Rostock-Marienehe

Advisers:

Miss M. Förster, Ministerium für Bezirksgeleitete und Lebensmittelindustria, Leipziger Strasse, 102 Berlin
Mr B. Vaske, Institut für Hochseefischerei, 251 Rostock-Marienehe

ICELAND

Commissioner:

Dr J. Jonsson, Marine Research Institute, Skulagata 4, Reykjavik

ITALY

Commissioners:

Mrs A. Blefari-Schneider, Embassy of Italy, 170 Laurier Avenue West, Ottawa, Canada
Mr L. De Leon, Ministero della Marine Mercantile, Viale Asia, 00100 Rome
Mr G. Monaco-Sorge, Consulate of Italy, 3489 Drummond Street, Montreal, Canada H3G 1X6

Adviser:

Mr E. Dobosz, FEDERPESCA, Corso d'Italia 92, 00198 Rome

JAPAN

Commissioner:

Mr S. Ohkuchi, Nippon Suisan Kaisha Ltd., 6-2 Otemachi, 2-Chome, Chiyoda-ku, Tokyo

Advisers:

Mr K. Iino, Embassy of Japn, Fuller Building, 75 Albert Street, Ottawa, Canada
Mr M. Morimoto, International Affairs Division, Oceanic Fishery Department, Fishery Agency, 1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo
Dr F. Nagasaki, Far Seas Fisheries Research Laboratory, 1000 Orido, Shimizu, Shizuoka
Mr M. Sato, Ministry of Foreign Affairs, 2-1 Kasumigaseki-2, Chiyoda-ku, Tokyo 100
Mr K. Seki, 2nd International Economic Affairs Division, Economic Affairs Bureau, Ministry of Foreign Affairs, 2-2-1 Kasumigaseki, Chiyoda-ku, Tokyo

NORWAY

Commissioners:

Mr E. Kvammen, Ministry of Fisheries, Oslo
Mr H. Rasmussen, Directorate of Fisheries, P.O. Box 185-186, 5001 Bergen

Advisers:

Mr N. Bølset, Ministry of Foreign Affairs, Oslo
Mr F. Bergesen Jr, Embassy of Norway, 4200 Wisconsin Avenue, Washington, D.C. 20016 USA
Mr S. Engesaeter, Directorate of Fisheries, P.O. Box 185-186, 5001 Bergen

POLAND

Commissioner:

Mr W. Sonta, Fisheries Central Board, Odrowaza 1, 70-952 Szczecin

Advisers:

Mr E. Antczak, 1119 Tower Road, Apt. 809, Halifax, N.S., Canada
Mr F.Z. Kierzkowski, Ministry of Foreign Trade and Shipping, Maritime Department, Ul. Wiejska, Warsaw
Dr J. Piechura, Sea Fisheries Institute, Skr. Poczt 184, 81-345 Gdynia
Dr E. Stanek, Sea Fisheries Institute, Skr. Poczt 184, 81-345 Gdynia

PORTUGAL

Commissioners:

Mr E.L. Cadima, Instituto Nacional de Investigacao das Pescas, Alges-Praia, Lisbon
Capt J.C.E. Cardoso, ave. 24 de Julho 80, Lisbon
Capt A.S. Gaspar, Praca Duque de Terceira 24-3-E, Lisbon 2

Advisers:

Mr A. Leitao, S.N.A.B., rua Campolide 105-2° esq., Lisbon
Mr D.V. Pais, Empresa de Pesca S. Jacinto, P.O. Box 152, Coimbra
Mr A.F.P. Pontes, Portuguese Shipowners Association, Travessa Corpo Santo, 21-2°, Lisbon
Mrs A.M. Tavares, Instituto Nacional de Investigacao das Pescas, Alges-Praia, Lisbon

ROMANIA

Commissioner:

Mr O. Ernest, Ministry of Transportation and Telecommunication, Bd. Dinicu Golescu 38, Bucharest

Advisers:

Mr S. Anastasescu, Embassy of Romania, Ottawa, Canada
Mr L. Popescu, Ministry of Transportation and Telecommunication, Bd. Dinicu Golescu 38, Bucharest

SPAIN

Commissioners:

Mr V. Bermejo, 2 Toronto Street, St. John's, Nfld., Canada
Mr J. Conde, Dirección General de Pesca, Ruiz de Alarcon 1, Madrid 14
Mr J. Lopez-Jacoiste, Embassy of Spain, 350 Sparks Street, Ottawa, Canada

Advisers:

Mr C. Gago, Cooperativa Armadores, Apartado 1078, Vigo
Mr A. Martin-Mateo, Federación Armadores Bacaladeres, Montera 48, Madrid
Mr J. Puerta, Pescapuerta S.A., Apartado 1011, Vigo
Mr J. Gonzalez-Sama, Agrupación Bacaladeros, Montera 48, Madrid
Mr A.R. Vazquez, Instituto de Investigaciones Pesqueras, Muelle de Bouzas, Vigo

UNION OF SOVIET SOCIALIST REPUBLICS

Commissioners:

Mr V.M. Kamentsev, Ministry of Fisheries, 12 Rozhdestvensky Boul., Moscow K-45
Mr A.A. Volkov, Welsford Place, Suite 2202-3, 2074 Robie Street, Halifax, N.S., Canada B3K 5L3

Advisers:

Mr G.M. Chursin, Ministry of Fisheries, 12 Rozhdestvensky Boul., Moscow K-45
Capt A. Kuznetsov, 14 Rozhdestvensky Boul., Moscow K-45
Dr V.A. Rikhter, Atlantic Research Institute of Marine Fisheries (AtlantNIRO), 3 Dmitry Donskoy St., Kaliningrad
Dr A.S. Seliverstov, Polar Research Institute of Marine Fisheries (PINRO), 6 Knipovich St., Murmansk
Mr V. Solodovnik, Foreign Department, Ministry of Fisheries, 12 Rozhdestvensky Boul., Moscow K-45

UNITED KINGDOM

Commissioners:

Mr H.B. Brown, Ministry of Agriculture, Fisheries and Food, Great Westminster House, Horseferry Road, London SW1P 2AE, England
Mr B.W. Jones, Sea Fisheries Laboratory, Pakefield, Lowestoft, Suffolk NR33 0HT England

O B S E R V E R S

EUROPEAN ECONOMIC COMMUNITY

Mr J. Farnell, Directorate General for Fisheries, Commission of the European Communities, 200 rue de la Loi, 1050 Brussels, Belgium
Dr A.W. Koers, EEC, 200 rue de la Loi, 1050 Brussels, Belgium
Mr M. Marcussen, Directorate General for Fisheries, Commission of the European Communities, 200 rue de la Loi, 1050 Brussels, Belgium
Mr E.H. Stein, Secretariat General of the Council of the European Communities, 170 rue de la Loi, 1048 Brussels, Belgium
Mr D. Vignes, Legal Department, EEC, 170 rue de la Loi, 1050 Brussels, Belgium

FOOD AND AGRICULTURE ORGANIZATION

Dr W.G. Clark, Department of Fisheries, FAO, Via della Terme di Caracalla, 00100 Rome, Italy
Mr L.P.D. Gertenbach, Fisheries Statistics Unit, FAO, Via della Terme di Caracalla, 00100 Rome, Italy

INTERNATIONAL COMMISSION FOR THE SOUTHEAST ATLANTIC FISHERIES

Dr G. Newman, Sea Fisheries Branch, Private Bag, Sea Point, Cape Town, South Africa

UNITED STATES OF AMERICA

Mr D.S. Crestin, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, MA 01930
Mr W.G. Gordon, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, MA 01930
Dr M.D. Grosslein, Northeast Fisheries Center, National Marine Fisheries Service, Woods Hole, MA 02543
Mr R.C. Hennemuth, Northeast Fisheries Center, National Marine Fisheries Service, Woods Hole, MA 02543
Dr E.G. Heyerdahl, Northeast Fisheries Center, National Marine Fisheries Service, Woods Hole, MA 02543
Mr D.A. Reifsnyder, Department of Commerce, National Marine Fisheries Service, 3300 Whitehaven Street N.W., Washington, D.C. 20235
Mr D. Yellman, OES/OFA/FA, Room 3214, Department of State, Washington, D.C. 20520

S E C R E T A R I A T

Mr L.R. Day, Executive Secretary, ICNAF
Mr V.M. Hodder, Assistant Executive Secretary, ICNAF
Mr W.H. Champion, Administrative Assistant, ICNAF
Mrs V.C. Kerr, Senior Secretary, ICNAF
Mrs E.R. Cornford, Finance and Publications Clerk-Steno, ICNAF
Mr R.A. Myers, Clerk-Duplicator Operator, ICNAF

SECRETARIAT ASSISTANCE

Mr W.J. Clark, Resource Services Directorate, Fisheries and Marine Service, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A 0H3

Mrs S. Smith, FMS Committee Services, Fisheries and Marine Service, Department of Fisheries and Environment, 580 Booth Street, Ottawa, Ont. K1A 0H3

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Proceedings No. 3
Appendix II

ANNUAL MEETING - JUNE 1977

Plenary Sessions

Agenda

PROCEDURES

1. Opening
2. Agenda
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5. Panel memberships *(Comm.Doc. 77/VI/5)*
6. Administrative Report *(Comm.Doc. 77/VI/6)*

FINANCE

7. Auditor's Report, 1975/76
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10. Budget Forecast, 1978/79 *(Appendix II to STACFAD Agenda)*

COMMISSION PROPOSALS

11. Status of proposals adopted by the Commission *(Comm.Doc. 77/VI/7)*

    (a) for changes in the Convention
    (b) for regulation of fisheries

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12. Annual Returns of Infringements *(Comm.Doc. 77/VI/9)*
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14. Research vessel notification and fishing vessel registration *(Comm.Doc. 77/VI/10)*

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15. Discussion of the future of the Commission and its potential role under extended coastal state jurisdiction *(Comm.Doc. 77/VI/11)*

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16. Conservation of cod stocks in Subareas 1, 2, and 3
17. Conservation of redfish stocks in Subareas 2 and 3
18. Conservation of silver hake stocks in Subarea 4
19. Conservation of American plaice stocks in Subareas 2 and 3
20. Conservation of witch flounder stocks in Subareas 2 and 3
21. Conservation of yellowtail flounder stocks in Subarea 3
22. Conservation of Greenland halibut stocks in Statistical Area 0 and Subareas 1, 2, and 3
23. Conservation of roundnose grenadier stocks in Statistical Area 0 and Subareas 1, 2, and 3
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25. Conservation of capelin stocks in Subareas 2 and 3
26. Conservation of squid *(Illex)* stock in Subareas 3 and 4
27. Conservation of northern deepwater prawn in Subarea 1
28. Conservation of Atlantic salmon in the Convention Area

REPORTS OF COMMITTEES AND PANELS

29. Report of Standing Committee on Research and Statistics (STACRES)

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* Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

REPORTS OF COMMITTEES AND PANELS (continued)

30. Report of Standing Committee on Finance and Administration (STACFAD)
31. Report of Standing Committee on International Control (STACTIC)
32. Reports of Panels 1 and 3, and other Panels, if necessary

OTHER MATTERS

33. Election of Chairman and Vice-Chairman for 1977/78 and 1978/79
34. Date and location of 1978, 1979, and 1980 Annual Meetings
35. Press Statement
36. Other Business
37. Adjournment

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Serial No. 5110
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Proceedings No. 3
Appendix III
(also Annex X of Report of Second Preparatory Meeting on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (Comm.Doc. 77/VI/14))

ANNUAL MEETING - JUNE 1977

Report of the Working Group on Transitional Arrangements

1. The Working Group met under the chairmanship of the Chairman of ICNAF with representatives in their personal capacity from Canada, Denmark, the EEC, the Federal Republic of Germany, Italy, Japan, Portugal, USSR, and ICNAF, to give further consideration to the matter of the succession from ICNAF to the new fisheries organization (NAFCO) as a legal personality (see Annex XVI of the Report of the International Preparatory Conference on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, Ottawa, 14-25 March 1977 (Comm.Doc. 77/VI/11)).

