

Serial No. N954NAFO/FC Doc 79/III/7INAUGURAL MEETING - MARCH 1979Report of the Inaugural Meeting of the Fisheries Commission of NAFO

Thursday, 8 March 1615 hrs

Friday, 9 March 1526 hrs

1. The Inaugural Meeting of the Fisheries Commission of NAFO was convened at Montreal, Canada, during 8-9 March 1979 by the President of the Organization, Dr A. W. May (Canada).
2. Under Agenda Item 2, Agenda, the provisional Agenda (Appendix I) was adopted.
3. Under Agenda Item 3, Election of Chairman and Vice-Chairman, Mr H. Rasmussen (Norway) was elected as temporary Chairman of the Fisheries Commission for the current meeting. The Commission agreed that the election of a permanent Chairman and Vice-Chairman should be deferred until the Annual Meeting, at which time it was expected there would be more Parties to the Convention.
4. Under Agenda Item 4, Rapporteur, Mr B. Applebaum (Canada) was selected as Rapporteur.
5. Under Agenda Item 5, Observers, the Commission agreed that Members of ICNAF which were not Parties to NAFO and, in addition, Denmark (Faroe Islands), FAO, and the USA should be admitted to the meeting as observers.
6. Under Agenda Item 6, Membership of Fisheries Commission, the Chairman noted that the General Council, in accordance with the Convention, had determined the Commission membership to be Canada, Cuba, the European Economic Community (EEC), German Democratic Republic (GDR), Norway, Romania, and the USSR.
7. Under Agenda Item 7, Working Group on Rules of Procedure, the Chairman noted that it had been agreed at the meeting of the General Council that the Working Group established to prepare draft rules of procedure for the General Council should also prepare rules of procedure for the Fisheries Commission (Attachment II, Appendix III).
8. Under Agenda Item 8, Standing Committees, the Chairman noted the need for establishing Standing Committees on Regulatory Measures and on International Control. The proposal of the delegate of Canada to have this item referred to the Working Group on Rules of Procedure for the General Council and the Fisheries Commission was accepted.
9. The Commission meeting was recessed at 1635 hrs, 8 March, to allow time for the Working Group to report.
10. The Commission meeting was reconvened at 1526 hrs, 9 March.
11. Under Agenda Item 9, Adoption of Proposals for the Conservation, in 1979, of Stocks of Capelin in Div. 3LN0 and Squid in Subareas 3 and 4, the delegate of Canada noted that ICNAF had adopted proposals regarding both stocks and proposed that the Commission adopt the same proposals. The delegate of EEC asked if NAFO could recommend management measures to be applied to non-Parties to the NAFO Convention. The delegate of Canada noted that this question had been discussed with the Executive Secretary, and that it was understood that NAFO and ICNAF regulations would be drafted in a manner which would reflect the fact that the Parties to the two Conventions were, in some cases, different, but would also reflect the various allocations in a manner which would clearly express the obligations to be assumed by all Parties. On the basis of this explanation, the Fisheries Commission  
  
agreed  
  
that the Executive Secretary transmit to the Contracting Parties, for joint action by the Contracting Parties, proposal (1) for international regulation of the fisheries in Subareas 3 and 4 of the Regulatory Area (Appendix II).
12. Under Agenda Item 10, Consideration of Measures of International Control and Enforcement, the delegate of Canada drew the Commission's attention to a draft resolution on this item which had been circulated (Appendix III). He noted that, ideally, the draft resolution would have emerged from a Standing Committee

on International Control, but the existence of a committee of this nature would depend on the rules of procedure for the Commission, which had not yet been adopted. Pressure of business had prevented the establishment of a working group on this subject. His delegation had, accordingly, prepared the draft resolution in order to incorporate, into the NAFO Scheme of Joint International Enforcement, the amendments adopted by ICNAF to the ICNAF Scheme of Joint International Enforcement. The delegate of EEC responded that the adoption of the proposed resolution would cause internal difficulties for the EEC. It was explained that the EEC wished to have the text of the NAFO Scheme of Joint International Enforcement which, at present, is the ICNAF Scheme, reviewed and revised to make it consistent with the text of the NAFO Convention. The delegate of EEC noted that it would be administratively preferable in the EEC to adopt a single regulation incorporating the appropriate text of the NAFO Scheme of Joint International Enforcement rather than a series of regulations amending each other. He proposed that action on this question be deferred to the 1979 Annual Meeting, by which time it was expected that a new text of the Scheme would have been prepared. The observer from Portugal noted that the resolution proposed by Canada included a proposal which was not relevant to the Scheme of Joint International Enforcement, i.e., the provision adopted by ICNAF authorizing the Executive Secretary to notify a Member Country when the Executive Secretary had reason to believe that the relevant quota had been reached in the area outside national jurisdiction. The delegate of Canada withdrew his proposed resolution, but gave notice that he may choose to refer to this matter again at the 1979 Annual Meeting.

