

Northwest Atlantic Fisheries Organization



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(Revised)

SEVENTH ANNUAL MEETING - SEPTEMBER 1985

Report of the Fisheries Commission

Tuesday, 10 September - 1400 hrs
Wednesday, 11 September - 0911 hrs
Thursday, 12 September - 1350 hrs
Friday, 13 September - 0920 hrs

1. The Seventh Annual Meeting of NAFO was called to order by the Chairman, Dr. W. M. Murphy (Canada), at 1400 hrs, 10 September, in the Palace of Congresses, Havana, Cuba, with representatives from all Commission members present, with the exception of Bulgaria and Romania. (See Appendix I)
2. Under Agenda item 2, Appointment of Rapporteur, R. Steinbock (Canada), was appointed Rapporteur.
3. Under Agenda item 3, Adoption of Agenda, the delegate of the EEC requested that in accordance with the proposal it submitted to the NAFO Secretariat prior to the Annual Meeting, the Provisional Agenda be rearranged to have the matter dealt with under FC Doc. 85/2 #1 as item 9 and that under FC Doc. 85/3 as item 10 under a new section titled "Requests to the Scientific Council", and the matter under FC Doc. 85/2 #2 as item 17(b) in the reordered agenda. A copy of the draft revised agenda proposed by the EEC and other relevant documents were circulated to the delegates for review. (See FC Doc. 85/6) The delegate from the EEC stressed that he was not introducing any new items. The EEC's three proposals were set out in FC 85/2 and FC 85/3, circulated to all Contracting Parties well in advance of the required sixty days. Thus all delegations were aware of the proposals. The EEC objected to the Provisional Agenda circulated because firstly it did not include all three items proposed (it omitted Point 1 of FC 85/2) and secondly the order of the agenda items was crucial since to consider regulatory measures for cod in 2J+3KL it was imperative to have the advice of the Scientific Council first, and this as a matter of urgency. After considerable discussion regarding the substance of the EEC proposal and the NAFO Rules of Procedure concerning the elaboration of the agenda, and after the Executive Secretary had remarked that point 1 of FC 85/2 was not actually omitted in the Provisional Agenda since its item 15(h)(i) referred to the whole EEC proposal as contained in FC 85/2 and therefore included points 1 and 2 of that proposal, the delegate of Canada proposed an amendment to the EEC proposal: to place the three agenda items proposed by the EEC as items 15(h)(i), (ii) and (iii). The delegate of Canada indicated that the Canadian amendment would permit the Fisheries Commission to follow the normal agenda procedures that had worked well for the previous years in NAFO and for the prior years in ICNAF. Given the two agenda proposals, the Chairman called for a vote on the Canadian amendment. The result of the voting was seven votes in favour (Canada, Cuba, GDR, Japan, Norway, Poland, USSR), three against (EEC, Portugal, Spain) and one abstention (Denmark). The Canadian amendment to the EEC proposed agenda was thus adopted. The Chairman requested that copies of the amended agenda be prepared and circulated among delegates. (See Appendix II) The delegate of the EEC indicated that the adoption of the Canadian amendment was contrary to the provisions of the Convention and, therefore, could affect the effective participation of the EEC in the discussions within the Fisheries Commission and possibly its financial contribution.
4. Under Agenda item 4, Admission of Observers, the Chairman was pleased to welcome observers from Mexico and the United States of America.
5. Under Agenda item 5, Publicity, it was agreed that the usual practice be followed whereby the Chairmen of the Fisheries Commission, of the General Council, of the Scientific Council and the Executive Secretary would agree upon a Press Release for issuance at the close of the meeting. (See Appendix III)
6. Under Agenda item 6, Approval of the Report of the Sixth Annual Meeting (FC Doc 84/IX/6, Rev.), no errors or omissions were noted and the Report was approved.
7. Under Agenda item 7, Review of Commission Membership, the Chairman noted that while there were no changes in the membership, Denmark was now representing not only the Faroe Islands but also Greenland. It was noted that 11 members were present and it constituted a quorum.
8. Under Agenda item 8, Election of Chairman and Vice-Chairman, the Chairman suggested that the item be postponed for consideration towards the close of the meeting.

9. Under Agenda item 9, Status of Proposals, the Chairman noted that NAFO Circular Letter 85/61 contained an up-to-date chronology of proposals and resolutions of NAFO since 1979 as well as the respective texts. The delegate of Canada requested that that consolidation be updated each year. The Executive Secretary confirmed that the chronology would be updated annually with the texts included.
10. Under Agenda item 10, Conservation and Enforcement Measures, the Chairman asked the Executive Secretary for an explanation of FC Doc. 85/1. The Executive Secretary provided a synopsis of the item. The Chairman noted that while the first three items of FC Doc. 85/1 did not require further comment, and should be considered settled by the Fisheries Commission for the time being, item 4 would be addressed upon receipt of the final report of STACTIC. That was agreed.
11. The Chairman adjourned the meeting at 1730 hrs.
12. The meeting reconvened 11 September at 0911 hrs.
13. Under Agenda item 11, Annual Return of Infringements, and Agenda item 12, Fishing Vessel Registration, the Chairman noted that the two items would be part of the STACTIC Report.
14. Under Agenda item 13, Report of STACTIC, the Chairman noted that the Report would be available the following day.
15. Under Agenda item 14, Management Measures for fish stocks in the Regulatory Area, and item 15, Management Measures for fish stocks overlapping national fishing limits, the Chairman of the Scientific Council presented a summary of the scientific advice for those stocks as reported in SCS Doc. 85/22.

Regarding Cod in Div. 3M, the Scientific Council advised that the age 3+ biomass since the late 1970's had been about 30-35,000 mt and was therefore below 85,000 mt, the target biomass which was "one-half of the mean age 3+ equilibrium biomass associated with fishing at F_{max} , and assuming long-term average recruitment levels". It was noted that that target could most speedily be met by cessation of fishing in 1986.

For Redfish in Div. 3M, while an equilibrium condition did not exist, the continuation of a good reserve of older fish and the promise of good incoming year class levels led the Scientific Council to advise that the TAC for 1986 should remain at 20,000 mt.

Regarding American plaice in Div. 3M, with the stock size showing relative stability and with no evidence to indicate a change in the TAC, the Scientific Council advised that the TAC for 1986 should remain at the present level of 2,000 mt.

For Cod in Div. 3NO, the current assessment by the Scientific Council indicated that the age 3+ annual mean biomass in 1986 would be approximately 270,000 mt which was above the reference level of 200,000 mt. The scientific advice was that the 1986 yield calculated to correspond to fishing at $F_{0.1}$ would be 33,000 mt.

Regarding Redfish in Div. 3LN, the scientific advice was to maintain for 1986 the TAC at its existing level of 25,000 mt.

For American plaice in Div. 3LNO, the TAC advised for 1986 was 55,000 mt; an increase of 6,000 mt over that advised for 1985.

For Yellowtail flounder in Div. 3LNO, the Scientific Council advised that with all available information indicating stability of the stock, the TAC for 1986 should remain at the current level of 15,000 mt.

For Witch flounder in Div. 3NO, the stock was believed to be in stable condition at current catch levels. The Scientific Council therefore advised that the TAC of 5,000 mt should remain in effect for 1986.

Regarding Capelin in Div. 3LNO, the Scientific Council advised a catch level of 130,000 mt for 1986 which corresponded to 10% of the projected biomass in 1986. No catch was advised for capelin in Div. 3NO due to uncertainty about year-class strength and the low level of biomass.

Regarding Squid in Subareas 3 and 4, the Scientific Council advice was to continue the management regime proposed at the 1980 meeting in that the TAC remain at 150,000 mt.
16. The delegate of the EEC noted that the statements made by the Chairman of the Scientific Council raised important questions of principle as follows: 1) Was the basis for advice given by the Scientific Council for the NAFO stocks the same as the basis used by Canada in its fisheries jurisdiction? 2) Regarding stocks occurring solely in the Regulatory Area, he noted that Canada had also requested advice on catch levels corresponding to the reference fishing mortality $F_{0.1}$ and according to the Convention, Canada had no right to do so. 3) As a matter of substance, the Scientific Council had the opportunity to provide advice on a broad range of management options; however the Scientific Council continued to provide advice at the $F_{0.1}$ reference level as in previous years.

The delegate of the EEC stated that the EEC wished that the Scientific Council would provide advice based on alternative management options. He noted that it was up to the Fisheries Commission to formulate the terms of reference as per Article VIII of the Convention. He suggested that the Scientific Council advice should outline the consequences of various management options so that the Fisheries Commission could choose the most appropriate level of TAC. In concluding, the delegate of the EEC requested that the Scientific Council provide management options alternative to those provided in SCS Doc. 85/22.