2. The representative of Canada presented the results of studies on the legal status of ICNAF. The Group noted that no legal personality existed under Canadian law. There was, however, a legal personality under international law which the Group agreed gave ICNAF the right to dispose of its own assets and liabilities. The Group considered the need for an amendment to the ICNAF Convention regarding the transfer of assets and the financial discharge of its obligations prior to its termination, and agreed that such a procedure was not necessary as these needs could be accommodated within the internal framework of ICNAF. The Group wished to point out that ICNAF could include in its financial regulations, when NAFCO had already come into existence, some instruction for the discharge of its financial obligations and the transfer of assets to NAFCO.

3. The Group discussed the transfer of the Executive Secretary and staff from ICNAF to NAFCO. No legal difficulty was envisaged. There were no long-term contracts with the Executive Secretary and staff so that appointments could be terminated quickly and easily. The Group noted that, when NAFCO would come into force, for example in 1979 (see suggested timetable for transition from ICNAF to NAFCO at Annex 1), and ICNAF was still in force, at the first NAFCO meeting, the Executive Secretary and staff of ICNAF could be appointed to serve NAFCO, thereby serving ICNAF and NAFCO at the same time without pay from NAFCO until it is funded. The staff would then serve only NAFCO upon the termination of ICNAF at the end of 1979. The Group noted that paragraph 5 of Article XX of the proposed new Convention required that the first meeting of NAFCO should be convened 90 days after the new Convention came into force and suggested that consideration be given to amending the time to six months. There would then be parallel meetings and shared staff by ICNAF and NAFCO at the normal June meeting time.

4. The Group considered a draft amendment to the ICNAF Convention which would provide for termination of the ICNAF Convention on 31 December of the year NAFCO entered into force. The suggested amendment is presented at Annex 2 for consideration in ICNAF.

10 June 1977

* Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

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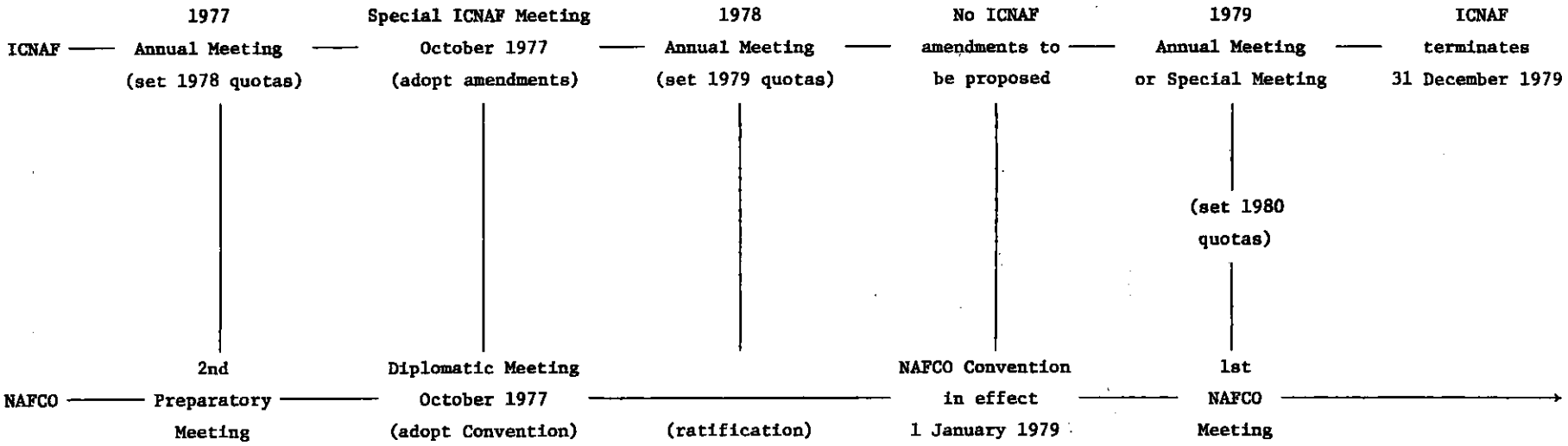
ANNUAL MEETING - JUNE 1977

Suggested timetable for transition ICNAF - NAFCO



* Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

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ANNUAL MEETING - JUNE 1977

Resolution to amend the International Convention for the Northwest Atlantic Fisheries

The Commission

Noting the results of the recently concluded (Diplomatic Conference on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, held in Ottawa, October __ to October __);

Desirous of effecting an orderly transition from ICNAF to the proposed (NAFCO);

Adopts the following amendment to the International Convention for the Northwest Atlantic Fisheries pursuant to Article XVII of that Convention, as amended:

"Article XVIII is renumbered Article XIX, and a new Article XVIII is inserted to read as follows:

Article XVIII

1. This Convention shall terminate 31 December of the year the (name of NAFCO Convention) entered into force.

2. Following the entry into force of the (name of NAFCO Convention), the Commission shall not adopt any proposal under Article VIII."

* Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

International Commission for the Northwest Atlantic Fisheries

Serial No. 5111
(B.f.4)

Proceedings No. 4

ANNUAL MEETING - JUNE 1977

Note by the Secretariat:

Proceedings No. 4 was originally intended to be the Report of Meetings of Panel 1. During the First Plenary Session (Proceedings No. 3), it was agreed that there would be no need for a meeting of Panel 1 as the extension of fisheries jurisdictions by Canada and Denmark gave these two countries responsibility for management of the stocks inside their 200-mile limit. Any decisions regarding overlapping stocks would be considered jointly by these two coastal states.

Results of a Meeting of Scientific Advisers to Panel 1 held on Saturday, 28 May 1977, will be found published in Redbook 1977, Part C.

* Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

International Commission for the Northwest Atlantic Fisheries

Serial No. 5112
(B.e.77)

Proceedings No. 5

ANNUAL MEETING - JUNE 1977

Report of Joint Meeting of Panels 2, 3, and 4

Tuesday, 7 June, 1530 hrs

1. Opening. The Chairman of the Commission opened the meeting with delegates of all Member Countries present. He explained that, after consultation with the Chairman of the Informal Intergovernmental Consultations, it was considered necessary to have a Joint Meeting of Panels 2, 3, and 4. The reasons for that were as follows. First, the Commission had been requested to provide advice on stocks in all three Subareas. Second, even though it had been informally agreed that the Commission should proceed as though the December 1976 amendments to the Convention were in effect, it might be appropriate that all stocks for which advice had been requested should be considered by the Commission and proposals adopted for transmittal to the Depositary Government to avoid legal difficulties in Member Countries which had not yet approved that amendment. Third, ICNAF would have to decide on the stocks overlapping within and outside Canadian fisheries jurisdiction. It would be very difficult, if not impossible, at this meeting to sort out all overlapping stocks from those entirely within Canadian fisheries jurisdiction.

The Panels unanimously agreed that Mr R. Letaconnoux (France) should chair the joint meeting.

2. Appointment of Rapporteur. Mr L.S. Parsons (Canada) was appointed Rapporteur.

3. Adoption of Agenda. The Panels agreed to consider all stocks in Subareas 2, 3, and 4 which had been discussed in the Informal Intergovernmental Consultations convened by Canada, i.e., all stocks listed in Comm.Doc. 77/VI/4 with the exception of silver hake.

4. Conservation Requirements. The Chairman, Mr R. Letaconnoux (France), requested the Chairman of the Informal Intergovernmental Consultations, Dr A.W.H. Needler (Canada), to report on the results of those consultations. The Chairman of the Informal Intergovernmental Consultations presented a table of TACs and national allocations (Table 1) which embodied the results of the consultations. He indicated that those TACs and allocations adopted by the Joint Meeting of the Panels, with Canadian concurrence, would be adopted in Canadian regulations and that Canada would assure the countries involved of an opportunity to fish for those allocations by providing licensing and access where required within her fishery limits. Adoption of the proposed TACs and national allocations by the Joint Meeting of the Panels would avoid certain legal technicalities.

The delegate of Portugal indicated that he was not yet ready to accept the proposals for the cod stocks in Div. 2J+3KL and Div. 3NO. The delegate of Spain also indicated that his comments on proposals for cod stocks in Div. 2J+3KL and Div. 3NO had been left for the Joint Meeting of the ICNAF Panels and he sought further clarification regarding the presentation of the Canadian tables to the Commission or to the informal meetings. The delegate of Canada said that the tables concerning the referred cod stocks had, in fact, been presented to the Informal Intergovernmental Consultations and that they should now be adopted by the Joint Panels. He proposed, and the Panels unanimously agreed, that the Addendum to the STACRES Report containing the further projections of catch and biomass for the cod stock in Div. 2J+3KL, as requested by the Informal Intergovernmental Consultations from STACRES on 3 June (Redbook 1977, Part B, pages 37-40), be adopted by the Joint Meeting of the Panels. The Acting Chairman of STACRES, Dr F. Nagasaki (Japan), was thanked for the thorough and explicit projections presented therein.

(a) Cod in Div. 2J+3KL. The delegate of Portugal stated that, with respect to stock conservation, it would be better to set a constant catch of 160,000 metric tons for three years rather than fix F at 0.1645, which corresponded to the catch of 135,000 tons in 1978. He noted that, if a constant catch were established for three years only, there would be no danger of stock depletion. There would be quite a wide margin of safety to compensate for fluctuations in recruitment. Such an approach would increase the catch in 1978 but would involve a sacrifice in 1979 and 1980. For socio-economic reasons, he would prefer the constant catch approach. This would alleviate problems of finding alternate employment for vessel crews. He noted that countries other than Canada were suffering severe unemployment problems which would be increased if the proposed TACs for cod in Div. 2J+3KL and Div. 3NO were adopted. The delegate of Spain expressed support for the Portuguese proposal. He noted that the annual assessment process provided a

* Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

built-in safety mechanism to take account of recruitment fluctuations, so that any dangerous situation could be detected in due time and the TAC adjusted. It would be preferable socio-economically to set a fixed TAC for the short term (three years) to provide some stability for the industry. The delegate of Canada indicated that Canada had reviewed the STACRES Report, considered the Portuguese suggestion, and concluded that a TAC of 135,000 tons in 1978 provides the best balance of the different interests involved. The highest priority for Canada was to accelerate the rebuilding of the stock so that the catches and catch rates in the inshore fishery could be improved as rapidly as possible. Canada was aware of the difficulties this would create for countries fishing in the Canadian zone. He drew attention to the fact that Canada had first proposed a TAC of 125,000 tons for this stock after considering the possibility of 85,000 tons as an option which would rebuild the stock more rapidly. Taking into account the comments of other countries, Canada had modified its proposal to 135,000 tons. The combined objectives of all countries would be met most effectively by this level of TAC. Although a TAC of 160,000 tons as suggested by the delegate of Portugal would provide a greater surplus in 1978, the Canadian approach would provide a greater possibility of a surplus in 1979 and beyond. In adjusting the proposed TAC from 125,000 to 135,000 tons, Canada had done its best to take the interests of other countries into account. The delegate of Portugal noted that the target spawning biomass of 1.5 million metric tons would not be fully achieved by 1985 by fishing at F = 0.1645. Under a constant catch of 160,000 tons from 1979 onward, the fishing mortality rate would be less than under the constant F option corresponding to a 1978 TAC of 135,000 tons. He expressed the view that the safety margin was so large that there was no risk associated with a TAC of 160,000 tons in 1978. However, if Canada could not accept that TAC, he inquired whether it would be possible for Canada to reduce her requirements from 100,000 to 90,000 tons. The delegate of Spain pointed out that the Canadian approach hinged on a target spawning biomass of 1.5 million metric tons. He questioned whether this was the one and only reference point possible, noting that the STACRES Report cited a range from 1.2 to 1.8 million metric tons, with 1.5 million metric tons as a reference point. He expressed the view that a spawning biomass well within the target could be achieved with a fixed TAC of 160,000 tons for a relatively short period (three years), which, in any case, could be corrected in time if a failure in recruitment were detected by the Assessments Subcommittee at its Annual Meetings. The delegate of Canada indicated that Canadian requirements from this stock will undoubtedly increase over the next several years. Processing plants on the northeast coast of Newfoundland were now operating at only 25% of capacity. The Canadian Government is taking steps to develop the inshore fishery. If a constant catch of 160,000 metric tons were set for three years, within two years there would likely be no surplus. He noted again that regulation of this stock to rebuild the inshore fishery was an extremely important issue in Canada and that the Canadian Government had taken a middle-of-the-road approach to the 1978 TAC. The delegates of USSR and Poland noted that they had earlier proposed a 1978 TAC of 160,000 metric tons. The delegate of Canada noted that two factors determine the magnitude of the Canadian requirement: (1) abundance of fish, and (2) capacity to catch and process. As the stock recovers, the availability of fish (CPUE) is likely to increase quite rapidly. It is possible that the 1978 proposed requirement of 100,000 metric tons might not be large enough. Under the fixed catch proposal, there would be no surplus in 1980 and possibly not in 1979. He noted that it would be impossible socially to limit the inshore fishery. The delegate of Portugal noted that, although he did not agree with the proposed TAC of 135,000 tons, it would not be appropriate for the Commission to adopt a proposal for this stock without the consent of the coastal state since this stock, for all intents and purposes, lies entirely within the Canadian 200-mile fisheries limit. He expressed the view that, with the increasing coastal state requirement, there was no future for the foreign fishery for this stock. This would happen whether the Canadian or Portuguese proposals were to be adopted. With the Canadian proposal, in order to reach a biomass of 1.5 million metric tons, catches would soon have to be reduced. But even without reduction, there was no surplus available. In 1978, according to the Canadian proposal, the surplus would be 35,000 tons. In 1980, the increase of CPUE would bring the Canadian catch without increase in effort to 141,000 tons, but as they were obviously planning increases of around 50% per year, the Canadian catch would come to 225,000 tons, while the catch at F = 0.1645 would be only 204,000 tons. It was obvious that this fishery would be closed to foreigners within the next two to three years. The delegate of USSR noted that Canada had considered the views of other countries and that the Canadian proposal must be accepted. He proposed that the table of TACs and national allocations be adopted as presented. The delegate of Portugal requested that the Joint Panels first consider the cod in Div. 3NO.

(b) Cod in Div. 3NO. The delegate of Spain noted that Spain had suggested an increase from the original proposal of "by-catch only" to some level of TAC since Spain would be in a desperate situation with respect to cod. The Canadian proposal of a TAC of 15,000 metric tons would result in a 50% reduction of the Spanish allocation for this stock, superimposed on a two-thirds reduction between 1976 and 1977. These reductions indicated no future for the Spanish fishery in this area, and that he could not accept the consequences of such a reduced TAC, and would be obliged to vote against the proposal. The delegate of Canada acknowledged the serious situation confronting Spain. Canada had adjusted on this stock as much as possible. Because of the depressed condition of the stock, it was necessary to take extreme conservation measures. He noted that the long-term MSY is estimated to be greater than 100,000 metric tons. Most countries including Spain had been experiencing difficulties in achieving their allocations. Canada is prepared to pay particular attention to this stock in 1978 and re-allocate if necessary. In reply, the delegate of Spain explained that the fact that most countries had not achieved their quotas in earlier years was not really significant, because prior to 1977 they had access to other more attractive parts of the Convention Area which were now closed. The delegate of Portugal noted that the catch by Portugal, both in Div. 3NO and Div. 2J+3KL, would be reduced to one tenth of what it had been in 1974. Therefore, Portugal should be

considered as well as Spain. He questioned the Canadian requirement of 4,000 tons in view of the fact that Canadian catches in recent years had been less than that. The delegate of Canada explained that the Canadian fishery for other species in this area would be increased to about 70,000 tons in 1978, with an associated increase in the cod catch above 2,000 tons.

(c) After considerable discussion of appropriate procedures, in the light of the December 1976 amendment and the extension of fisheries jurisdiction by Canada to 200 miles, the Chairman explained that, as far as the Div. 2J+3KL cod stock was concerned, there were only two alternatives: (a) exclude it from the Table, or (b) include it in the Table and treat it like any other ICNAF cod stock. The delegates of Portugal, USSR, and Spain were of the opinion that the alternative to be chosen should be that preferable to Canada. The delegate of Canada chose the second alternative. Therefore, Panels 2, 3, and 4, in joint session,

agreed to recommend

that the TACs and national allocations set forth in Table 1 be adopted for 1978.

The delegate of Portugal explained that he could not accept the TAC and national allocations for the Div. 2J+3KL cod stock as if Portugal had been a free party of ICNAF to discuss the TAC and its allocation. The proceedings did make that abundantly clear. Portugal had stated that it would accept what Canada had laid down within its 200-mile zone, because as the coastal state it was within its exclusive right to do so. So, when the Panels were deciding to adopt Table 1, Portugal would have to reserve its position in relation to the Div. 2J+3KL cod stock. The delegate of Spain explained that his country's position was exactly the same. Given the reservations of the two countries and their reasons, the Joint Panels could do nothing more than accept as part of the Table the column dealing with the Div. 2J+3KL cod stock, without taking a vote on it and recording the reservations of the two countries.

The question of the Div. 3NO cod stock was different since the Chairman, without going into the problem of which stocks were both within and without the 200-mile fisheries zone, ruled that the Div. 3NO cod stock was certainly, at least partly, within the jurisdiction of ICNAF and, therefore, a decision should be taken by the Joint Panels. All delegations were in favour of the TAC and allocation in Div. 3NO, except the delegate of Spain who voted against the proposed TAC and allocations and the delegate of Portugal who abstained. The delegate of Portugal explained that he had abstained because he was not convinced that a TAC of 15,000 tons was the most appropriate for this stock, but at the same time, he felt it desirable that regulations inside and outside 200 miles be consistent.

5. The Joint Meeting of Panels 2, 3, and 4 adjourned at 1800 hrs.

Table 1. Summary of TACs and allocations for certain stocks in Subareas 2, 3, and 4 for 1978.

	COD			REDFISH			AMERICAN PLAICE		WITCH		Yellowtail
	2GH	2J+3KL	3NO	2+3K	3LN	3O	2+3K	3LNO	2J+3KL	3NO	3LNO
TAC recommended by Scientific Advisers	20,000	...[1]	...[2]	30,000	16,000	20,000	6,000	...[3]	17,000	10,000	15,000
Bulgaria	-	-	-	-	-	-	-	-	-	-	-
Canada	3,000	100,000	4,000	25,000	8,000	15,000	5,500	44,800	9,000	7,000	14,200
Cuba	-	700	625	270	1,150	310	-	-	-	-	-
Denmark	-	660	-	-	-	-	-	-	-	-	-
France	450	2,190	155	-	-	-	-	700	-	-	300
Federal Republic of Germany	3,600	3,120	-	-	-	-	-	-	-	-	-
German Democratic Republic	900	1,950	-	450	425	-	-	-	300	-	-
Iceland	-	-	-	-	-	-	-	-	-	-	-
Italy	-	-	-	-	-	-	-	-	-	-	-
Japan	-	-	-	-	-	-	-	-	-	-	-
Norway	800	630	-	-	-	-	-	-	-	-	-
Poland	4,000	2,890	-	710	-	-	-	-	3,500	-	-
Portugal	2,900	8,210	810	450	425	-	-	-	-	-	-
Romania	400	-	-	-	-	-	-	-	-	-	-
Spain	450	6,330	5,730	-	-	-	-	-	-	-	-
USSR	2,300	7,350	3,180	2,690	5,900	4,630	450	1,000	3,700	2,900	-
UK	700	520	-	-	-	-	-	-	-	-	-
Others	500	450	500	430	100	60	50	500	500	100	500
Total	20,000	135,000	15,000	30,000	16,000	20,000	6,000	47,000	17,000	10,000	15,000

Table 1. Continued

	GREENLAND HALIBUT	ROUNDNOSE GRENADIER	CAPELIN					ARGENTINE
	2+3KL	2+3	2+3K	3LNOPs	3L	3NO	3Ps	4VWX
TAC recommended by Scientific Advisers	30,000	35,000	300,000	200,000				20,000
Bulgaria	-	-	-	-	-	-	-	-
Canada	15,000	2,000	15,000	70,000	23,760[5]	37,240	9,000[5]	2,000
Cuba	-	-	-	-	-	-	-	1,820
Denmark	-	-	-	-	-	-	-	-
France	-	-	-	-	-	-	-	-
Federal Republic of Germany	-	-	-	-	-	-	-	-
German Democratic Republic	1,850	4,250	-	-	-	-	-	-
Iceland	-	-	-	-	-	-	-	-
Italy	-	-	-	-	-	-	-	-
Japan	-	-	-	-	-	-	-	4,030
Norway	-	-	-	45,910	4,920[5]	40,990	-	-
Poland	5,290	-	-	-	-	-	-	-
Portugal	-	-	-	-	-	-	-	-
Romania	-	-	-	-	-	-	-	-
Spain	-	-	-	-	-	-	-	-
USSR	5,650	24,750	197,500	68,820	19,680[5]	49,140	-	12,060
UK	-	-	-	-	-	-	-	-
Others	2,210	4,000	10,000[4]	15,270	1,640[5]	13,630	-	90
Total	30,000	35,000	300,000	200,000	50,000	141,000	9,000	20,000

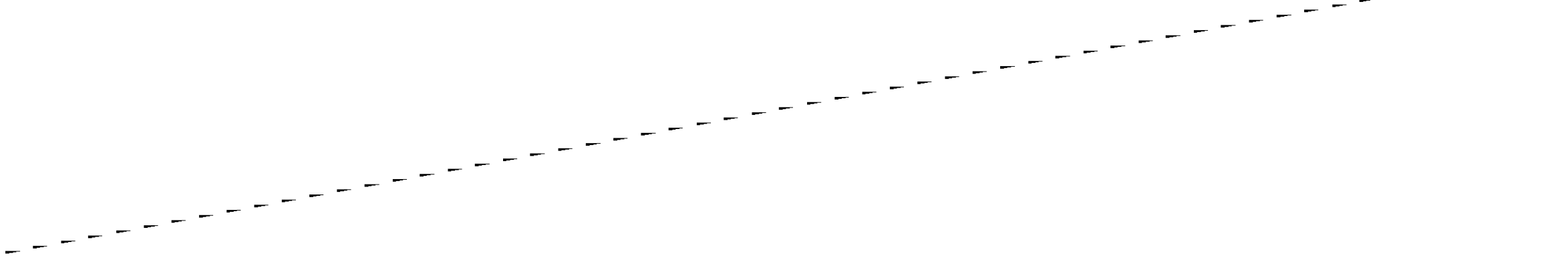
[1] See Redbook 1977, pages 54-55, for TAC options.