13. Adjournment. The Commission, having concluded its business adjourned at 1600 hrs, 9 March 1979.

NORTHWEST ATLANTIC FISHERIES ORGANIZATION

INAUGURAL MEETING - MARCH 1979

Fisheries Commission

Agenda

1. Call to Order by the President of NAFO (Chairman of General Council)
2. Approval of Agenda
3. Election of Chairman and Vice-Chairman
4. Selection of Rapporteur
5. Admission of Observers
6. Review of Commission Membership
7. Establishment of Working Group on Rules of Procedure, including Committees and Subcommittees
8. Consideration of Establishment of Standing Committees on
  - (a) Regulatory Measures
  - (b) International Control
9. Adoption of Proposals for the Conservation, in 1979, of stock of
  - (a) Capelin in Div. 3LNO of Subarea 3
  - (b) Squid in Subareas 3 and 4

(Report of Special ICNAF STACRES Meeting on Capelin and Squid, February 1979)  
(Report of Special ICNAF Meeting, March 1979)
10. Consideration of measures of international control and enforcement
11. Other Business
12. Adjournment

NORTHWEST ATLANTIC FISHERIES ORGANIZATION

INAUGURAL MEETING - MARCH 1979

- (1) Proposal for International Regulation of the Fisheries in Subareas 3 and 4 of the Convention Area, adopted by the Fisheries Commission of the Northwest Atlantic Fisheries Organization on 9 March 1979

That the Contracting Parties conduct their fisheries in the Regulatory Area in such a manner that catches shall not exceed the total allowable catch for each stock and the quotas for each stock set out in the following table:

Table - Integral Part of Proposal (1) for the International Regulation of the Fisheries in Subareas 3 and 4 of the Convention Area, adopted by the Fisheries Commission of the Northwest Atlantic Fisheries Organization on 9 March 1979. Total allowable catches and quotas (metric tons) for 1979 of particular stocks or species in Subareas 3 and 4 of the Convention Area.

Country	CAPELIN Div. 3LNO	SQUID ( <i>Illex</i> ) Subareas 3 + 4 <sup>2,3</sup>
Canada <sup>4</sup>	10,000 <sup>1</sup>	86,500
Cuba <sup>4</sup>	-	4,500
European Economic Community	-	5,000
Romania <sup>4</sup>	-	1,000
USSR <sup>4</sup>	-	10,000
Reserved for the Members of the International Commission for the Northwest Atlantic Fisheries which are non- Members of the Northwest Atlantic Fisheries Organization (Bulgaria, Japan, Poland, Portugal, and Spain)	-	13,000
Total	10,000	120,000

<sup>1</sup> Reserved for Canadian inshore fishery in Div. 3L.

<sup>2</sup> A minimum of 10% of each Party's allocation must be taken in Subarea 3.

<sup>3</sup> The opening date for the squid (*Illex*) fishery is 1 July.

<sup>4</sup> The amount(s) allocated to this Party include(s) the amount allocated for quota regulation of the same stock in the proposal adopted by the International Commission for the Northwest Atlantic Fisheries on 9 March 1979.

NORTHWEST ATLANTIC FISHERIES ORGANIZATION

INAUGURAL MEETING - MARCH 1979

Resolution Relating to the Enforcement of the Fishery Regulations for NAFO

The Fisheries Commission of the Northwest Atlantic Fisheries Organization

Noting that the International Commission for the Northwest Atlantic Fisheries has adopted the amendments to its Scheme of Joint International Enforcement contained in Annexes 1 and 2 to this resolution;

Noting that, pursuant to Article XXIII of the NAFO Convention, insofar as the amendments in Annex 1 will replace measures in force under the ICNAF Scheme of Joint International Enforcement, they can be adopted in NAFO only so as to take effect after the NAFO Convention has been in force for one year;

Proposes that the Scheme of Joint International Enforcement effective pursuant to Article XXIII of the NAFO Convention be amended in accordance with Annex 1 to this resolution, the amendment to become effective, in accordance with the terms of the NAFO Convention as of 1 January 1980;

And Proposes that the Scheme of Joint International Enforcement effective pursuant to Article XXIII of the NAFO Convention be amended in accordance with Annex 2 to this resolution, the amendment to become effective in accordance with the NAFO Convention as of the date on which the amendment in Annex 2 becomes effective for any ICNAF Member under the ICNAF Convention;

And Calls Upon all Parties to the NAFO Convention who are not bound by the Scheme of Joint International Enforcement effective under the ICNAF Convention, to comply voluntarily with the amendments contained in Annex 1 as of the date they become effective for any ICNAF Member under the ICNAF Convention.