17. The delegate of Canada said he was puzzled by the intervention by the EEC. He indicated that while the Canadian delegation was prepared to discuss the possibility of requesting the Scientific Council to advise on a range of management alternatives within the Regulatory Area, he wondered how practical that course would be in the short term. He suggested that such advice should probably be sought from the Scientific Council at the conclusion of the meeting for presentation at the next annual meeting.
18. The delegate of the USSR believed that the concerns of the EEC were not being neglected by the Fisheries Commission as the questions were covered by item 15(h) of the agreed Agenda before a detailed assessment of 2J3KL cod in the Regulatory Area was to be discussed. The delegate of Canada clarified that Canada was not trying to obstruct the normal process of raising questions with the Scientific Council. He concurred that it was in order for the Fisheries Commission to define the terms of reference for the Scientific Council for resources within the Regulatory Area, however he cautioned that if the Scientific Council were to respond to a series of new questions and provide different advice, that would result in practical procedural difficulties for the Canadian as well as other delegations as they would have had no opportunity to obtain prior instructions from their respective authorities. The delegate of the EEC noted that it was for that reason that he had requested changes to the Provisional Agenda in advance of the Annual Meeting. He also believed that it was necessary to conduct the debate within the Fisheries Commission in such a way that delegations could obtain prior instructions. However, he noted that in SCS Document 85/22, page 3, first para, it indicated that "It was agreed that STACFIS should provide advice in the same format as in recent years,....., and that advice on alternative management options, could be provided on request". He noted that the EEC had always been concerned regarding conservation not only in its own waters, but in international waters as well. He indicated that the NAFO Fisheries Commission and not Canada must decide on appropriate questions for scientific advice for the stocks in question. It was not the intention of this procedure to threaten the stocks but rather to decide on the exploitation level consistent with the rational utilization of the fisheries resources and taking into account social and economic factors. The Chairman noted that the Scientific Council had followed the usual format of previous NAFO proceedings.
19. The delegate of Canada noted that the Scientific Council had provided advice on the basis of $F_{0.1}$ fishing mortality since that had been past practice. However, if it was the wish of the Fisheries Commission to change that reference, Canada would be prepared to discuss it. He noted however that such instructions to the Scientific Council must come from the Fisheries Commission and not from the EEC delegation. The delegate of Canada expressed doubt whether at that time decisions could be taken based on new scientific advice in the absence of instructions from the appropriate authorities. He suggested that it would be more productive to follow the approved agenda and to discuss references in addition to $F_{0.1}$ to the Scientific Council for the 1987 fishery and not for 1986. The delegate of the EEC pointed out that Canada and not the EEC had instructed the Scientific Council as to the basis for advice. He reiterated that in the Scientific Council Report, it was agreed that alternative management options could be provided by the Scientific Council on request. He expressed surprise that Canada would invoke NAFO tradition in defending its past practice of obtaining advice at the $F_{0.1}$ level. $F_{0.1}$ was but one option. To evaluate the appropriate management measures to be applied to a stock or group of stocks, one must have several options. The delegate of Canada clarified that Canada had been requesting scientific advice from the Scientific Council rather than instructing it. The Chairman indicated that the reference point used to date by NAFO had been $F_{0.1}$ from which TAC's and consequent quotas had been determined. He also envisaged serious difficulties in making progress at the meeting if a new Scientific Council report was introduced. He indicated that he was prepared to request the Scientific Council as to their ability to provide a range of options under Agenda item 15. The Chairman requested advice from delegations regarding the acceptance of SCS Document 85/22.
20. The delegate of the USSR indicated that, while he would be interested in the Scientific Council's response to the proposed question, he would like advice regarding the 3M cod stock. The Chairman of the Scientific Council stated that the Scientific Council had noted that the age 3+ biomass currently was in the order of 30,000-35,000 mt and that the target biomass of 85,000 mt could most speedily be met by a cessation of fishing. The delegate of the USSR asked upon which fishing mortality rates those assessments were based. The Chairman of the Scientific Council reaffirmed that the basis for the advice not to open a 3M cod fishery in 1986 was to provide an opportunity for young fish, including the incoming 1982 year-class, to contribute fully to the fishable biomass and to the spawning stock. He indicated that the TAC's of previous years implied a high level of fishing mortality. He noted that, if even a limited fishery were allowed on 3M cod, stock recovery would be delayed. The delegate of the USSR asked the Scientific Council Chairman about the possibility of calculating management options to reflect a fishery coincident with stock recovery. The Chairman of the Scientific Council noted that that was a complicated

question and that the calculation of specific fishing mortalities would be very difficult, if not impossible to provide, in view of inadequate sampling data from commercial catches. The delegate of the USSR understood the difficulties but wondered whether it would be possible to provide some of the requested information. The Chairman of STACFIS explained that it was difficult to provide precise information regarding fishing mortalities on the basis of the information available since age composition data was inadequate for cohort analysis. The delegate of the USSR reiterated his request for a range of options for 3M cod for 1986. The delegate of Canada asked whether the Soviet request was for advice at the meeting. He asked whether there was a level of fishing effort, short of stopping the fishery, which would permit rebuilding the stock. He pointed out that, in view of the comments of the Chairman of STACFIS regarding lack of data, the Fisheries Commission would have to provide further data to the Scientific Council if the Fisheries Commission were to make such detailed requests. The delegate of Denmark asked if the Scientific Council could provide information on consequences for the 3M stock of continuing with the present TAC (12,965 mt) and on what would be the maximum TAC which would allow the stock not to deteriorate. The delegate of the USSR indicated that if the information requested could not be provided at the meeting, then it should be provided for future meetings. The Chairman of STACFIS indicated that further questions would be reviewed by the Scientific Council.

21. The Chairman adjourned the meeting at 1045 hrs.

22. The Chairman reconvened the meeting at 1120 hrs.

Under Agenda item 14(a), Cod in Div. 3M, the Chairman invited proposals for the management of that stock, given the scientific advice for no fishery in 1986. The following questions were referred to the Scientific Council on 3M cod: What were the consequences on the stock of maintaining the TAC at the current level of 12,965 mt; and of increasing the TAC to 17,000 mt? How large a TAC would be possible to maintain the stock at a constant level? Was there a level of catch less than 12,965 mt which would allow rebuilding of the stock? What was the sustainable yield at the $F_{0.1}$ reference if the stock were rebuilt? What was the biomass associated with rebuilt stock levels? What management action would be necessary to rebuild the stock to that target biomass in 3, 5 and 10 years respectively? Why was the target biomass of 85,000 mt chosen in SCS Doc. 85/22 and what were the consequences of raising that level?

After considerable discussion, the Chairman indicated that the management of 3M cod in 1986 would be addressed subsequent to a report from the Scientific Council regarding the foregoing questions.

23. Under Agenda item 14(b), the Chairman invited proposals for Redfish in Div. 3M. The delegate of Canada suggested that, in view of procedural difficulties expressed by one delegation, the Fisheries Commission should proceed to a vote regarding acceptance of the scientific advice for a TAC of 20,000 mt for 1986.

The delegate of Cuba proposed acceptance of the scientific advice and was supported by the delegate of the USSR. The delegate of the EEC stated that the scientific advice failed to provide options other than at the $F_{0.1}$ reference and thus the management of the stock was impossible without an overall view of the state of the stock. His position was shared by the delegate of Spain. The Chairman called for a vote on the acceptance of that advice. The result of the voting was eight votes in favour (Canada, Cuba, Denmark, GDR, Japan, Norway, Poland, USSR), one against (EEC) and two abstentions (Portugal and Spain). The proposal for a TAC of 20,000 mt for 3M redfish was adopted.

24. Under Agenda item 14(c), American plaice in Div. 3M, the Chairman invited proposals for the management of that stock, given the scientific advice for a TAC of 2,000 mt for 1986. The Chairman called for a vote at the request of the delegate of Canada on the acceptance of the advice. The result of the voting was eight votes in favour (Canada, Cuba, Denmark, GDR, Japan, Norway, Poland, USSR), and three abstentions (EEC, Portugal, Spain) and thus the proposal for a TAC of 2,000 mt for 3M American plaice was adopted.

25. The delegate of Canada observed that following the results of the votes on 3M redfish and 3M American plaice, Canada was very disturbed regarding the trend that was emerging. He noted that if some delegations were voting no or abstaining on a question, it raised questions of what would occur after the meeting in terms of filing objections. He believed that a political imperative was at work and that the scientific debate was being used as an excuse for the political debate and thus the supposed imperfections of the scientific advice could be used later as rationalization for filing objections and hence for fishing outside NAFO set quotas. He also noted that the new arguments made by the EEC were a disturbing trend since the deliberations and conclusions of the Fisheries Commission could be irrelevant if objections were filed. He expressed the Canadian view that NAFO had been of limited success in rebuilding stocks in the area outside 200 miles and that NAFO had failed to restore stocks on the Flemish Cap. As Canada was vitally concerned with the status of the overlapping stocks, Canada was prepared to take every measure necessary to protect its coastal communities and fishing industry which were dependent on those stocks.