[2] See Redbook 1977, pages 55-56, for TAC options.

[3] See Redbook 1977, pages 58-59, for TAC options.

[4] Countries without specific allocations may each take up to 10,000 tons from this stock.

[5] Any part of this allocation not taken may be added to the allocation in Div. 3NO.



International Commission for the Northwest Atlantic Fisheries

Serial No. 5116
(B.e.77)

Proceedings No. 6

ANNUAL MEETING - JUNE 1977

Report of Meetings of Panel 3

Wednesday, 1 June, 1030 hrs and 1430 hrs
Wednesday, 8 June, 1015 hrs

1. Opening. The meeting was opened by the Chairman, Mr R. Letaconnoux (France).

2. Appointment of Rapporteur. Dr G.H. Winters (Canada) was appointed Rapporteur.

3. Adoption of Agenda. In accordance with the Canadian request and discussion in the Plenary Session of 31 May 1977 (Proceedings No. 3), the Plenary agreed that only stocks outside the Canadian fishery limits would require immediate consideration by Panel 3. Stocks overlapping in waters within and outside Canadian fishery limits would be discussed during Informal Intergovernmental Consultations convened by Canada, prior to their consideration by Panel 3.

4. Review of Panel Memberships. In the Plenary Session of 31 May 1977 (Proceedings No. 3), it was agreed to accept Federal Republic of Germany and Italy as Panel 3 Members, subject to consultation with the Panel. The delegate of Portugal noted that a country must have substantial fisheries in an area in order to qualify for Panel membership and that this was certainly not the case for one of the countries involved (Italy). The Executive Secretary of the Commission noted that the concurrence of the Panel would be sufficient to allow Federal Republic of Germany and Italy to become Members. The Chairman of the Commission noted precedence in the case of Cuba which entered several Panels without having substantial fisheries in these particular areas. After some further discussion, it was agreed to accept Federal Republic of Germany and Italy as Members of Panel 3.

The EEC Observer read the following statement to Panel Members:

"Mr Chairman:

"The delegation of the European Economic Community would like to make a statement, outlining the Community's approach to the work of this meeting in the light of its common fisheries policy.

"As the spokesman for the Community pointed out at the Special Meeting of the Commission in December 1976, the Member States of the European Economic Community have delegated to the Community powers in respect of external relations in fisheries matters.

"In exercising these competences the Community wishes to take an active part in multilateral cooperation for the conservation of fishery resources in waters outside the 200-mile zones.

"The Community intends in this context to participate in regional fishery organizations, acting as a single coastal state.

"It follows that the present situation in which the Community as such is not a Contracting Party to ICNAF is unsatisfactory and the Community, therefore, wishes that the successor organization to ICNAF becomes a reality as soon as possible.

"However, we realize that the new Convention cannot enter into force from 1 January 1978 and that it is, therefore, desirable that transitional arrangements be adopted. Such arrangements should take into account the existence of the common fisheries policy of the Community.

"If the problems of transition are to be solved by the establishment now of quotas, within the framework of ICNAF, for the entire year 1978, the Community is prepared to accept this solution on the condition that, where applicable, one single quota is set for the Community.

"The Community would reserve the right to determine the allocation of this overall quota between its Member States."

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* Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

With regard to the global quota request of the EEC, the delegate of Portugal noted that EEC countries would have to fish in the "Others" category or not all Members of the EEC could participate in the global quota in relation to their status as ICNAF Member Countries. The delegate of USSR stated that a global quota could not be set for the EEC because the EEC is not a Member of ICNAF. It would be impossible to enforce such a quota in accordance with the Scheme of Joint International Enforcement. There would also be financial and other complications. Pursuant to the Convention in force, allocations for 1978 may be given only to individual Member Countries of ICNAF. After considerable discussion, it was agreed to defer consideration of the EEC request to the end of Panel 3 discussions on conservation requirements and catch allocations.

5. Report of Scientific Advisers to Panel 3. The Chairman of the Scientific Advisers to Joint Panels 2, 3, and 4, Dr G.H. Winters (Canada), presented the Report of the Scientific Advisers (Redbook 1977, Part C) as it related to Div. 3M. The delegate of Canada noted and endorsed the proposed Flemish Cap groundfish study as being very important to the general understanding of fish population dynamics.

6. Conservation Requirements

(a) Div. 3M cod. Panel 3

agreed to recommend

that a TAC of 40,000 tons, as recommended by STACRES, be adopted for Div. 3M cod in 1978.

The Panel further

agreed to recommend

that the national allocations of the TAC of 40,000 tons for Div. 3M cod be set at the levels shown in Table 1.

(b) Div. 3M redfish. The delegate of Poland noted that, during the past several years, Polish vessels caught quantities of redfish from Div. 3M and requested an allocation for 1978 of 1,000 tons. The Panel decided that an increase in the "Others" category to 500 tons would provide a possibility for Polish activity in this area. Panel 3

agreed to recommend

that a TAC of 16,000 tons, as recommended by STACRES, be adopted for Div. 3M redfish in 1978.

After considerable discussion, the Panel further

agreed to recommend

that the national allocations of the TAC of 16,000 tons for Div. 3M redfish be set at the levels shown in Table 1.

(c) Div. 3M American plaice. Panel 3

agreed to recommend

that a TAC of 4,000 tons, as recommended by STACRES, be adopted for Div. 3M American plaice.

After some discussion, the Panel further

agreed to recommend

that the national allocations of the TAC of 4,000 tons for Div. 3M American plaice be set at the levels shown in Table 1.

7. Panel 3 recessed at 1730 hrs, 1 June.

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8. Panel 3 reconvened at 1015 hrs, 8 June.

9. The Chairman noted that stocks on the Agenda of Panel 3 other than Div. 3M stocks had been dealt with in the Joint Meeting of Panels 2, 3, and 4. TACs and allocations for these stocks are contained in the Report of the Joint Meeting (Proceedings No. 5). The Panel noted that the delegate of Portugal had abstained

and the delegate of Spain had voted against the proposed TAC and allocations for cod in Div. 3NO.

10. Future Research Requirements. The Panel endorsed the recommendations on future research requirements in the Report of Scientific Advisers to Panels 2, 3, and 4 (Redbook 1977, Part C).

11. Date and Place of Next Meeting. The Panel agreed that the next meeting of Panel 3 should be held in conjunction with the next Annual Meeting.

12. Approval of Panel Report. The Panel agreed that the Report would be circulated to the Head of each Delegation for approval.

13. Other Business. The Chairman noted that the request by the EEC Observer for a global quota for the EEC would be discussed further in a later Plenary Session.

14. Election of Chairman. The Chairman noted that his two-year term of office was complete. Capt A.S. Gaspar (Portugal) was unanimously elected Chairman of Panel 3 for 1977/78 and 1978/79.

15. Adjournment. Panel 3 adjourned at 1045 hrs, 8 June.

Table 1. Summary of TACs and allocations for stocks in Subarea 3 in 1978.

	COD	REDFISH	AMERICAN PLAICE
	3M	3M	3M
TAC recommended by Scientific Advisers	40,000	16,000	4,000
Bulgaria	-	-	-
Canada	2,100	4,400	500
Cuba	1,900	1,400	-
Denmark	6,840	-	-
France	6,650	-	-
Federal Republic of Germany	500	-	-
German Democratic Republic	-	-	-
Iceland	-	-	-
Italy	-	-	-
Japan	-	-	-
Norway	1,330	-	-
Poland	1,460	-	-
Portugal	10,000	500	500
Romania	-	-	-
Spain	2,090	-	-
USSR	4,940	9,200	2,000
UK	2,090	-	-
Others	100	500	1,000
Total	40,000	16,000	4,000

International Commission for the Northwest Atlantic Fisheries

Serial No. 5118
(B.t.77)

Proceedings No. 7

ANNUAL MEETING - JUNE 1977

Report of Meeting of the Standing Committee on International Control (STACTIC)

Wednesday, 8 June, 1100 hrs

1. Opening. The meeting was opened by the Chairman elect, Mr D.R. Bollivar (Canada)(see Proceedings No. 3, Section 11).

2. Participants. Delegates of all Member Countries, except Iceland, were present.

3. Rapporteur. Mr M. Hunter (Canada) was appointed Rapporteur.

4. Agenda. The Agenda, as circulated in advance by the Secretariat, was adopted (Appendix I).

5. Consideration of the Scheme of Joint International Enforcement

(a) The Chairman invited attention to Agenda Item 5(a), Present status of implementation, noting that Denmark, Iceland, Italy, Portugal, and Romania had not yet indicated their readiness to carry out inspections under the Scheme, but that all Member Countries had indicated their willingness to be inspected (Comm.Doc. 77/VI/8). The delegate of Denmark indicated that Denmark was not able to carry out inspections outside 200-mile zones, and provided the name and address of the Flag State authorities designated to receive immediate notice of and respond to apparent infringements under the Scheme (Appendix II). The delegate of USSR provided a change in the name of the Soviet authority designated to receive immediate notice of and respond to apparent infringements under the Scheme (Appendix II). The delegate of Romania indicated that Romania was withdrawing its reservation to the Scheme. The delegate of Spain noted the addition to the list of designated authorities (Appendix II).

(b) The Chairman drew attention to Agenda Item 5(b), Status of withdrawal of reservations to the Scheme, noting that with withdrawal of the Romanian reservation there would be no longer any reservations to the Scheme.

(c) The Chairman then drew attention to Agenda Item 5(c), Reports of cooperative enforcement, and Item 5(d), Plans for participation in the Scheme, including nationally designated authorities to receive and respond to notices of infringements. No comments were received on Item 5(c), and the Chairman noted that Item 5(d) had already been dealt with under Item 5(a).

(d) The Chairman drew attention to Agenda Item 5(e), Improvements to the Scheme, noting that there were no proposals before the Commission or STACTIC. The delegate of Canada reported that Canada expects to begin the transfer of inspectors by helicopter hoist within six months, and requested Member Countries to ensure that all vessel masters were informed of this intention. The Chairman noted that the procedure to be used for inspections carried out by the helicopter hoist method had been incorporated into the Scheme at the 1976 Annual Meeting, and that this procedure was defined in detail in Comm.Doc. 77/VI/1, pages 45-47. The Chairman asked that all countries ensure that the procedures to be followed be brought to the attention of all vessel masters to ensure that they are fully conversant with them. The delegate of the Federal Republic of Germany suggested that the Committee should consider at a later meeting possible changes to the Scheme for ICNAF, in light of the fact that its application is now limited to the area outside the limits of national fisheries jurisdiction. He noted that some post amendments to the Scheme had been made to meet the concerns of coastal states regarding interference to the operation of vessels of the coastal states by the vessels of distant-water nations, and wondered whether the complex procedures that had been developed might be simplified, while recognizing the need to maintain strict international control in areas outside 200 miles. He further noted that some of the provisions of the Scheme were very difficult to incorporate into domestic law in the Federal Republic of Germany, and concluded by suggesting that, at its next meeting, the Committee take into account the more limited scope of the Scheme that might make possible the withdrawal of some previous amendments.