NORTHWEST ATLANTIC FISHERIES ORGANIZATION

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Proposal for Amendment of the Scheme of Joint International Enforcement of the Fishery Regulations in the Convention Area and in Statistical Areas 0 and 6, adopted by the International Commission for the Northwest Atlantic Fisheries in Plenary Session on 9 March 1979

- "4. (i) Inspection and control under this Scheme shall apply to the following types of vessels in relation to the following operations only when they are carried out in that part of the Convention Area and of Statistical Areas 0 and 6<sup>1</sup> to which this Scheme applies:
- (a) fishing vessels which are or have been engaged during their present voyage in fishing operations;
  - (b) vessels equipped for processing fish on board which are or have been engaged during their present voyage in fish transferring operations; and
  - (c) transport vessels which are actually engaged in fish transferring operations.
- (ii) The master of a vessel to which inspection and control apply shall facilitate boarding when given the appropriate signal in the International Code of Signals by a vessel or a helicopter carrying an inspector. The vessel to be boarded shall not be required to stop or manoeuvre when fishing, shooting, or hauling. The master shall nonetheless provide:
- (a) a boarding ladder constructed and used as described in Annex C to this Scheme; or
  - (b) such assistance to boardings from helicopters as specified in Annex A to this Scheme.
- In either case, the master shall observe the ordinary practice of good seamanship to enable an inspection party to board as soon as practicable. With respect to personnel helicopter hoist transfers, in certain circumstances such as those cited in paragraph 7 of Annex A, a boarding, using the helicopter hoist transfer procedure, will not be attempted.
- (iii) The procedures established for personnel helicopter hoist transfers are not intended to place a higher duty of care upon the master of a fishing vessel than would otherwise be the case under International Law.
- (iv) An inspection party will consist of one inspector in charge of making the inspection who may be accompanied by additional inspectors appointed under this Scheme and not more than two witnesses. The word "inspector" hereafter refers only to the inspector in charge unless it is clear that all inspectors appointed under this Scheme and included in the inspection party are referred to.
- (v) The master shall enable the inspector to examine and photograph catch, nets, or other gear and any relevant documents as the inspector deems necessary to verify the observance of the Commission's regulations in force in relation to the flag state<sup>2</sup> of the vessel concerned.
- (vi) The vessel in charge of a pair trawling operation shall be required to identify itself by flying a pennant or flag on the approach of an inspector.
- (vii) Flag states<sup>2</sup> shall be required to inform the Executive Secretary when an inspection vessel of that state<sup>2</sup> is operating in the Convention Area<sup>1</sup>.
- "5. (i) Inspections shall be made so that the vessel suffers the minimum interference and inconvenience. The inspector shall limit his inquiries to the ascertainment of the facts in relation to the observance of the Commission's regulations in force in

<sup>1</sup> In NAFO = Regulatory Area

<sup>2</sup> In NAFO = Contracting Party or Parties

relation to the flag state<sup>2</sup> of the vessel concerned. In making his examination, the inspector may ask the master for any assistance he may require. He shall draw up a report of the inspection on a form approved by the Commission. The inspector shall sign the report in the presence of the master who shall be entitled to add or have added to the report any observations which he may think suitable. The master must sign such observations, and he must sign the report without prejudice to future proceedings. A copy of the report shall be given to the master of the vessel and the original shall be transmitted, within 30 days whenever possible, to the appropriate authority of the flag state<sup>2</sup> of the inspected vessel. A copy shall be forwarded to the Commission.