26. The delegate of the EEC refuted the allegation that he was using the scientific information as a means of legitimising the EEC's objections. On the contrary, the EEC had sought to facilitate the process of achieving consensus within the Commission by insisting on broader advice from that currently given by the Scientific Council, thereby permitting a fair and equitable discussion. F_{0,1} could not be considered as the sole option to be evaluated by the Commission. In this regard, the delegate of the EEC referred to the practice of the International Council for the Exploration of the Sea (ICES) of presenting several management options for each stock; a practice never objected to by Canada and one which was used previously in NAFO in respect of stocks in NAFO Divisions 0 and 1, and by the EEC, when deciding its management measures in the framework of its Common Fisheries Policy.

Regarding votes and objections, the delegate of the EEC indicated that the rights of casting a negative vote and of filing an objection were fully consistent with the rules of the Convention and, in view of the scientific reports, the EEC would and must exercise those rights. The delegate of the EEC stated that in objecting to the TAC's adopted, the EEC would participate in the fisheries in 1986 and would adopt management measures in accordance with the conservation principles underlying its policy and its assessment of the state of the stocks.

27. The delegate of Canada clarified that he had no difficulty with discussions in the Fisheries Commission for references of questions to the Scientific Council. He reiterated the practical difficulty of raising the questions at that time since the Scientific Council was not necessarily prepared to provide advice on new questions and since, as the delegations were not aware of the advice in advance of the meeting, they could not obtain instructions for decisions to be taken. He summarized that he was not questioning the right of the Fisheries Commission to ask questions but only raising the practical issue of timing.
28. The Chairman adjourned the meeting at 1300 hrs.
29. The Chairman reconvened the meeting at 1410 hrs. He noted that the Chairman of the Scientific Council had advised that the information requested on Cod in Div. 3M would not be available until the morning of 12 September.
30. Under Agenda item 15(a), Cod in Div. 3NO, the Chairman invited proposals for that stock, given the scientific advice for a TAC of 33,000 mt. The delegate of Canada proposed a TAC of 33,000 mt which was supported by the delegate of the USSR. The delegate of Spain asked that alternative management options be requested for 3NO cod - specifically the catch levels associated with fishing mortalities at F_{max}. The delegate of the EEC referred to the NAFO SC Working Paper 85/65 which was available to the Scientific Council and which demonstrated that one could fix a TAC of 50,000 mt without threatening in the least the state of the stock. There was considerable discussion regarding the legal interpretation of Articles VII and VIII of the Convention as to questions the Scientific Council might be asked by the coastal state and the Fisheries Commission.

The Chairman adjourned the meeting at 1520 hrs.

31. The Chairman reconvened the meeting at 1540 hrs.

The delegate of Canada indicated that he was prepared to have the Spanish questions, regarding 3NO cod, address the stock in the entire area and not just in the Regulatory Area. However, he stated that under Article XI of the Convention, the Fisheries Commission was responsible only for the management of fisheries resources of the Regulatory Area. The delegate of Canada asked that the following questions concerning 3NO cod be submitted to the Scientific Council: What was the level of stock size at equilibrium under a sustained fishery at F_{0,1}? What management action was necessary to rebuild the stock in a 3-year and a 5-year period? The delegate of Spain asked that the foregoing questions also be submitted to the Scientific Council regarding the stock size at F_{max}.

32. The Chairman adjourned the meeting at 1600 hrs.

33. The Chairman reconvened the meeting at 1350 hrs on 12 September.

He noted that informal consultations with heads of delegations had been held during the morning as to the agenda and further proceedings. The delegate of Canada stated that, as a result of the consultations, he would propose the formation of a working group of up to two members from each delegation to formulate terms of reference regarding the overlapping stocks and stocks in the NAFO Regulatory Area. He indicated that the proposed working group should meet during that session to prepare questions for the Scientific Council in order that scientific advice could be prepared on that basis for the next annual meeting. The Canadian proposal was supported by Cuba, USSR and the EEC, and, with nobody objecting, was thus accepted.

34. The Chairman noted that the scientific advice requested for Cod in Div. 3M and Div. 3NO was not yet available and thus decisions on the TAC's would have to await that information.

35. Under Agenda item 15(b), Redfish in Div. 3LN, the Chairman invited proposals for that stock, given the scientific advice for a TAC of 25,000 mt. The delegate of Canada proposed the TAC as advised and that was supported by the delegates of the USSR and the GDR. The delegate of the EEC indicated that his delegation could not support the Canadian proposal since various other management options were not available for consideration. A vote on the Canadian proposal was held at the request of the EEC. The result of the voting was eight votes in favour (Canada, Cuba, Denmark, GDR, Japan, Norway, Poland, USSR), two against (EEC, Portugal) and one abstention (Spain). The Canadian proposal for a TAC of 25,000 mt for 3LN redfish was thus adopted.

36. Under Agenda item 15(c), American plaice in Div. 3LNO, the Chairman invited proposals for that stock, given the scientific advice for a TAC of 55,000 mt. The delegate of Canada indicated that he was prepared to accept a TAC of 55,000 mt which was supported by the delegate of the USSR. The delegate of the EEC stated that he could not accept the Canadian proposal since the NAFO SC Working Paper 85/65 showed that a TAC of about 60,000 mt would have no effect on the biomass and thus proposed a TAC of 60,000 mt. The delegate of Spain supported the EEC proposal. A vote was held on the EEC proposal for a TAC of 60,000 mt for American plaice in Div. 3LNO. The result of the voting was two votes in favour (EEC, Spain), six against (Canada, Cuba, GDR, Japan, Poland, USSR) and three abstentions (Denmark, Norway, Portugal). The EEC proposal was thus defeated. A vote was held on the Canadian proposal for a TAC of 55,000 mt for American plaice in Div. 3LNO. The result of the voting was eight votes in favour (Canada, Cuba, Denmark, GDR, Japan, Norway, Poland, USSR), two against (EEC, Spain) and one abstention (Portugal). The Canadian proposal for a TAC of 55,000 mt was adopted.
37. Under Agenda item 15(d), Yellowtail flounder in Div. 3LNO, the Chairman invited proposals for the TAC, given the scientific advice for a TAC of 15,000 mt. The delegate of Canada proposed that that figure be accepted and was seconded by the delegate of Cuba. The result of the voting was eight votes in favour (Canada, Cuba, Denmark, GDR, Japan, Norway, Poland, USSR), two against (EEC and Spain) and one abstention (Portugal). The Canadian proposal for a TAC of 15,000 mt was adopted.
38. Under Agenda item 15(e), Witch flounder in Div. 3NO, the Chairman invited proposals for the TAC, given the scientific advice for a TAC of 5,000 mt. The delegate of the USSR proposed a TAC of 5,000 mt as recommended which was supported by the delegate of Canada. A vote was held on the USSR proposal, the result of which was eight votes in favour (Canada, Cuba, Denmark, GDR, Japan, Norway, Poland, USSR), one against (EEC) and two abstentions (Portugal and Spain). The USSR proposal was thus accepted.
39. Under Agenda item 15(f), Capelin in Div. 3LNO, the Chairman invited proposals for the TAC, given the scientific advice for a TAC of 130,000 mt with no fishery in Div. 3NO. The delegate of Canada proposed that the TAC be the one recommended. The delegate of the USSR indicated that he would have no difficulty in accepting the scientific advice if the possibility of research and a by-catch fishery in 3NO were allowed. The delegate of Canada noted that by-catches are currently allowed to a certain extent by the existing regulations. The delegate of the EEC noted that he could accept the advice for 3NO capelin but not for 3L capelin since he believed capelin in Div. 3L must be considered as within the NAFO Regulatory Area. The delegate of Canada recognized that capelin was a transboundary stock but that no information was available regarding a capelin fishery in Div. 3L outside 200 miles. He suggested that the working group propose a question to the Scientific Council regarding the possibility of capelin existing outside 200 miles and the quantities involved. The delegate of Japan believed that the Canadian proposal deviated from past practice, as the capelin stock was treated previously as a whole.
40. The Chairman adjourned the meeting at 1510 hrs.
41. The Chairman reconvened the meeting at 1530 hrs.
42. Under Agenda item 15(i), Capelin in Div. 3LNO, the delegate of Canada noted that, having reviewed the scientific report, some stock separation between Divs. 3NO and 3L was recognized. In view of that, he would propose a regulation for no fishery in Capelin Div. 3NO as in 1985 and that no further reference be made to Capelin in Div. 3L. He suggested that the working group should review the situation regarding the status of capelin inside and outside the Canadian jurisdiction. The delegates of Japan, EEC and USSR supported the Canadian proposal, there were no objections and it was thus accepted.
43. Under Agenda item 15(g), Squid (*Illex*) in Subareas 3 and 4, the Chairman invited proposals for the TAC, given the scientific advice for a TAC of 150,000 mt. The delegate of Canada suggested the acceptance of the scientific advice which was supported by the delegates of Japan, Poland and the EEC, with nobody objecting. The proposal was thus accepted.
44. Under Agenda items 15(h), items regarding 2J3KL cod, the delegate of Canada proposed the following procedures which, if accepted, would replace Agenda items 15(h)(i)(ii) and (iii):
 1. The working group be asked to formulate questions that the Fisheries Commission would put to the Scientific Council for scientific advice on management in 1987 of certain stocks including appropriate questions regarding cod in Divisions 2J3KL.
 2. All Contracting Parties with information regarding 3L cod forward the relevant information to the Executive Secretary within two months for circulation to the Contracting Parties.
 3. Based on the lack of information concerning cod in Div. 3L outside the Canadian 200 mile limit, a temporary restraint be imposed on a directed fishery for 3L cod outside 200 miles until the Fisheries Commission would take a management decision on that stock.