The delegate of Canada agreed that it was appropriate to review the Scheme to determine whether it

* Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

might be suitable for adoption by the new North Atlantic fisheries body. He agreed that maintenance of strict enforcement was essential and said that any adaptation of the Scheme must be considered with that fact in mind. The Chairman said he understood that the present draft of the new Convention provided for the adoption of the present Scheme as an Annex. The delegate of Canada stated that, while such a suggestion had been made, there was some disagreement on this point and no decision had been made. He reported that, while the delegates to the Preparatory Conference on Future Multilateral Cooperation had expressed no doubts that an effective enforcement scheme was required, there was no majority opinion that the present Scheme become an Annex to the new Convention. The delegate of Portugal noted that the draft of a new Convention recognized the need for an enforcement scheme and, while all delegates were in agreement on this point, they felt that the present Scheme should not be "frozen" in an Annex to the new Convention which, as an integral part thereto, would be bureaucratically difficult to amend. The Chairman suggested that, if the present Scheme were not to be annexed to the new Convention, consideration of possible changes to the Scheme could be undertaken at the next Annual Meeting. He suggested that a procedure to look at possible changes be established, following those previously used by STACTIC in which the Chairman wrote to Members inviting submission of proposals for improvements. In addition, he proposed the establishment of a working group to meet in advance of the 1978 Annual Meeting to consider any submissions. The delegate of Denmark agreed that a working group be established but did not wish to extend the period of the next Annual Meeting. The delegates of Portugal and the Federal Republic of Germany agreed to the establishment of a working group to meet one day in advance of the 1978 Annual Meeting. The Working Group was established with membership consisting of Canada, Cuba, Denmark, Federal Republic of Germany, France, German Democratic Republic, Norway, and Portugal.

6. The Chairman turned to Agenda Item 6, Review of Annual Returns of Inspections, Infringements, and Disposition of Infringements for 1976. The Chairman referred delegates to Comm.Doc. 77/VI/9 and the reports of national inspections (Table 1), international inspections (Table 2A, Appendices 1-22), and disposition of infringements (Table 2B). He drew attention to the fact that several Member Countries had not submitted reports, and that even "Nil Reports" should be submitted to the Executive Secretary. Particular attention was drawn to the summary of returns by inspected countries on disposition of infringements observed by inspecting countries in 1976 (Table 2B) and the lack of reports by certain countries. The Chairman suggested that, if the Scheme were to work properly, it was necessary for Member Countries to make such reports, and asked all countries, who had failed to report, to do so as quickly as possible to the Executive Secretary. The delegate of Portugal said that Portugal requested that their lack of reporting be recorded as a report of nil returns. The delegate of the Federal Republic of Germany agreed that it was necessary to obtain full reports but wondered if some of the lack of reporting was due to some administrative problems in the various countries. He asked how requests for reports were made. The Chairman responded that the procedure for reporting in 1977 was contained in Circular Letter 77/11 of 27 January 1977 sent to all Member Countries with STACTIC Forms 1, 2A, and 2B, with a request for completion by 30 April 1977. He noted that the proper procedure must be followed by inspecting countries so that reports can be investigated by the inspected country. He thought the difficulty may be in this area, but noted that the procedure to be followed was laid down in the Scheme itself. He suggested that, in carrying out a review of the Scheme, particular attention be paid to this problem. The delegate of the Federal Republic of Germany noted that the Flag State authorities designated to receive notices of inspection only received immediate notices and that there was no equivalent list for the receipt of normal, non-urgent reports. In the case of the Federal Republic of Germany, the two names would be different, thus creating a problem. He suggested that a list be developed of persons designated to receive normal, non-urgent reports. The Chairman agreed that the fact that different people are involved in the receipt of reports would explain the difficulty in the investigation of reports by inspected countries, and suggested that the Executive Secretary circulate a request for clarification as to whom the various reports should be referred. He drew attention to the fact that the bulk of the infringements fell into the category of incomplete log records with particular respect to discards, or the category of fishing from "Others" quotas without prior notice to the Executive Secretary as required, and asked each country to draw the attention of its authorities to these two areas of concern.

7. The Chairman proceeded to Agenda Item 7, Review of Notification by Nationals of Vessels Engaging in Fisheries Research, which arose from Proposal (1) from the June 1975 Annual Meeting. He drew attention to Appendix I of Comm.Doc. 77/VI/10 dealing with this item. He noted that notifications had not been received to date from Canada and France which are known to have permanent research vessels operating. The delegate of France apologized for the lack of notification and undertook to provide notice as soon as possible. The delegate of Portugal noted that it was not necessary to submit nil reports, as was the case for Portugal, and noted that it was not necessary to notify ICNAF of research vessels operating within 200-mile zones, wondering if the Canadian and French vessels were operating outside the 200-mile zone. The Chairman said that this factor would not explain the lack of notification in 1976.

8. The Chairman proceeded to consideration of Agenda Item 8, Review of Registration of Nationals of Vessels Engaged in Fishing or Treatment of Sea Fish. In accordance with Proposal (3) from the September 1975 Special Meeting, all vessels greater than 50 gross tons must be registered with the ICNAF Secretariat. He referred to Appendices II and III of Comm.Doc. 77/VI/10 which dealt with this item, noting that 1976 notifications had not been received from Canada (Maritimes and Quebec), Denmark (Faroes), Iceland, and Portugal, and that 1977 notifications had not been received from Canada, Denmark, France, Federal Republic of Germany, German

Democratic Republic, Iceland, Italy, Portugal, Romania, Spain, and USSR. The Chairman suggested that notifications for 1977 need only note changes from 1976 lists. The delegate of Portugal referred to certain internal paperwork difficulties in Portugal which had led to a lack of notification by his country, but hoped the problem would be resolved soon. The Chairman requested the Executive Secretary to send a polite reminder to those countries that have not submitted the required reports.

9. The Chairman moved to Agenda Item 10, Other Business, noting that Agenda Item 9, Election of Chairman, had been dealt with in the First Plenary Session (Proceedings No. 3). He drew attention under this Item to page 16 of the STACRES Report dealing with the Trawl Material and Mesh Size Sampling Program. This Program had been originally requested by the scientists for work on mesh selectivity, but STACRES was now recommending that the reporting be discontinued. STACTIC agreed that the report should be discontinued.

10. Adjournment. STACTIC adjourned at 1220 hrs, 8 June, and would reconvene during the 1978 Annual Meeting.

Serial No. 5118
(B.t.77)

Proceedings No. 7
Appendix I

ANNUAL MEETING - JUNE 1977

Standing Committee on International Control (STACTIC)

Agenda

1. Election of Chairman[a]
2. Participants
3. Appointment of Rapporteur
4. Adoption of Agenda
5. Review of Scheme of Joint International Enforcement
   (a) Present status of implementation *(Comm.Doc. 77/VI/8)*
   (b) Status of withdrawal of reservations to Scheme
   (c) Reports of cooperative enforcement
   (d) Plans for participation in Scheme, including nationally designated authorities to receive and respond to notices of infringements
   (e) Improvements to the Scheme
6. Review of Annual Return of Inspections, Infringements, and Disposition of Infringements for 1976 *(Comm.Doc. 77/VI/9)*
7. Review of notification by nationals of vessels engaging in fisheries research *(Proposal (1) from June 1975 Annual Meeting) (Comm.Doc. 77/VI/10)*
8. Review of registration by nationals of vessels engaged in fishing or treatment of sea fish *(Proposal (3) from September 1975 Spec.Comm.Mtg.) (Comm.Doc. 77/VI/10)*
9. Election of Chairman for 1977/78
10. Other Business
11. Adjournment

[a] Withdrawal of USA from Commission effective 31 December 1976 leaves chairmanship occupied by W.G. Gordon (USA) vacant.

* Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

Serial No. 5118
(B.t.77)

Proceedings No. 7
Appendix II

ANNUAL MEETING - JUNE 1977

Amendments
to
Present status of implementation - Scheme of Joint International Enforcement
(Comm.Doc. 77/VI/8)

Annex B - Flag State authorities designated to receive immediate notice of and respond to apparent infringements under the ICNAF Joint Enforcement Scheme

Page 6 - Denmark Add: Faroese Home Government

by Post: Fiskivinnvstovan
3800 Torshavn, Faroe Islands
by Phone: 042 11080
by Telex: 81235 tingns fa.

Page 7 - Spain Add: Mr V. Bermejo

by Post: 2 Toronto Street
St. John's, Nfld.
Canada
by Phone: (709) 753-5885
by Telex:

Page 7 - USSR Delete: Mr V.S. Belov

Add: Mr I. Nikonorov

(same address, etc.)

* Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

International Commission for the Northwest Atlantic Fisheries

Serial No. 5120
(B.c.27)

Proceedings No. 8

ANNUAL MEETING - JUNE 1977

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

Thursday, 9 June, 1030 hrs

1. The meeting of STACFAD was called to order by the Chairman, Mr E.B. Young (Canada).

2. The Executive Secretary was appointed Rapporteur.

3. Membership. Representatives were present from Canada (Ms D. Pethick, Mr M. Hunter, and Mr L.S. Parsons), Federal Republic of Germany (Dr D. Booss), USSR (Mr A.A. Volkov), UK (Mr H.B. Brown), and from Portugal (Capt A.S. Gaspar), the latter having been named by the Commission to replace USA as a Member of STACFAD. Observers were present from USA (Mr D. Crestin and Mr D.A. Reifsnyder).

4. The provisional Agenda was adopted.

5. Panel Membership. STACFAD noted that the Federal Republic of Germany and Italy had had transfers of membership from Panel 5 to Panel 3 approved by the Commission and Panel 3. Following discussion of the status of panel membership, in the light of extended jurisdiction by the coastal state members of the Commission and the withdrawal of USA from Commission membership, STACFAD

recommends

that the number of memberships in the Panels of the Commission be maintained as established at the 27th Annual Meeting of the Commission, in order to hold the rates of contributions at present levels so that the financial commitments of the Commission may be met until the new multilateral organization comes into being.

6. Report of Annual Meeting of the International Fisheries Commissions Pension Society (IFCPS). The Executive Secretary drew attention to Comm.Doc. 77/VI/2, the Report of the Meeting of IFCPS, Halifax, Canada, 12-13 May 1977, and reported that the Society members had spent one-half day with the members of the ICNAF Secretariat in mutually beneficial discussions. STACFAD was pleased to note that its Chairman, Mr Young, was a member of the Society for Canada.

7. Auditor's Report. The Auditor's Report for the fiscal year 1975/76 was distributed in March 1977. STACFAD, noting that no comments were received from the Contracting Governments,

recommends

that the Auditor's Report for 1975/76 be adopted.

8. Administrative Report and Financial Statements (Comm.Dc. 77/VI/6). The Executive Secretary reviewed the Administrative Report, referring especially to the activities of the Secretariat in relation to Commission and scientific meetings, the publication of Commission material, and the collection, compilation and storage of scientific data for use in providing advice on management to the Commission. In presenting the Financial Statements for 1976/77, he noted that the Commission showed a surplus of approximately $13,000. He drew attention to the 1976/77 contributions which were still outstanding from Member Countries as follows:

Bulgaria	$ 300 approx.
Cuba	$ 18,965
Spain	$ 23,582
	$ 41,847

STACFAD

* Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

recommends

that the Administrative Report with the Financial Statements for 1976/77 (estimated from 30 April 1977) be adopted.