- (ii) Inspectors shall have authority to inspect all fishing gear on or near the working deck and readily available for use, and the catch on and below decks. Fishing gear shall be inspected in accordance with the regulations in force for the Subarea in which the inspection takes place. The number of undersized meshes and the width of each mesh in the nets examined shall be entered in the inspector's report together with the average width of the meshes examined.
- (iii) The inspector shall have authority, subject to any limitations by the Commission, to carry out such examination and measurement of the catch as he deems necessary to establish whether the Commission's regulations are being complied with.
- (iv) Where an apparent infringement of the regulations is observed, the inspector shall examine the bridge log, fishing log, or other pertinent documents which contain information relevant to the apparent infringement. The inspector shall enter a notation in the fishing logbook or other relevant document stating the date, location, and type of apparent infringement observed and shall sign such notations. The inspector may make a true copy of any relevant entry in such a document, and shall require the master of the vessel to certify in writing on each page of the copy that it is a true copy of such entry. The inspector shall have full opportunity to document evidence of the apparent infringement with photographs of the relevant fishing vessel, gear, catch, and logs or other documents, in which case copies of the photographs shall be attached to the copy of the report to the flag state<sup>2</sup>.
- (v) Where an inspecting officer observes an apparent infringement of the regulations prohibiting:
  - (a) fishing in a closed area or with gear prohibited in a specific area;
  - (b) fishing for stocks or species in a region after the date on which the Contracting Government<sup>2</sup> having jurisdiction over the inspected vessel has notified the Executive Secretary that persons under its jurisdiction will cease a directed fishery for those stocks or species;
  - (c) fishing in an "Others" quota without prior notification to the ICNAF<sup>3</sup> Secretariat, or more than 10 days after the "Others" quota for that stock or species has been taken and Contracting Governments<sup>2</sup> have been so informed by the Executive Secretary; or
  - (d) fishing without proper flag state<sup>2</sup> registration documents for the area where the vessel is found fishing;

the inspector shall, with a view toward facilitating flag state<sup>2</sup> action on the apparent infringement, immediately attempt to communicate with an inspector of the inspected vessel's flag state<sup>2</sup> known to be in the vicinity, or the authority of the inspected vessel's flag state<sup>2</sup> designated in accordance with paragraph 1 above. The master of the inspected vessel shall arrange for messages to be sent and received by using his radio equipment and operator for this purpose. At the request of the inspector, a master shall cease all fishing which appears to the inspector to be in contravention of regulations cited above. During this time, the inspector shall complete the inspection and, if he is unable to communicate with an inspector or designated authority of the flag state<sup>2</sup> within a reasonable period of time, he shall leave the inspected vessel and communicate as soon as possible with an inspector or designated authority of the flag state<sup>2</sup>. However, if he succeeds in establishing communications while on board the inspected vessel, and provided that the inspector or designated authority of the flag state<sup>2</sup> agrees, the inspector may remain aboard the inspected vessel. So long as the inspector remains aboard, the master may not resume fishing until the inspector is reasonably satisfied either with the action taken by the vessel's master, or as a result of his communication with an inspector or designated authority of the flag state<sup>2</sup>, that the vessel will not repeat the apparent infringement for which it has been cited.

<sup>2</sup> In NAFO = Contracting Party or Parties

<sup>3</sup> In NAFO = NAFO

- (vi) The inspector may request that the master remove any part of the fishing gear which appears to the inspector to have been used in contravention of the Commission's regulations in force in relation to the flag state<sup>2</sup> of the vessel concerned. An identification mark approved by the Commission shall be affixed to any part of the fishing gear which appears to the inspector to have been so used, whether removed or not, and the inspector shall record these facts on his report. The mark shall be so affixed as to ensure that this part of the gear will be preserved with the mark attached, and it shall be so preserved until it has been viewed by an inspector or designated authority of the inspected vessel's flag state<sup>2</sup> who shall determine the subsequent disposition of the gear.
- (vii) The inspector may photograph the fishing gear in such a way that the identification mark and measurements of the fishing gear are visible, in which case the subjects photographed should be listed in the report and copies of the photographs should be attached to the copy of the report to the flag state<sup>2</sup>."

NOTE: Attached is Annex C which forms an integral part of this proposal.

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<sup>2</sup> In NAFO = Contracting Party or Parties



Annex C. Integral part of the ICNAF<sup>1</sup> Scheme of Joint International Enforcement to describe the boarding ladder and its use by fishing vessels and support vessels conducting fishing operations within the Convention Area.

#### Boarding Ladders

Fishing vessels with an overall length greater than 30 m (100 feet) and support vessels subject to inspections under the Scheme of Joint International Enforcement shall comply with the following requirements.