The delegate of Canada noted further that Canada would also restrict its fishermen from a directed fishery in 3L cod outside the 200-mile zone and that Canada was prepared to set a TAC of 266,000 mt for 2J3KL cod in the Canadian zone as per the scientific advice for the Convention Area. He noted that a fishery should take place only in the Canadian zone by Canadian vessels and other countries which have bilateral allocations in Canadian waters. The delegate of Spain could not support the Canadian proposal for no fishery in 3L cod and expressed the hope that any temporary restraint would be for a short time. The delegate from the EEC stated that he could agree with the first two points of the Canadian proposal. The EEC, Spain and Portugal had already submitted their catch figures for the area. These parties, along with Canada, were the parties most interested in the stock. The delegate for the EEC considered, however, that the Canadian proposal for a TAC of 266,000 mt was not an appropriate one. In NAFO SC Working Paper 85/65 of last June, it was demonstrated that with a TAC of 339,000 mt the stock biomass in 1987 would improve from 1.5 million mt to 1.7, whereas with a TAC of 266,000 mt the increase in stock would be to 1.77, a difference of .07 million mt. Furthermore, the Canadian proposal for separating the fishery with a ban on fishing in international waters but authorized fishing within the waters of the Coastal State was an expression of "creeping jurisdiction". He thus suggested a proposal incorporating the first two points of the Canadian proposal but with no limit on fishing cod in Division 3L pending a decision by the Fisheries Commission. A special NAFO meeting could be called later in 1985, once the information regarding the 3L cod was obtained. He pointed out that since the Canadian delegation had agreed to the regulation of no capelin fishing in Division 3L in the absence of information, the same principle should apply for 3L cod. He declared that the absence of a TAC for 3L cod would not mean a free fishery for EEC vessels; rather the EEC would take appropriate measures to fix the level of its fishery in accordance with the scientific advice available on the state of the stocks.

The delegate of the USSR referred to a statement by the EEC that only three Contracting Parties had fished in Div. 3L; however he noted that the USSR had previously fished in the same area. He indicated that if the three elements of the Canadian proposal meant restraint in 1985, that might create practical difficulties for the Soviet fleet, since fleet instructions had already been sent. The delegate of Portugal noted that the third point of the Canadian proposal was difficult for Portugal to accept. The delegate of Spain supported the proposal made by the EEC and stated that the Canadian proposal was unacceptable to Spain as they believed it to be contrary to international law. After considerable discussion of the Canadian proposal, the delegate of Canada amended the third point of his proposal in order that the temporary restraint take effect on 1 January 1986. A vote was called on the EEC proposal. The result of the voting was three votes in favour (EEC, Portugal, Spain), six against (Canada, Cuba, GDR, Japan, Poland, USSR), and two abstentions (Denmark, Norway). The EEC proposal was thus defeated. A vote was called on the Canadian proposal as amended. The result of the voting was seven votes in favour (Canada, Cuba, Denmark, GDR, Japan, Poland, USSR), three against (EEC, Portugal, Spain) and one abstention (Norway). The Canadian proposal was thus accepted. The working group was requested to complete its work in the timeframe of the Havana meeting so that the Scientific Council meeting which would take place during the following year would address the questions referred to it and report to the next annual meeting. The restraint on a directed fishery for cod in Div. 3L outside 200 miles was to apply from January 1, 1986 until the Fisheries Commission would take a further decision and, in any event, no longer than the end of 1986.

45. The delegate of Spain declared its intention to object to the decision regarding 2J3KL cod. The delegate of the EEC declared that the EEC would object against the 2J3KL cod decision as well as against each decision against which the EEC had already voted. He expressed serious doubts about the EEC's continued participation in NAFO and observance of its measures. The Chairman called general attention to the NAFO Convention Articles regarding objections.
46. The Chairman noted that the discussion would proceed regarding quotas to the Contracting Parties. He noted that, in view of the absence of the requested scientific advice regarding 3M and 3NO cod, decisions on allocations would have to await the decision on the respective TAC's. On Agenda item 14(b), Redfish in Div. 3M, given no changes in the TAC at 20,000 mt, the delegate of Canada proposed the same allocation of quotas as in 1985. The delegate of the USSR supported the proposal. The delegate of Portugal proposed a reduction in the Portuguese 3M redfish allocation of 1900 mt to 600 mt, as for 1983, in the context of reversing the exchange that had taken place with 3LN redfish. The delegate of Portugal considered making a complete proposal but withdrew, indicating its intention to file an objection. The delegate of Spain requested an allocation of 1500 mt for Spain, request which he withdrew later, indicating that Spain would reserve its position. The delegate of the EEC indicated that the problems and objectives raised by the EEC, Spain and Portugal had been ignored by the other delegates and that they would object to the TAC decided for the 3M redfish stock. A vote was held on the Canadian proposal to maintain the same allocation for Redfish in Div. 3M as in 1985. The result of the voting was eight votes in favour (Canada, Cuba, Denmark, GDR, Japan, Norway, Poland, USSR) and three against (EEC, Portugal, Spain). The Canadian proposal was thus accepted.
47. The Chairman asked the Vice-Chairman of the Fisheries Commission, Dr. J. Varea (Cuba), to chair a working group on 13 September to discuss the terms of reference for requests to the Scientific Council on the management of stocks in the Regulatory Area and of transboundary stocks. The names of the working group members were provided to Dr. J. Varea.
48. The Chairman adjourned the meeting at 1810 hrs.
49. The meeting reconvened 13 September at 0920 hrs.

50. Under Agenda item 14(c), the Chairman invited proposals for the allocation of American plaice in Div. 3M. Given no changes in the TAC at 2,000 mt, the delegate of the USSR proposed the same distribution of the quotas for 1986 as in 1985. The delegate of Cuba supported the proposal. The delegate of the EEC reminded the Commission that as his delegation had objected to the proposed TAC for the stock, he therefore could not accept the proposed allocation. A vote was held on the USSR proposal to maintain the same allocation for American plaice in Div. 3M as in 1985. The result of the voting was eight votes in favour (Canada, Cuba, Denmark, GDR, Japan, Norway, Poland, USSR) and three against (EEC, Portugal, Spain). The USSR proposal was thus accepted. The delegate of Portugal indicated that he reserved his position.
51. Under Agenda item 15(b), the Chairman invited proposals for the allocation of Redfish in Div. 3LN. Given no changes in the TAC at 25,000 mt, the delegate of Canada proposed the same distribution of the quotas as in 1985. The proposal was supported by the delegates of Cuba and the USSR. The delegate of Spain requested an allocation of 1,500 mt of that stock for Spain based on the consistent underfishing of the stock. The delegate of the EEC stated that as his delegation had voted against the decision of the TAC for that stock, he therefore could not support the proposal. The Chairman noted that the Spanish proposal was incomplete and requested that the delegate of Spain submit a complete proposal. The delegate of Spain did not. A vote was held on the Canadian proposal to maintain the same allocation for Redfish in Div. 3LN as in 1985. The result of the voting was eight votes in favour (Canada, Cuba, Denmark, GDR, Japan, Norway, Poland, USSR) and three against (EEC, Portugal, Spain). The Canadian proposal was thus accepted. The delegate of Portugal reserved its position.
52. Under Agenda item 15(c), the Chairman invited proposals for the allocation of American plaice in Div. 3LNO. In view of the increase of the TAC from 49,000 mt to 55,000 mt, the delegate of Canada proposed a pro-rata distribution of the quota on the same basis as in 1985 as follows: Canada - 54,200 mt, EEC - 700 mt, Others - 100 mt. The delegate of Spain requested an allocation of 3,500 mt of that stock for Spain based on the consistent underfishing of the stock. The Chairman rejected the request as a proposal as it was incomplete. The delegate of the EEC stated that as his delegation had objected to the proposed TAC, he therefore must object to the proposed distribution. The Canadian proposal was supported by the delegates of Cuba, USSR, and GDR. A vote was held on the Canadian proposal for a proportionate distribution of American plaice in Div. 3LNO on the same basis as in 1985. The result of the voting was eight votes in favour (Canada, Cuba, Denmark, GDR, Japan, Norway, Poland, USSR), two against (EEC, Spain) and one abstention (Portugal). The Canadian proposal was thus accepted.
53. Under Agenda item 15(d), the Chairman invited proposals for the allocation of Yellowtail flounder in Div. 3LNO. Given no changes in the TAC at 15,000 mt, the delegate of Canada proposed the same distribution as in 1985. The delegate of the USSR supported the proposal. The delegate of Spain requested an allocation of 1,000 mt for Spain. The Chairman rejected the request as an incomplete proposal. The delegate of the EEC indicated that as his delegation had objected to the TAC for that stock, he therefore must oppose the proposed allocation. A vote was held on the Canadian proposal to maintain the same distribution for Yellowtail flounder in Div. 3LNO as in 1985. The result of the voting was eight votes in favour (Canada, Cuba, Denmark, GDR, Japan, Norway, Poland, USSR), two against (EEC, Spain) and one abstention (Portugal). The Canadian proposal was thus accepted.
54. Under Agenda item 15(e), the Chairman invited proposals for the allocation of Witch flounder in Div. 3NO. Given no changes in the TAC at 5,000 mt, the delegate of Canada proposed the same distribution as in 1985. The delegate of the USSR supported the proposal. The delegate of Spain requested an allocation of 250 mt for Spain. The Chairman rejected the proposal as incomplete. The delegate of the EEC stated that as his delegation had voted against the proposed TAC, he therefore could not support the current proposal. A vote was held on the Canadian proposal to maintain the same allocation for Witch flounder in Div. 3NO as in 1985. The result of the voting was six votes in favour (Canada, Cuba, GDR, Japan, Poland, USSR), two against (EEC, Spain) and three abstentions (Denmark, Norway, Portugal). The Canadian proposal was thus accepted.
55. Under Agenda item 15(f), the Chairman reminded the delegates that that item had been completed (see item 42 of the present Report).
56. Under Agenda item 15(g), the Chairman invited proposals for the allocation of Squid (*Illex*) in Subareas 3 and 4. Given no changes in the TAC at 150,000 mt, the delegate of Canada proposed the same distribution as in 1985. The delegate of the USSR supported the proposal. The delegate of Spain requested an allocation of 8,000 mt for Spain since large amounts of the stock's allocation were not specified. The delegate of the EEC stated that he supported the Spanish request since the TAC far exceeded the demands on it. The delegate of Portugal requested an allocation of 1,500 mt for Portugal. The delegate of Canada explained that the proposed squid allocation to Canada and the EEC were shown as "not specified" in the Quota Table since the allocations were