9. Working Capital Fund (WCF). STACFAD reviewed the WCF (approx. $49,000) and agreed that, in view of the possibility of transitional changes from ICNAF to a new multilateral organization for the Northwest Atlantic fisheries, the amount available in the Fund should be maintained at or near the level reported.

10. Basic Annual Fee Structure. The Executive Secretary reported that the June 1973 Protocol was not yet in force.

11. Budget, 1977/78. STACFAD examined the 1977/78 budget estimates (Appendix I to STACFAD Agenda). In regard to the salary of the Executive Secretary, STACFAD examined the UN salary scales, effective 1 January 1977, in relation to salaries received by executive secretaries/directors of other international commissions (especially those located in North America), and concluded that the UN scale at the D-1 level was no longer appropriate for the ICNAF Executive Secretary. Taking into account the Executive Secretary's outstanding performance and Government of Canada's domestic salary guidelines and the relativity of staff salaries governed by these guidelines to the salary of the Executive Secretary, STACFAD

recommends

that the salary of the Executive Secretary be established at $45,000 (Canadian) for the period 1 July 1977 to 30 June 1978 and that future salary levels should be determined at the 1978 Annual Meeting of the Commission.

STACFAD discussed the possibility of financial support for a Symposium on the Biological Basis for Pelagic Fish Stock Management which was being planned for 1978 jointly by other international agencies. STACFAD, therefore,

recommends

i) that the ordinary expenses of the Commission for the fiscal year 1977/78 be set at $425,000 (Appendix I);

ii) that, after an estimated amount of $40,629 from the Miscellaneous Fund is applied against the amount in i) above, approximately $384,371 be appropriated from Member Countries in 1977/78 (Appendix II);

iii) that $5,000 be appropriated from the WCF to support a joint Symposium on the Biological Basis for Pelagic Fish Stock Management to be held in the UK in July 1978 (Appendix I).

12. Budget Forecast, 1978/79. STACFAD considered the Budget Forecast for 1978/79 as presented in Appendix III to the STACFAD Agenda and noted that $470,000 was required to cover ordinary expenditures. STACFAD

recommends

that the Commission give consideration at the 1978 Annual Meeting to authorize an appropriation of $470,000 for the ordinary expenses of the Commission.

13. The Executive Secretary reviewed the status of the Commission's publications as presented in Comm. Doc. 77/VI/6.

14. Date of 1977/78 Billing. The billing date was set at 15 August 1977.

15. Time and Place of 1978, 1979, and 1980 Annual Meetings. STACFAD

recommends

i) that, should an invitation be extended, the Commission accept to hold its 28th Annual Meeting in Bonn, Federal Republic of Germany, from 30 May to 6 June 1978 inclusive;

ii) that the 1979 and 1980 Annual Meetings, if necessary, be held at the Commission's Headquarters, Dartmouth, Nova Scotia.

16. Election of Chairman. Mr E.B. Young (Canada) was unanimously re-elected Chairman for 1977/78.

17. Adjournment. There being no further business, the meeting adjourned at 1300 hrs, 9 June.

ANNUAL MEETING - JUNE 1977

1977/78 Expenditures to be Covered by Appropriations from Contracting Governments and from Other Sources

		Proposed estimates 1977/78
1.	Personal Services	
	(a) Salaries	$ 235,000
	(b) Superannuation	7,000
	(c) Additional help	2,000
	(d) Group medical and insurance plans	3,000
	(e) Contingencies	14,000
2.	Travel	6,000
3.	Transportation of Things	1,000
4.	Communications	25,000
5.	Publications	25,000
6.	Other Contractual Services	20,000
7.	Materials and Supplies	12,000
8.	Equipment	5,000
9.	Annual and Mid-Year Meetings	25,000
10.	Computer Services	35,000
11.	Contingencies	10,000
	Total Ordinary Expenditures	$ 425,000

Appropriation from Working Capital Fund to support joint internationally-sponsored Symposium on Biological Basis for Pelagic Fish Stock Management $ 5,000

* Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

ANNUAL MEETING - JUNE 1977

Preliminary Calculation of Billing for Member Countries against
Proposed Estimates of $425,000 for 1977/78 Fiscal Year

Budget:	$ 425,000.00
Deduct: Estimated advance from Miscellaneous Fund	40,629.00
Funds required to meet 1977/78 administrative budget	$ 384,371.00

Countries	No. of Panels	Total billing 1976/77	Basic charge (17 Governments)	Total billing 17 Countries 63 Panels
Bulgaria	3	$ 14,347.20	$ 500.00	$ 18,398.60
Canada	5	23,582.00	500.00	30,331.00
Cuba	4	18,964.60	500.00	24,364.80
Denmark	4	18,964.60	500.00	24,364.80
France	5	23,582.00	500.00	30,331.00
Federal Republic of Germany	4	18,964.60	500.00	24,364.80
German Democratic Republic	3	14,347.20	500.00	18,398.60
Iceland	2	9,729.80	500.00	12,432.40
Italy	1	5,112.40	500.00	6,466.20
Japan	3	14,347.20	500.00	18,398.60
Norway	4	18,964.60	500.00	24,364.80
Poland	5	23,582.00	500.00	30,331.00
Portugal	4	18,964.60	500.00	24,364.80
Romania	3	14,347.20	500.00	18,398.60
Spain	5	23,582.00	500.00	30,331.00
USSR	5	23,582.00	500.00	30,331.00
UK	3	14,347.20	500.00	18,398.60
USA	-	14,347.20	-	-
	63	$ 313,658.40	$ 8,500.00	$ 384,370.60
		($ 4,617.40 per Panel)		($ 5,966.20 per Panel)

* Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

ANNUAL MEETING - JUNE 1977

1978/79 Estimated Expenditures to be Covered by Appropriations from Contracting Governments and from Other Sources

		Forecast estimates 1978/79
1.	Personal Services	
	(a) Salaries	$ 260,000
	(b) Superannuation	7,000
	(c) Additional help	2,000
	(d) Group medical and insurance plans	3,000
	(e) Contingencies	14,000
2.	Travel	6,000
3.	Transportation of Things	1,500
4.	Communications	25,000
5.	Publications	25,000
6.	Other Contractual Services	22,000
7.	Materials and Supplies	12,000
8.	Equipment	7,500
9.	Annual and Mid-Year Meetings	25,000
10.	Computer Services	40,000
11.	Contingencies	20,000
	Total Ordinary Expenditures	$ 470,000

* Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

International Commission for the Northwest Atlantic Fisheries

Serial No. 5121
(B.b.27)

Proceedings No. 9

ANNUAL MEETING - JUNE 1977

Report of the Final Plenary Sessions

Thursday, 9 June, 1705 hrs
Friday, 10 June, 1020 hrs

1. The Chairman, Dr D. Booss (Federal Republic of Germany), opened the meeting.

2. The Report of STACRES (Redbook 1977, Part B) was adopted. The Plenary agreed to the need for a STACRES meeting in November or December which would provide advice to the Commission on the scientific basis for management of the shrimp stocks in Subarea 1 and Statistical Area 0 and of the seal fisheries within national fisheries limits in Subareas 1, 2, 3, and 4 and Statistical Area 0. Advice on the seal stocks had been requested in a memorandum from Canada (Comm.Doc. 77/VI/13). The Plenary further agreed that the time and place for the STACRES meeting would be set by the Chairman of STACRES in consultation with the Secretariat. The Chairman of the Commission, on behalf of the Plenary, thanked the acting Chairmen of STACRES, Mr Sv.Aa. Horsted (Denmark) and Dr F. Nagasaki (Japan) for their outstanding leadership during this meeting and the scientists for their continued productive cooperation. He congratulated Dr A.W. May (Canada) on his election as Chairman of STACRES for, at least, the ensuing year.

3. The Ceremonial Opening (Proceedings No. 2) was adopted.

4. The Report of the First Plenary Session (Proceedings No. 3) with its Appendix, "Report of the Working Group on Transitional Arrangements", was adopted.

5. The Chairman noted that there was no Report of Panel 1 since the Plenary had agreed that no meeting would be held. A meeting of Scientific Advisers to Panel 1 was held and its report is at Redbook 1977, Part C.

6. The Report of Panel 3 (Proceedings No. 6), with its summary table of recommended 1978 TACs and national allocations for three stocks in Subarea 3 of the Convention Area and outside the Canadian 200-mile fisheries zone, was adopted.

7. The Report of STACTIC (Proceedings No. 7) was adopted. The Plenary noted the election of Mr D.R. Bollivar (Canada) as Chairman and that a working group consisting of representation from Canada, Cuba, Denmark, Federal Republic of Germany, France, German Democratic Republic, Norway, and Portugal, would meet one day in advance of the 1978 Annual Meeting (29 May 1978) to consider improvements to the Scheme of Joint International Enforcement.

8. The Report of STACFAD (Proceedings No. 8), with its recommendation to maintain the number of memberships in the Panels of the Commission as established at the 27th Annual Meeting, was adopted. The delegate of Portugal said that he could make a commitment to retain the same number of Panels but not to which ones they might be. The Chairman thanked the Government of Canada, on behalf of the Commission, for continuing to provide for the good services of Mr E.B. Young as Chairman of STACFAD and Dr A.W.H. Needler as Head Commissioner for Canada, although both were retired from the Canadian Government service.

9. Regarding a press statement, the Plenary agreed that there should be a statement from ICNAF in the form used in past years and that it should include a statement drafted with Canadian consultation regarding the results of the work of the Informal Intergovernmental Consultations convened by Canada.

10. Election of Chairman and Vice-Chairman. The Plenary agreed unanimously that Dr D. Booss (Federal Republic of Germany) should serve as Chairman of the Commission for the period 1977/78 and 1978/79. Dr Booss thanked the delegates for their confidence and said he would try to do his best in steering ICNAF through her last difficult years.

The Plenary agreed unanimously that Mr S. Ohkuchi (Japan) serve as Vice-Chairman of the Commission for the period 1977/78 and 1978/79. Mr Ohkuchi thanked the delegates for the high honour.

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* Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

11. Time and Place of Future Meetings. The Chairman, Dr Booss, extended, on behalf of his Government, an invitation to the Commission to hold its 1978 Annual Meeting in Bonn, Federal Republic of Germany. The Plenary agreed that the STACTIC Working Group should meet 29 May 1978 with the STACRES meeting to take place the preceding week. The Commission meetings and informal intergovernmental consultations would be held 30 May through 6 June.

The Plenary noted that the Secretariat had arranged for the 1979 Annual Meeting to be held at the Lord Nelson Hotel in Halifax, Canada from 29 May to 7 June 1979.

The delegate of Canada moved that the Commission thank the Government of the Federal Republic of Germany and accept its kind invitation to hold the 1978 Annual and associated meetings of the Commission in Bonn, Federal Republic of Germany.

12. The Plenary recessed at 1755 hrs, 9 June, after being reminded that the last session of the Second Preparatory Conference to accept its report would be held in the morning of 10 June. The delegates were reminded that living accommodation at the Chateau Laurier Hotel in Ottawa during the period of the Diplomatic Conference, 11-21 October 1977, should be booked early, using the code "ICNAF Diplomatic Conference".