- I. The boarding ladders shall be efficient for the purpose of enabling inspectors to embark and disembark at sea safely. The boarding ladders are to be kept clean and in good order.
- II. The ladder shall be secured in a position so that it is clear from any possible discharges from the ship, that each step rests firmly against the ship's side, that it is clear so far as practicable of the finer lines of the ship and that the inspector can gain safe and convenient access to the ship.
- III. The steps of the boarding ladder shall be:
  - (a) of hardwood or other material of equivalent properties, made in one piece free of knots, having an efficient non-slip surface; the four lowest steps may be made of rubber of sufficient strength and stiffness or of other suitable material of equivalent characteristics;
  - (b) not less than 480 mm (19 inches) long, 115 mm (4-1/2 inches) wide, and 25 mm (1 inch) in depth, excluding any non-slip device; and
  - (c) equally spaced not less than 300 mm (12 inches) nor more than 380 mm (15 inches) apart and may be secured in a manner that they will remain horizontal.
- IV. No boarding ladder shall have more than two replacement steps which are secured in position by a method different from that used in the original construction of the ladder and any steps so secured shall be replaced, as soon as reasonably practicable, by steps secured in position by the method used in the original construction of the ladder.
- V. The side ropes of the ladder shall consist of two uncovered manila or equivalent ropes not less than 60 mm (2-1/2 inches) in circumference on each side; each rope shall be continuous with no joints below the top step; two man ropes properly secured to the ship and not less than 65 mm (2-1/2 inches) in circumference and a safety line shall be kept at hand ready for use if required.
- VI. Battens made of hardwood, or other material of equivalent properties, in one piece and not less than 1.80 m (5 feet 10 inches) long, shall be provided at such intervals as will prevent the boarding ladder from twisting. The lowest batten shall be on the fifth step from the bottom of the ladder and the interval between any batten and the next shall not exceed 9 steps.
- VII. Means shall be provided to ensure safe and convenient passage onto or into and off the ship between the head of the pilot ladder or of any accommodation ladder or other appliance provided. Where such passage is by means of a gateway in the rails or bulwark, adequate handholds shall be provided. Where such passage is by means of a bulwark ladder, such ladder shall be securely attached to the bulwark rail or platform and two handhold stanchions shall be fitted at the point of boarding or leaving the ship not less than 0.70 m (2 feet 3 inches) nor more than 0.80 m (2 feet 7 inches) apart. Each stanchion shall be rigidly secured to the ship's structure at or near its base and also at a higher point, shall be not less than 40 mm (1-1/2 inches) in diameter and shall extend not less than 1.20 m (3 feet 11 inches) above the top of the bulwark.
- VIII. Lighting shall be provided at night such that both the boarding ladder overside and also the position where the inspector boards the ship shall be adequately lit. A lifebuoy equipped with a self-igniting light shall be kept at hand ready for use. A heaving line shall be kept at hand ready for use if required.

<sup>1</sup> In NAFO = NAFO

- IX. Means shall be provided to enable the boarding ladder to be used on either side of the ship.
- X. The rigging of the ladder and the embarkation and disembarkation of an inspector shall be supervised by a responsible officer of the ship.
- XI. Where on any ship constructional features such as rubbing bands would prevent the implementation of any of these provisions, special arrangements shall be made to the satisfaction of the Commission to ensure that persons are able to embark and disembark safely.

NORTHWEST ATLANTIC FISHERIES ORGANIZATION

INAUGURAL MEETING - MARCH 1979

Proposal Relating to Actions to be Taken by the Executive Secretary Following Information on Member Countries Reaching their Catch Quotas, adopted by the International Commission for the Northwest Atlantic Fisheries in Plenary Session on 9 March 1979

1. When information satisfactory to the Executive Secretary indicates that there are reasonable grounds for believing that the national<sup>1</sup> quota of a Contracting Government<sup>2</sup> has been taken in a fishery which lies beyond the areas in which coastal states exercise fisheries jurisdiction, or in a fishery that takes place on a stock which occurs both inside a coastal state's fisheries jurisdiction and in the area beyond the coastal state's fisheries jurisdiction, he shall immediately inform the authorities of that Contracting Government<sup>2</sup>. If, within 15 days, no action is taken by that Contracting Government<sup>2</sup>, nor satisfactory information given that the national<sup>1</sup> quota has not been taken, the Executive Secretary shall so report to the Commission.

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<sup>1</sup> In NAFO, delete "national".

<sup>2</sup> In NAFO = Contracting Party or Parties

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### INAUGURAL MEETING - MARCH 1979

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