worked out bilaterally with the EEC. He explained that in view of the foregoing the existing distribution made sense. He suggested that therefore the allocation request by Spain and Portugal should be withdrawn and worked out bilaterally. The delegate of Spain believed that the squid allocation requests should be resolved within NAFO rather than bilaterally. The delegate of Canada indicated that he did not know the practical effect of the Spanish request since the EEC's allocation was shown as non-specified. The delegate of the EEC stated that he supported the requests of Spain and Portugal as a matter of principle and because large amounts of the stock were unutilized; he explained that both Spain and Portugal were free to deal on their own behalf in these matters until December 31, 1985. The delegate of Canada explained that the existing distribution of the squid TAC could only be realized if licenses were issued by Canada to fish these allocations in Canadian waters. He hoped that it would be unnecessary to continue the debate of previous years on the subject. The Chairman summarized the two proposals: the most recent proposal for squid allocations of 8,000 mt for Spain and 1,500 mt for Portugal and the first proposal by Canada to maintain the existing distribution. The delegate of Canada reminded delegates that all squid catches had been inside the Canadian zone. He advised that, under the Canadian proposal, Canada remained willing to license foreign vessels to fish their NAFO squid quotas inside the Canadian zone in accordance with bilateral agreements. He stated that Canada could not support the proposal for allocations by Spain and Portugal. The delegate of Spain indicated that the scientific information showed that squid stocks migrated and, if there was no possibility of fishing squid inside Canadian waters, then Spain would be forced to fish squid outside Canada's 200-mile zone. The delegate of the EEC noted a slight contradiction between the Canadian statement and facts to date. The delegate of Canada stated that Canada remained prepared to issue licenses to foreign vessels to fish their NAFO squid quotas in Canadian waters on the basis of satisfactory international cooperation; however Canada reserved its right at the same time not to issue licenses when a satisfactory bilateral and multilateral relationship was not maintained. He clarified that Canada did not feel itself obliged to issue licenses to those countries which were not bound or did not adhere to the NAFO regulations. The delegate of the EEC stated that the explanation was unsatisfactory and that a contradiction remained. He insisted, as a matter of principle, that bilateral interests should not be a factor in an international forum. He supported the Spanish and Portuguese requests as reasonable on the basis of the available TAC and amounts allocated. The delegate of Cuba noted that a similar discussion on squid took place at the NAFO meetings in 1983. He indicated that certain assumptions had been used to date which might or might not be valid. He noted that the specified quotas for squid in 1985 totalled 14,250 mt which was assumed to be the estimated amount of squid available outside Canada's 200-mile zone. He believed that if that assumption was not valid and if the Canadian position regarding the issuance of licenses was maintained, then a need existed to redetermine the level of squid stocks outside Canada's 200-mile zone. The delegate of Canada agreed with the delegate of Cuba's interpretation regarding the underlying assumptions regarding the discussion. The delegate of Canada noted that, while it might be theoretically possible to define quantities of overlapping stocks outside the 200-mile limit, he was not sure that it was practically possible. He noted that that was not the basis on which NAFO obtained information and made decisions. He noted that, with stocks that are moving across the 200-mile boundary every day, it was essential to have the same management regime. The delegate of Canada reiterated that a squid fishery could not be successfully prosecuted outside Canada's 200-mile zone and that Canada had cooperated with other countries by issuing licenses to fish their NAFO squid quotas in Canadian waters. He stated that, if questions regarding the distribution of the squid stocks were to be pursued, then they could be referred to the Scientific Council. The delegate of the EEC stated that the international management of overlapping stocks was not new and that it was addressed under Article 63 of the Law of the Sea Convention. He explained that some scientists had theorized that a "relative attachment" could be determined for overlapping stocks. He stated that the international community could not be expected to take conservation measures outside Canada's 200-mile zone without sharing in the benefits therefrom. He stated that the Canadian position on the issuance of licenses was unacceptable since the basis for the licenses must be non-discriminatory. He believed that bilateral fisheries relations should be totally independent of the NAFO process. He could not accept Canada's consideration of NAFO objections as lack of cooperation since, in his view, the filing of objections was a right the Contracting Parties had. He concluded that, if the Canadian position on the issuance of licenses were maintained, then the EEC would have serious doubts regarding their continued participation in NAFO.

The Chairman adjourned the meeting at 1050 hours.

The meeting reconvened 13 September at 1200 hours.

The delegate of Canada indicated that, during the interval, a number of alternatives were discussed with some other delegates however with no resolution. He noted that, while Canada was sympathetic to the requests for making quantities of squid available, a difficulty remained in the lack of

precise information regarding the quantity and distribution of squid stocks outside Canada's 200-mile zone. To resolve the problem, he proposed that the question be referred to the Scientific Council and that the Canadian proposal to maintain squid allocations as in 1985 be accepted. The delegate of Cuba concurred with the Canadian proposal. The delegate of the EEC indicated that his delegation had not been consulted by Canada regarding a resolution to that matter and that he fully supported the proposal for increased allocations to Spain and Portugal. The delegate of Japan indicated that, while Japan did not press for further allocations of squid, Japan would like to share in any increased TAC. The delegate of the USSR indicated that the USSR could also have made requests for increased allocations but declined to avoid prolonging the discussions. The delegate of Canada indicated that the relationship between the coastal state and the Fisheries Commission was very important. He explained that it involved a certain balancing of interests between the Contracting Parties' desire for access to the overlapping stocks and the importance of conservation of stocks in the NAFO Regulatory Area. The delegate of Denmark asked whether the remaining non-specified squid was divided between Canada and the EEC. The delegate of Canada responded that the allocations of the non-specified squid were a matter for bilateral consultations. A vote was held on the proposal for allocations of Squid in Subareas 3 and 4, respectively of 8,000 mt for Spain and of 1,500 mt for Portugal with the allocations of other Contracting Parties to remain as in 1985. The result of the voting was three votes in favour (EEC, Portugal, Spain), six against (Canada, Cuba, GDR, Japan, Poland, USSR) and two abstentions (Denmark, Norway). The foregoing proposal was thus not adopted. A vote was held on the Canadian proposal to maintain the same distribution of quotas of Squid in Subareas 3 and 4 as in 1985, with Canada remaining prepared to issue licenses to fish NAFO squid quotas in Canadian waters. The result of the voting was seven votes in favour (Canada, Cuba, Denmark, GDR, Japan, Poland, USSR), three against (EEC, Portugal, Spain) and one abstention (Norway). The Canadian proposal was thus accepted.