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13. The Final Plenary reconvened at 1020 hrs, 10 June, to consider the Report of Joint Panels 2, 3, and 4 (Proceedings No. 5) with its summary table of 1978 TACs and national allocations for 19 stocks which occur completely within the Canadian 200-mile fisheries zone or which overlap the 200-mile zone. The Report was adopted. The Plenary noted that the delegates of Portugal and Spain had recorded reservations regarding the TAC and allocations for the Div. 2J+3KL cod stock, while, in the case of the Div. 3NO cod stock, the delegate of Spain voted against the proposed TAC and allocations and the delegate of Portugal abstained.

14. The Chairman drew attention to the Table at Appendix I which contained the TACs and national allocations recommended by the Member Countries of Panels 2, 3, and 4 for 22 stocks or species in Subareas 2, 3, and 4, and which was adopted by the Plenary for 1978. These TACs and allocations also constituted a proposal for international quota regulation in Subareas 2, 3, and 4 of the Convention Area, with the June 1974 Proposal (4) as amended providing the management procedure. The Plenary agreed

> that the Commission transmit to the Depositary Government, for joint action by the Contracting Governments, proposal (1) for international quota regulation of the fisheries in Subareas 2, 3, and 4 of the Convention Area (Appendix I).

15. Other Business. The delegate of Canada was pleased to record that the present meeting had demonstrated that international cooperation was continuing in ICNAF. Canada was grateful for the parts played by all participants in this meeting and is anxious that such good cooperation continue. In the last two or three years, MSY (maximum sustainable yield) has given way to more restrictive measures which it would seem have resulted in signs of a good effect, e.g. STACRES projection for Div. 2J+3KL cod stock. This more stringent action, starting in 1975, should be credited to international cooperation under ICNAF. ICNAF has been an effective, imaginative, innovative body and he hoped that these attributes would continue under the new multilateral arrangements now being discussed. The Chairman noted that it was remarkable, in these times of limited ocean resources, that ICNAF was again ahead of developments. Due to a rather rigid regulatory program, Member Countries can be happy that their sacrifices have helped to attain signs of a recovery which it is hoped will benefit everyone.

16. Adjournment. The Chairman thanked all for their part in bringing to a successful conclusion a very difficult meeting. There being no other business, the Twenty-Seventh Annual Meeting of the Commission was adjourned at 1040 hrs, 10 June 1977. A press statement covering the Proceedings and Informal Intergovernmental Consultations convened by Canada is at Appendix II.

Serial No. 5121
(A.a.4)

Proceedings No. 9
Appendix I

ANNUAL MEETING - JUNE 1977

(1) Proposal for International Quota Regulation of the Fisheries in Subareas 2, 3, and 4 of the Convention Area, adopted by the International Commission for the Northwest Atlantic Fisheries in Plenary Session on 10 June 1977

That the total allowable catch and national quota allocations for 1978 of particular stocks or species in Subareas 2, 3, and 4 of the Convention Area shall be in accordance with the following table:

* Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

Table - Integral part of Proposal (1) for International Quota Regulation of the Fisheries in Subareas 2, 3, and 4 of the Convention Area, adopted by the International Commission for the Northwest Atlantic Fisheries in Plenary Session on 10 June 1977. Total allowable catch (TAC) and national allocations (metric tons) for 1978 of particular stocks or species in Subareas 2, 3, and 4 of the Convention Area.

COUNTRY	COD				REDFISH				AMERICAN PLAICE			YELLOW-TAIL
	2GH	2J+3KL	3M	3NO	2+3K	3M	3LN	3O	2+3K	3M	3LNO	3LNO
Bulgaria	-	-	-	-	-	-	-	-	-	-	-	-
Canada	3,000	100,000	2,100	4,000	25,000	4,400	8,000	15,000	5,500	500	44,800	14,200
Cuba	-	700	1,900	625	270	1,400	1,150	310	-	-	-	-
German Democratic Republic	900	1,950	-	-	450	-	425	-	-	-	-	-
Iceland	-	-	-	-	-	-	-	-	-	-	-	-
Japan	-	-	-	-	-	-	-	-	-	-	-	-
Norway	800	630	1,330	-	-	-	-	-	-	-	-	-
Poland	4,000	2,890	1,460	-	710	-	-	-	-	-	-	-
Portugal	2,900	8,210	10,000	810	450	500	425	-	-	500	-	-
Romania	400	-	-	-	-	-	-	-	-	-	-	-
Spain	450	6,330	2,090	5,730	-	-	-	-	-	-	-	-
USSR	2,300	7,350	4,940	3,180	2,690	9,200	5,900	4,630	450	2,000	1,000	-
Denmark[1]	-	660	6,840	-	-	-	-	-	-	-	-	-
France[1]	(450)	(2,190)	(6,650)	(155)	-	-	-	-	-	-	(700)	(300)
Federal Republic of Germany[1]	(3,600)	(3,120)	(500)	-	-	-	-	-	-	-	-	-
Italy[1]	-	-	-	-	-	-	-	-	-	-	-	-
UK[1]	(700)	(520)	(2,090)	-	-	-	-	-	-	-	-	-
Others	500	450	100	500	430	500	100	60	50	1,000	500	500
Total	20,000	135,000	40,000	15,000	30,000	16,000	16,000	20,000	6,000	4,000	47,000	15,000

Table - continued

COUNTRY	WITCH		GREENLAND HALIBUT	ROUNDNOSE GRENADIER		CAPELIN						ARGENTINE
	2J+3KL	3NO	2+3KL	2+3		2+3K	3LNOPs	3L	3NO	3Ps		4VWX
Bulgaria	-	-	-	-		-	-	-	-	-		-
Canada	9,000	7,000	15,000	2,000		15,000	70,000	23,760[3]	37,240	9,000[3]		2,000
Cuba	-	-	-	-		-	-	-	-	-		1,820
German Democratic Republic	300	-	1,850	4,250		-	-	-	-	-		-
Iceland	-	-	-	-		-	-	-	-	-		-
Japan	-	-	-	-		-	-	-	-	-		4,030
Norway	-	-	-	-		-	45,910	4,920[3]	40,990	-		-
Poland	3,500	-	5,290	-		-	-	-	-	-		-
Portugal	-	-	-	-		-	-	-	-	-		-
Romania	-	-	-	-		-	-	-	-	-		-
Spain	-	-	-	-		-	-	-	-	-		-
USSR	3,700	2,900	5,650	24,750		197,500	68,820	19,680[3]	49,140	-		12,060
Denmark[1]	-	-	-	-		-	-	-	-	-		-
France[1]	-	-	-	-		-	-	-	-	-		-
Federal Republic of Germany[1]	-	-	-	-		-	-	-	-	-		-
Italy[1]	-	-	-	-		-	-	-	-	-		-
UK[1]	-	-	-	-		-	-	-	-	-		-
Others	500	100	2,210	4,000		10,000[2]	15,270	1,640[3]	13,630	-		90
Total	17,000	10,000	30,000	35,000		300,000	200,000	50,000	141,000	9,000		20,000

[1] The allocation among these Contracting Governments of the sum of the quantities attributed to them in this table (in parentheses) may be changed by them subject to notification to the Commission not later than 1 October 1977, and, where applicable, subject to the concurrence of the coastal state in respect of the area in which it exercises national fisheries jurisdiction, without prejudice to the exercise of its licensing authority. The quantities attributed to Denmark in respect of cod in Divisions 2J, 3K, and 3L, and Division 3M are not included in the aforementioned sum and are not subject to change.

[2] Countries without specific allocations may each take up to 10,000 tons from this stock.

[3] Any part of this allocation not taken may be added to the allocation in Divisions 3NO.

NOT TO BE CITED WITHOUT PRIOR
REFERENCE TO THE COMMISSION*

Serial No. 5121
(A.c.4)

Proceedings No. 9
Appendix II

ANNUAL MEETING - JUNE 1977

Press Notice

1. The 27th Annual Meeting of the International Commission for the Northwest Atlantic Fisheries (ICNAF), under the chairmanship of Dr D. Booss, Federal Republic of Germany, was held in Ottawa, Canada, during 31 May-10 June 1977. About 140 representatives attended from all 17 Member Countries: Bulgaria, Canada, Cuba, Denmark, France, Federal Republic of Germany, German Democratic Republic, Iceland, Italy, Japan, Norway, Poland, Portugal, Romania, Spain, Union of Soviet Socialist Republics, and United Kingdom. Observers were present from the European Economic Community (EEC), the Food and Agriculture Organization of the United Nations (FAO), the International Commission for the Southeast Atlantic Fisheries (ICSEAF), and the United States of America.

2. Purpose of the Meeting

An important item for discussion was the future of the Commission and its potential role under extended jurisdiction to 200 miles by the coastal states, including arrangements for transition from ICNAF to a new multilateral organization. In addition, conservation measures for a number of stocks in ICNAF Subareas 2, 3, and 4 were discussed. Some of these stocks lying within or partly within the 200-mile fisheries zone of Canada were considered in informal intergovernmental consultations convened and chaired by Canada.

3. Scientific Advice

The Commission's Standing Committee on Research and Statistics (STACRES) met at the Commission's Headquarters in Dartmouth, Nova Scotia, Canada, during 19-27 April 1977 and again at Ottawa, Canada, during 24 May-7 June, and submitted comprehensive advice on conservation of specified stocks in Subareas 1 to 4. Advice was provided for consideration by Canada and Denmark on four stocks in the northern part of the ICNAF Area (Statistical Area 0 and Subarea 1) which lie within the 200-mile fisheries zone of these countries; at the request of Canada, advice was provided on 18 stocks which lie completely within or overlapping the 200-mile fisheries zone in Subareas 2, 3, and 4; and similar advice was provided to the Commission on three stocks which lie completely outside the 200-mile fisheries zone of the coastal states. As was done in the preceding year, the advice was presented on the basis of a management objective whereby options for the total allowable catches (TACs) were advised at catch levels somewhat lower than those associated with the maximum sustainable yield.

4. Catch Quotas

The Commission agreed to total allowable catches and national allocations for 1978 in respect of three stocks (cod, redfish, and American plaice in Division 3M), which lie completely outside the Canadian 200-mile fisheries zone. The Commission also considered 19 other stocks which occur completely within the Canadian 200-mile zone or which overlap the 200-mile zone. These were stocks for which scientific advice of the Commission had been requested by Canada. With the concurrence of the coastal state, consensus was reached on total allowable catches for these stocks and on the division of these catches among Member Countries. Specific information on recent catches, total allowable catches, and the national quotas is given in Tables 1 and 2.

5. Enforcement of Fishery Regulations

The Commission's Standing Committee on International Control (STACTIC) reviewed the present procedures of international control of fishing activities. It was noted that present ICNAF procedures apply to fishing outside the 200-mile fisheries zone of coastal states, and that fishing inside the 200-mile zone was subject to coastal state regulations and enforcement.

6. Election of Chairman and Vice-Chairman

Dr D. Booss, Federal Republic of Germany, who has acted as Chairman of the Commission since the resignation of Mr E. Gillett, United Kingdom, in December 1976, was elected Chairman for 1977/78 and 1978/79. Mr S. Ohkuchi, Commissioner of Japan to ICNAF, was elected Vice-Chairman of the Commission for 1977/78 and 1978/79.

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* Executive Secretary, ICNAF, P.O. Box 638, Dartmouth, Nova Scotia, Canada B2Y 3Y9

7. Special Commission Meeting

The Tenth Special Meeting of the Commission will be held at Ottawa, Canada, in October 1977, in association with the Conference of Plenipotentiaries, to consider and adopt new multilateral arrangements for future multilateral cooperation in the Northwest Atlantic fisheries.