60. The Chairman adjourned the meeting at 1235 hours.

61. The meeting was reconvened at 1420 hours.

62. The Chairman noted that the scientific advice which had been requested for 3M cod and 3NO cod was now available. Under Agenda item 14(a), the Chairman invited proposals for the TAC of cod in Div. 3M. The delegate of Cuba recalled the earlier Danish proposal for a TAC of 12,965 mt. The delegates of Norway and the USSR supported that proposal. The delegate of Spain proposed that the TAC and the distribution of the stock for 3M cod be considered together as a single proposal taking into account relevant social and economic factors. The delegates of the EEC and Portugal supported the Spanish proposal. The delegate of Japan indicated that he had no objection to the Spanish proposal. The delegate of the USSR requested that a specific proposal be made by Spain. The delegate of Canada noted that he would have no difficulty if a specific proposal could be made of allocations totalling 12,965 mt. The delegate of Cuba indicated that Cuba was prepared to go along with the procedure suggested by Spain in that instance but not as a matter of principle. The delegate of the EEC pointed out that the scientific advice seemed to suggest that a TAC higher than 12,965 mt could constitute a threat to the stock. He interpreted the Spanish proposal to jointly fix the TAC and the allocations for Cod in Div. 3M to mean that Spain was prepared to consider the necessity of specific conservation measures to contribute to the common effort of rebuilding that stock on condition that the other Contracting Parties share equitably in that effort. He added that if the stock were rebuilt, then all parties should share in the benefits and if there was a zero or a reduced TAC, then all Parties should share the burden. However, he stated that the EEC could not support the Danish proposal since some Parties would continue to benefit while other Parties excluded from the fishery continued to pay the price for conservation. He concluded that, in view of the foregoing, he found the Spanish proposal as rational and logical for the situation. The delegate of Canada clarified his earlier statement that he was prepared to consider any proposal on 3M cod where the allocations total 12,965 mt or any proposed procedure to facilitate that particular discussion, however, he would reserve his position on the principle involved. The delegate of Spain requested that a formal vote be held on its proposal regarding the principle of jointly fixing the TAC and allocations. The delegate of the USSR advised that it would be difficult to vote on the principle, however, in individual cases, the two questions could come together. He suggested a new proposal for Cod in Div. 3M with two components: a TAC of 12,965 mt and maintenance of the same allocations as in 1985. The delegate of Canada supported that proposal. A vote was held on the USSR proposal. The result of the voting was nine votes in favour (Canada, Cuba, Denmark, GDR, Japan, Norway, Poland, Portugal, USSR) and two against (EEC, Spain). The USSR proposal was thus accepted. The delegate of the USSR stated that, while he had made the previous proposal, he wished to ensure that a precedent had not been established. The delegate of Spain declared the intention of Spain to object to the decision regarding 3M cod since its proposal was not voted upon. The delegate of the EEC also declared its intention to object. He reiterated that if several management options were

available, then the TAC's and the respective allocations should be determined on relevant social and economic factors. The delegate of Canada noted, for the record, that at least three delegations (Canada, Cuba and Japan) had indicated that they were prepared to support a procedure to accommodate the Spanish proposal, however no specific proposal was made by Spain. The delegate of the EEC indicated that he shared the views expressed by other delegations that the procedure used for 3M cod was not a precedent.

63. Under Agenda item 15(a), the Chairman invited proposals for the TAC of Cod in Div. 3NO. In view of the scientific advice, the delegate of Canada proposed a TAC of 33,000 mt as in 1985. The delegate of the EEC proposed a TAC of 50,000 mt but indicated that the EEC was prepared to reduce this to 48,000 mt. He argued that whether the TAC was 33,000 mt or 50,000 mt would have no appreciable difference in effect on the stock's biomass according to the scientific advice now available. The delegate of Spain supported the EEC proposal. The delegate of the USSR supported the Canadian proposal on the basis of the scientific advice. The delegate of Canada clarified to the delegates that the Commission had not in the past departed from the management objective of $F_{0.1}$ and that the scientific advice at the $F_{0.1}$ level was for a TAC of 33,000 mt. A vote was held on the EEC proposal for a TAC of 50,000 mt with a proviso for downward adjustment to 48,000 mt. The result of the voting was four votes in favour (EEC, Poland, Portugal, Spain), four against (Canada, Cuba, GDR, USSR) and three abstentions (Denmark, Japan, Norway). While the delegate of Poland subsequently indicated that he misunderstood the vote and wished to change his vote from in favour to against, the vote remained as recorded. The EEC proposal was defeated in the absence of a majority. A vote was held on the Canadian proposal for a TAC of 33,000 mt. The result of the voting was six votes in favour (Canada, Cuba, Denmark, GDR, Japan, USSR), three against (EEC, Portugal, Spain) and two abstentions (Norway, Poland). The Canadian proposal was thus accepted.
64. Under Agenda item 15(a), the Chairman invited proposals for the allocation of Cod in Div. 3NO. The delegate of the USSR proposed the same distribution as in 1985. The delegate of Canada supported the proposal. The delegate of the EEC indicated that he could not support the proposal in view of its earlier objection to the TAC. The delegate of Spain requested an allocation of 11,424 mt for Spain based on the principle of proportional distribution as per the NAFO quotas in 1984.
65. The Chairman adjourned the meeting at 1600 hours.
66. The meeting reconvened at 1640 hours.
67. The delegate of Spain withdrew his previous request for an increased allocation. A vote was held on the USSR proposal to maintain the same distribution for Cod in Div. 3NO as in 1985. The result of the voting was seven votes in favour (Canada, Cuba, Denmark, GDR, Japan, Poland, USSR), three against (EEC, Portugal, Spain) and one abstention (Norway). The USSR proposal was thus accepted.
68. The delegate of Spain declared its intention to object to the foregoing decision. The delegate of the EEC also declared its intention to object to that decision. The delegate of the USSR reminded the Commission that objections would need to be presented in writing to the Executive Secretary following circulation of NAFO decisions to the Contracting Parties. The Chairman recognized that Article XII of the Convention applied in those circumstances and stated that Article XII would be followed in its strict form. The Executive Secretary clarified that under Article XII Commission members could present written objections to the Executive Secretary against proposals transmitted to them. The delegate of the EEC stated that he could not agree with that explanation as he considered an oral statement as sufficient according to Article XII. The delegate of the USSR indicated that the provisions of paragraphs 6 and 7 of Article XI were clear on the fact that each proposal adopted by the Commission was to be transmitted by the Executive Secretary to all Contracting Parties specifying the date of transmittal for the purposes of Article XII, following which objections might be lodged.
69. Under Agenda item 13, the Chairman of STACTIC provided an oral report of the meeting of STACTIC (Appendix IV). The delegate of Spain objected that a disproportionate number of inspections were conducted on Spanish vessels and Spain believed that that was an incorrect use of the NAFO International Enforcement Scheme. It was noted that that objection was contained in the STACTIC Report. The Report of STACTIC was accepted by the Commission.
70. The Chairman permitted the observer from Mexico, to address the Fisheries Commission. (See Appendix V)

71. Further to STACTIC's work, the delegate of Canada proposed that the Fisheries Commission request the Scientific Council to commence work on standard conversion factors. The delegate of the EEC suggested instead that a working group of experts be formed to commence work on a standard list of conversion factors and report back to the Fisheries Commission in 1986. The delegate of Canada agreed with the proposal and proposed that the Chairman of STACTIC chair that working group. The proposal for the working group was thus accepted. The delegate of the USSR suggested that the data be submitted to the Executive Secretary for transmittal to the Chairman of STACTIC. It was agreed that the names of experts would be provided to the Chairman of the working group.
72. Under Agenda item 16, Minimum mesh size for groundfish in the Regulatory Area, the delegate of Canada noted that Canadian and NAFO regulations on minimum mesh size for groundfish were not consistent with each other. He indicated that, while that was important for the efficiency of enforcement, he would propose that, in the interests of time, discussion on the subject be deferred until the next annual meeting. He indicated that Canada would undertake to transmit the text of the existing Canadian regulations to the NAFO Secretariat.
73. Under Agenda item 17, Underfishing of Quotas, the delegate of the USSR noted that the item had been proposed by the USSR in recognition of the provisions of the Convention which call for "cooperation to the optimum utilization, . . . , of the fishery resources of the Convention Area." (Article II, paragraph 1, Article XI, paragraph 2). He proposed that discussion on the item be postponed until the next annual meeting.
74. Under Agenda item 18, Changes in Regulations to Improve Conservation in NAFO Regulatory Area, the delegate of Canada indicated that in view of earlier discussions and decisions by the Fisheries Commission, the item proposed by Canada was no longer necessary.
75. Under Agenda item 19, Review of the International Scientific Observer Program, the Canadian delegate in charge of reporting on the Program provided a report on Canadian involvement in the NAFO Scientific Observer Scheme (FC Doc. 85/7). He concluded his review by encouraging other Contracting Parties to provide scientific data to the Fisheries Commission and, as necessary, establish other bilateral agreements to further scientific participation and address the critical lack of scientific data in the NAFO Regulatory Area. The delegate of Portugal noted that, while no bilateral agreement had been signed by Portugal, Portugal had participated in the program. He indicated that Portugal had experienced some difficulties in accommodating the transportation of the observers. The delegate of Canada stated that the data from the program was essential for the generation of scientific analysis and advice. In view of the foregoing, he concluded that the lack of discussion could be attributed to the lack of scientific information. As the Scientific Council was being asked to provide considerably more guidance in 1986 than in the past, he proposed that the Fisheries Commission adopt a resolution calling on all members of the Commission to inform the Executive Secretary of the steps they have taken to comply with the NAFO requirements concerning reporting on catches and scientific sampling. He noted that copies of the proposal were being prepared for distribution.
76. Under Agenda item 20, Time and Place of Next Meeting, the Chairman proposed that the time and place of the next meeting coincide with that of the next annual meeting of the General Council. The proposal was accepted.
77. The Chairman adjourned the meeting at 1830 hours.
78. The meeting reconvened at 1900 hours.
79. Under Agenda item 19, Review of the International Scientific Observer Program, copies of the Canadian proposal for a resolution were distributed to delegates for review. The delegate of the EEC expressed his opposition to the resolution stating his view that the Commission had no authority under the Convention to adopt resolutions. After considerable discussion, in which opposition to the EEC view was expressed, the Canadian proposal was amended through interventions and presented as follows: "That the Fisheries Commission adopt a resolution calling on all members of the Commission to follow the reporting requirements of the NAFO rules and regulations (as contained in the provisions concerning management in NAFO document FC 82/IX/13 Conservation and Enforcement Measures Part I.C) and comply with the sampling requirements which have been established by the Scientific Council." (See Resolution (1/85) in Appendix VI) A vote was held on the proposed resolution as amended. The result of the voting was eight votes in favour (Canada, Cuba, Denmark, GDR, Japan, Norway, Poland, USSR), two against (EEC, Spain) and one abstention (Portugal). The Canadian proposal for a resolution as amended was thus accepted. The delegate of the EEC reiterated his view that the resolution was totally illegal and complained about the Chairman's action in proposing a vote. The delegate of Japan, supported by Canada and the USSR, requested that the EEC provide a formal written explanation as to why and on what grounds adoption of the resolution was illegal. The delegate of the EEC indicated that, while he was under no obligation to send a letter, he would seek the advice of his legal advisor regarding the validity of his arguments.

80. Under Agenda items 15(h), items regarding 2J3KL Cod, the Chairman reminded the delegates that procedures had been earlier adopted which would replace Agenda items 15(h)(i)(ii) and (iii). The Chairman asked for a report from the Vice-Chairman, Chairman of the working group which was asked to formulate terms of reference on certain stocks in Subareas 2 to 4 to be used by the Scientific Council at the next annual meeting as a basis for advice for the 1987 fishery. The Vice-Chairman provided an outline of the "non-paper" prepared by the working group and noted that three of the items were in square brackets: Cod in Div. 2J + 3KL, Greenland halibut in Subarea 2 and Div. 3KL, Roundnose grenadier in Subareas 2 + 3. The delegate of Canada suggested that some confusion in interpretation of the Convention was perhaps emerging with regard to the respective authority of the coastal state and the Fisheries Commission to refer questions to the Scientific Council. He noted that Article VII permitted the coastal state to pose questions to the Scientific Council for resources within its management area and Article VIII permitted the Fisheries Commission to pose questions to the Scientific Council for resources in the NAFO Regulatory Area. He stated that, if the Scientific Council was to work efficiently, it was necessary that the same questions be posed for overlapping stocks and to that end Canada was prepared to support questions on overlapping stocks such as Cod in Div. 3NO. He stated that the Convention recognized very explicitly the distinction in that regard between the coastal state and the Fisheries Commission. The delegate of Canada suggested that the stocks in square brackets be removed from the list and that as a compromise Greenland halibut and Roundnose grenadier be added to the list of stocks for which specific questions were proposed.

That proposal was supported by the delegates of the USSR, Cuba and the GDR. The delegate of the EEC indicated that he had no difficulty with Canada's rights under various Articles of the Convention, however he believed that the Scientific Council must be given questions on the range of management options available for 2J3KL cod, Greenland halibut (Subarea 2 + Div. 3KL) and Roundnose grenadier (Subareas 2 + 3) for the 1987 fishery. He believed that requesting that information for stocks in those areas was neutral and would not prejudice anything as it was recognized that the Fisheries Commission did not have the right to contemplate management of resources under Canada's jurisdiction. However, it was necessary for the Commission to have available management options for 2J3KL cod if it was determined that it was an overlapping stock. He stated that not to have that information available at the next annual meeting would risk the postponement of fair cooperation on 2J3KL cod for the 1987 fishery. The delegate of Canada clarified that under the Convention the Fisheries Commission in that case would have management competence only for Cod outside 200-miles in Div. 3L, i.e. in the NAFO Regulatory Area. He stated that he had no reason to believe that a management debate on 3L cod would be postponed since the appropriate questions had been included in the "non-paper". He indicated that, if the Scientific Council determined a stock separation, then it would be possible to discuss management outside and inside the area. He added that the questions framed in the "non-paper" envisaged such a possibility. The delegate of the EEC proposed an amendment to the "non-paper" which would not delete the stocks in square brackets but would instead mark them by an asterisk and a corresponding footnote stating that a range of management options were to be provided if those stocks were determined to be overlapping. The delegate of Canada responded that the Convention did not provide for such questions to be asked by the Fisheries Commission for stocks in the Canadian zone. He indicated that he was prepared to discuss the TAC and its allocations for any stock in the Regulatory Area and he stated that the questions in the "non-paper" were designed to provide such a discussion. He concluded that the Canadian proposal to amend the "non-paper" was workable and would not delay consideration of any options at the next annual meeting.

81. The Chairman adjourned the meeting at 2115 hours.
82. The meeting reconvened at 2200 hours.
83. A vote was held on the EEC proposal for an amendment to the "non-paper" as indicated above. The result of the voting was two votes in favour (EEC, Spain), five against (Canada, Cuba, GDR, Poland, USSR) and four abstentions (Denmark, Japan, Norway, Portugal). The EEC proposal was thus defeated. A vote was held on the Canadian proposal for an amendment to the "non-paper" as indicated above. The result of the voting was seven in favour (Canada, Cuba, Denmark, GDR, Japan, Poland, USSR), two against (EEC, Spain) and two abstentions (Norway, Portugal). The Canadian proposal was thus accepted. (See Appendix VII)
84. Under Agenda item 21, Other Business, the delegate of Canada gave warm thanks to the Chairman for his able handling of the job for the last four years. The other delegates similarly expressed their appreciation to the Chairman.

85. Under Agenda item 8, Election of Chairman and Vice-Chairman, the delegate of Spain proposed that Dr. J. Varea (Cuba) be elected Chairman. The proposal was unanimously accepted. The delegate of Cuba proposed that Mr. K. Yonezawa (Japan) be elected Vice-Chairman. The proposal was unanimously accepted.
86. The Chairman adjourned the meeting at 2215 hours.

LIST OF PARTICIPANTS

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N. Carrasco, Cuban Ministry of Fisheries

NOTE: The list of participants is presented in alphabetical order within each delegation unless the delegation has requested otherwise.

7th Annual Meeting of NAFO
Havana, Cuba, 9-14 Sep 85

Fisheries Commission

Agenda

OPENING PROCEDURES

1. Opening by the Chairman, Dr. W. M. Murhpy (Canada)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Admission of Observers
5. Publicity

ADMINISTRATION

6. Approval of the Report of the Sixth Annual Meeting, September 1984 (See FC Doc 84/IX/6, Rev.)
7. Review of Commission Membership
8. Election of Chairman and Vice-Chairman

COMMISSION PROPOSALS

9. Status of Proposals (See Circular Letter 85/61)
10. Conservation and Enforcement Measures (See FC Doc. 85/1)

INTERNATIONAL CONTROL

11. Annual Return of Infringements
12. Fishing Vessel Registration
13. Report of STACTIC

CONSERVATION

14. Management Measures for fish stocks in the Regulatory Area
 - (a) Cod in Div. 3M
 - (b) Redfish in Div. 3M
 - (c) American plaice in Div. 3M
15. Management Measures for fish stocks overlapping national fishing limits
 - (a) Cod in Div. 3NO
 - (b) Redfish in Div. 3LN
 - (c) American plaice in Div. 3LNO
 - (d) Yellowtail flounder in Div. 3LNO
 - (e) Witch flounder in Div. 3NO
 - (f) Capelin
 - (g) Squid (*Illex*) in Subareas 3 and 4
 - (h)
 - i) Assessment of the group of cod stocks in 2J3KL that might be available in the Regulatory Area in 1986. (See FC Doc. 85/2)
 - ii) Definition of the terms of reference for a request to the Scientific Council on management of fisheries resources in the Regulatory Area in 1987, to include the examination of various management options. (See FC Doc. 85/3)
 - iii) Management measures for cod in Div. 2J3KL. (See FC Doc. 85/2)
16. Minimum mesh size for groundfish in the Regulatory Area (See FC Doc. 84/IX/6, Rev., item 25, page 5)
17. Underfishing of quotas (See FC Doc 84/IX/5 and FC Doc 84/IX/6, Rev., item 29, page 5 and attachment 1 to appendix 6 of Circular Letter 85/62)
18. Changes in Regulations to Improve Conservation in NAFO Regulatory Area (See FC Doc. 85/4)

OTHER MATTERS

19. Review of the International Scientific Observer Program

ADJOURNMENT

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

Northwest Atlantic Fisheries Organization



NORTHWEST ATLANTIC FISHERIES ORGANIZATION

SEVENTH ANNUAL MEETING - SEPTEMBER 1985

PRESS RELEASE

1. The Seventh Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO) was held in Havana, Cuba, during 9-14 September 1985, under the chairmanship of Dr. V. K. Zilanov, President of NAFO and Head of the USSR Delegation. The Sessions of the Scientific Council, the General Council and the Fisheries Commission and their Committees were all held in the Palace of Congresses in Havana.