8. 1978 Annual Meeting

At the kind invitation of Dr D. Booss, on behalf of the Government of the Federal Republic of Germany, the Commission agreed to hold its 1978 Annual Meeting in Bonn, Federal Republic of Germany, during 30 May-6 June 1978. This Meeting will be preceded by associated meetings of the Commission's Standing Committees on Research and Statistics (STACRES) and on International Control (STACTIC).

17 June 1977

Office of the Secretariat
Dartmouth, Nova Scotia, Canada

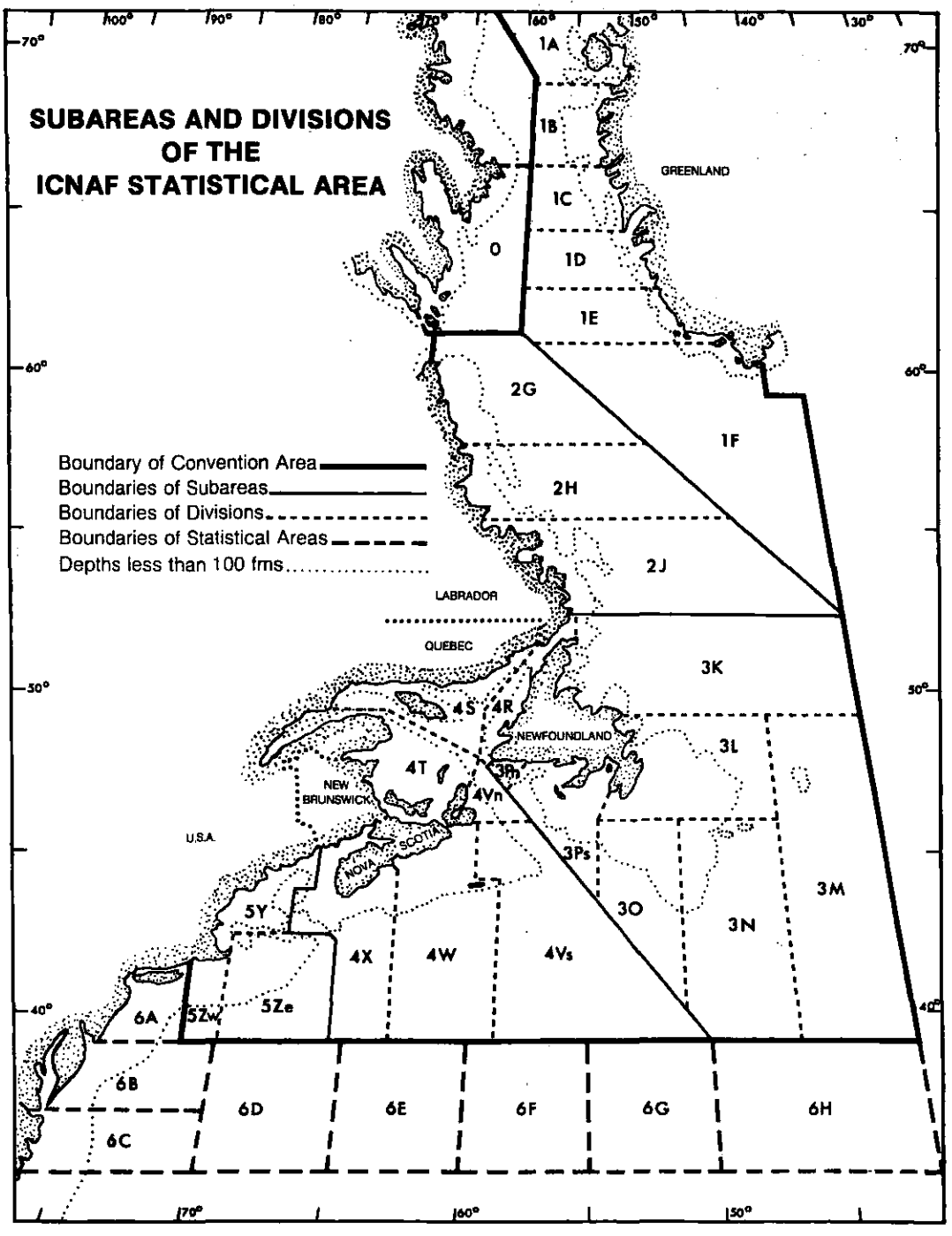
SUBAREAS AND DIVISIONS
OF THE
ICNAF STATISTICAL AREA
Boundary of Convention Area
Boundaries of Subareas
Boundaries of Divisions
Boundaries of Statistical Areas
Depths less than 100 fms
GREENLAND
LABRADOR
QUEBEC
NEWFOUNDLAND
NEW BRUNSWICK
NOVA SCOTIA
U.S.A.
1A
1B
1C
1D
1E
1F
0
2G
2H
2J
3K
3L
3M
3N
3O
3Ps
3Pn
4R
4S
4T
4Vn
4Vs
4W
4X
5Y
5Zw
5Ze
6A
6B
6C
6D
6E
6F
6G
6H
70°
60°
50°
40°

Table 1. Nominal catches (1974-76) and TACs (1976-78) for stocks for which conservation measures were considered at the 1977 Annual Meeting for Subareas 2, 3 and 4.

Species	Stock area	Catches (000 tons)			TACs (000 tons)[b]		
		1974	1975	1976[a]	1976	1977	1978
Cod	2GH	4	7	6	20	20	20
	2J+3KL	373	288	214	300	160	135
	3M	25	22	22	40	25	40
	3NO	73	44	24	43	30	15
Redfish	2+3K	30	26	27	30	30	30
	3M	35	16	17	16	16	16
	3LN	22	18	21	20	16	16
	30	13	15	15	16	16	20
Amer. plaice	2+3K	6	6	6	8	8	6
	3M	2	2	1	2	2	4
	3LNO	46	43	51	47	47	47
Witch flounder	2J+3KL	16	12	11	17	17	17
	3NO	8	6	6	10	10	10
Yellowtail	3LNO	24	23	8	9	12	15
G. halibut	2+3KL	27	29	24	30	30	30
R. grenadier	2+3	28	27	21	32	35	35
Argentine	4VWX	17	15	7	25	20	20
Capelin	2+3K	127	199	216	237+[c]	212.5+[c]	212.5[c]
	3L	58	34	34	45	50[d]	50[d]
	3NO	101	132	110	126[d]	141[d]	141[d]
	3Ps	2	2	+	9[d]	9[d]	9[d]

[a] Provisional statistics compiled for 1977 Annual Meeting.

[b] TACs include quantities estimated to be taken both inside and outside the 200-mile fisheries zone, where applicable.

[c] In addition, countries without specific allocations may each take up to 10,000 tons.

[d] Any portion of national allocations not taken may be added to allocations in Div. 3NO.

Table 2. Total allowable catches (TACs) and national allocations for 1978 of particular stocks in Subareas 2, 3, and 4 of the Convention Area. (The values listed include quantities to be taken both inside and outside the 200-mile fisheries zone, where applicable.)

COUNTRY	COD				REDFISH				AMERICAN PLAICE			YELLOW-TAIL
	2GH	2J+3KL	3M	3NO	2+3K	3M	3LN	3O	2+3K	3M	3LNO	3LNO
Bulgaria	-	-	-	-	-	-	-	-	-	-	-	-
Canada	3,000	100,000	2,100	4,000	25,000	4,400	8,000	15,000	5,500	500	44,800	14,200
Cuba	-	700	1,900	625	270	1,400	1,150	310	-	-	-	-
German Democratic Republic	900	1,950	-	-	450	-	425	-	-	-	-	-
Iceland	-	-	-	-	-	-	-	-	-	-	-	-
Japan	-	-	-	-	-	-	-	-	-	-	-	-
Norway	800	630	1,330	-	-	-	-	-	-	-	-	-
Poland	4,000	2,890	1,460	-	710	-	-	-	-	-	-	-
Portugal	2,900	8,210	10,000	810	450	500	425	-	-	500	-	-
Romania	400	-	-	-	-	-	-	-	-	-	-	-
Spain	450	6,330	2,090	5,730	-	-	-	-	-	-	-	-
USSR	2,300	7,350	4,940	3,180	2,690	9,200	5,900	4,630	450	2,000	1,000	-
Denmark[1]	-	660	6,840	-	-	-	-	-	-	-	-	-
France[1]	(450)	(2,190)	(6,650)	(155)	-	-	-	-	-	-	(700)	(300)
Federal Republic of Germany[1]	(3,600)	(3,120)	(500)	-	-	-	-	-	-	-	-	-
Italy[1]	-	-	-	-	-	-	-	-	-	-	-	-
UK[1]	(700)	(520)	(2,090)	-	-	-	-	-	-	-	-	-
Others	500	450	100	500	430	500	100	60	50	1,000	500	500
Total	20,000	135,000	40,000	15,000	30,000	16,000	16,000	20,000	6,000	4,000	47,000	15,000

Table - continued

COUNTRY	WITCH		GREENLAND HALIBUT	ROUNDNOSE GRENADIER		CAPELIN						ARGENTINE
	2J+3KL	3NO	2+3KL	2+3		2+3K	3LNOPs	3L	3NO	3Ps		4VWX
Bulgaria	-	-	-	-		-	-	-	-	-		-
Canada	9,000	7,000	15,000	2,000		15,000	70,000	23,760[3]	37,240	9,000[3]		2,000
Cuba	-	-	-	-		-	-	-	-	-		1,820
German Democratic Republic	300	-	1,850	4,250		-	-	-	-	-		-
Iceland	-	-	-	-		-	-	-	-	-		-
Japan	-	-	-	-		-	-	-	-	-		4,030
Norway	-	-	-	-		-	45,910	4,920[3]	40,990	-		-
Poland	3,500	-	5,290	-		-	-	-	-	-		-
Portugal	-	-	-	-		-	-	-	-	-		-
Romania	-	-	-	-		-	-	-	-	-		-
Spain	-	-	-	-		-	-	-	-	-		-
USSR	3,700	2,900	5,650	24,750		197,500	68,820	19,680[3]	49,140	-		12,060
Denmark[1]	-	-	-	-		-	-	-	-	-		-
France[1]	-	-	-	-		-	-	-	-	-		-
Federal Republic of Germany[1]	-	-	-	-		-	-	-	-	-		-
Italy[1]	-	-	-	-		-	-	-	-	-		-
UK[1]	-	-	-	-		-	-	-	-	-		-
Others	500	100	2,210	4,000		10,000[2]	15,270	1,640[3]	13,630	-		90
Total	17,000	10,000	30,000	35,000		300,000	200,000	50,000	141,000	9,000		20,000

[1] The allocation among these Contracting Governments of the sum of the quantities attributed to them in this table (in parentheses) may be changed by them subject to notification to the Commission not later than 1 October 1977, and, where applicable, subject to the concurrence of the coastal state in respect of the area in which it exercises national fisheries jurisdiction, without prejudice to the exercise of its licensing authority. The quantities attributed to Denmark in respect of cod in Divisions 2J, 3K, and 3L, and Division 3M are not included in the aforementioned sum and are not subject to change.

[2] Countries without specific allocations may each take up to 10,000 tons from this stock.

[3] Any part of this allocation not taken may be added to the allocation in Divisions 3NO.

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