Previously a Symposium was held in the Bedford Institute of Oceanography, Dartmouth.

2. Attending the meeting were delegates from the following Contracting Parties: Canada, Cuba, Denmark (in respect of Faroe Islands and Greenland), European Economic Community (EEC), German Democratic Republic, Japan, Norway, Poland, Portugal, Spain and the Union of Soviet Socialist Republics (USSR).

Observers from Mexico and the United States of America were present at the meeting.

3. Mr. Jorge Fernandez-Cuervo Vinent, Minister of the Fishing Industry of Cuba, addressed the meeting of the General Council, at its opening, stressing the important work of NAFO and Cuba in the field of fisheries.
4. The Scientific Council, under the chairmanship of V. A. Rikhter (USSR), made a great contribution to the work of the Fisheries Commission by providing adequate answers to many questions which had been formulated by the Fisheries Commission, regarding conservation and management of important fish stocks in the Convention Area.
5. The Scientific Council adopted several recommendations aiming at improving assessments, statistics and the policy regarding publications.
6. The Rules of Procedure were amended in order to secure a quorum in spite of the absence of some Contracting Parties not interested, for the moment, in the fisheries in the area.
7. Officials of the Scientific Council were elected for the term 1986 and 1987, as follows:

Chairman	- Dr J. Messtorff (EEC)
Vice-Chairman and Chairman of STAC PUB	- J. Beckett (Canada)
Chairman of STAC FIS	- W. R. Bowering (Canada)
Chairman of STAC REC	- R. Dominguez (Cuba)

8. On the basis of the scientific advice provided by the Scientific Council, from its meeting in June 1985 and at the present meeting, agreement was reached in the Fisheries Commission, under the Chairmanship of Dr. W. M. Murphy (Canada) on conservation and management measures for 1986, regarding total allowable catches (TACs) and allocations for certain stocks, which are either entirely outside the 200-mile fishing zones, or occur within and without. In some cases total agreement was not possible and some Contracting Parties declared their intention to lodge an objection.

In one of those cases the Fisheries Commission adopted a one-year moratorium for 1986 on cod fishing by Contracting Parties in Division 3L outside the Canadian zone to allow scientific information to be generated prior to any NAFO management decision for cod in that area.

The Quota Table for stocks in Division 3M and those occurring in and out of the Regulatory Area, during the year 1986, was discussed and adopted and it is attached to this release.

9. The Fisheries Commission agreed on a list of questions which are to be referred to the Scientific Council for advice on the management in 1987 of a number of stocks or groups of stocks. Those questions included requests for a range of management options for stocks in the NAFO Regulatory Area currently managed by the Fisheries Commission. In addition, specific advice was requested for cod in the Regulatory Area sections of divisions 2J, 3K and 3L, Greenland halibut in the Regulatory Area sections of subarea 2 and divisions 3KL and roundnose grenadier in the Regulatory Area sections of subareas 2 and 3.

10. The Fisheries Commission elected its officers for the term 1986 and 1987, as follows:

Chairman	-	J. Varea (Cuba)
Vice-Chairman	-	K. Yonezawa (Japan)
Chairman of STACTIC	-	R. Prier (Canada)

11. The Fisheries Commission took further steps for the formulation of regulations concerning chafers and the measurement of their meshes.

12. The amendment of the Rules of Procedure of the General Council was finalized.

13. The General Council elected the following officers for the term 1986 and 1987:

Chairman	-	H. Schmiegelow (EEC)
Vice-Chairman	-	K. Plagemann (GDR)
Chairman of STACFAD	-	Vacant
Vice-Chairman of STACFAD and Acting Chairman	-	Ms D. Pethick (Canada)

14. The General Council reviewed and approved the Organization's budget and accounts.

22 October 1985

Headquarters of NAFO Secretariat
2nd Floor, Holland Building
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SCHEDULE I
Quota Table¹ for Year 1986⁵

Column I	II	III	IV	V	VI	VII	VIII	IX	X	XI
Contracting Party	Cod	Cod	Redfish	Redfish	American plaice	American plaice	Yellowtail	Witch	Capelin	Squid (<i>Illex</i>)
	Div. 3M	Div. 3NO	Div. 3M	Div. 3LN	Div. 3M	Div. 3LNO	Div. 3LNO	Div. 3NO	Div. 3NO	Subareas 3 + 4 ^{3d}
1. Bulgaria	-	-	300	-	-	-	-	-	-	500
2. Canada	100	15,955	500	10,650	150	54,200	14,630	3,000	-	N.S. ⁶
3. Cuba	480	-	1,750	2,450	-	-	-	-	-	2,250
4. European Economic Community	2,405	250	1,200	-	-	700	300	-	-	N.S. ⁶
5. Faroe Islands (Denmark)	2,900	-	-	-	-	-	-	-	-	-
6. German Democratic Republic	-	-	-	850	-	-	-	-	-	-
7. Iceland	-	-	-	-	-	-	-	-	-	-
8. Japan	-	-	400	-	-	-	-	-	-	2,250
9. Norway	1,200	-	-	-	-	-	-	-	-	-
10. Poland	500	-	-	-	-	-	-	-	-	1,000
11. Portugal	3,500	1,315	1,900	-	350	-	-	-	-	500
12. Romania	-	-	-	-	-	-	-	-	-	500
13. Spain	560	10,780	-	-	-	-	-	-	-	2,250
14. USSR	1,270	4,000	13,850	10,900	1,000	-	-	1,950	-	5,000
15. Others	50	700	100	150	500	100	70	50	-	-
16. Special Reservation ²	-	-	-	-	-	-	-	-	-	-
17. Total Allowable Catch	12,965 ⁵	33,000	20,000	25,000	2,000	55,000	15,000	5,000	0	150,000 ⁷

¹ Quotas are in metric tons.

² There are no Special Reservations for 1986.

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

⁴ Any quota listed for squid may be increased by a transfer from any "coastal state" as defined in Article 1, para. 3 of the NAFO Convention, provided that the TAC for squid is not exceeded. Transfers made to Contracting Parties conducting fisheries for squid in the Regulatory Area shall be reported to the Executive Secretary, and the report shall be made as promptly as possible.

⁵ The TAC for Cod in Div. 3M will not be increased beyond 12,965 mt until the Scientific Council advises that the age 3+ mean biomass has reached a level approximately equal to one-half the mean age 3+ equilibrium biomass associated with fishing at F_{max} and assuming long term average recruitment levels.

⁶ Not Specified because the allocations to these Contracting Parties are as yet undetermined, although their sum shall not exceed the difference between the total of allocations to other Contracting Parties and the TAC.

⁷ Reference will be made to Scientific Council for 1987 re: distribution of squid stocks in Canadian jurisdiction and the NAFO Regulatory Area.

NORTHWEST ATLANTIC FISHERIES ORGANIZATION
SEVENTH ANNUAL MEETING - SEPTEMBER 1985

Provisional Report of the
Standing Committee on International Control (STACTIC)

Monday, 09 September, 1030 hrs - 1105 hrs
Thursday, 12 September, 0830 hrs - 0920 hrs
Friday, 13 September, 0840 hrs - 0900 hrs

1. The Seventh Annual Meeting of STACTIC was opened by the Executive Secretary due to the absence of the Chairman, Mr. A. A. Volkov (USSR). The Executive Secretary proposed that Dr. Shepel (USSR) act as the Chairman for the session. That proposal was accepted unanimously by the delegates who were present, from Canada, Cuba, European Economic Community (EEC), Japan, Norway, Portugal, Spain and the USSR. The Chairman recognized the observers from Mexico and the U.S.A.
2. Appointment of Rapporteur. R. J. Prier (Canada) was appointed Rapporteur.
3. Adoption of Agenda. The provisional agenda was adopted (see Attachment I) with the addition of the following three items to be covered under Other Matters.
 - a) Election of a new Chairman for STACTIC
 - b) Spanish request for discussion on incorrect use of NAFO credentials to effect a boarding
 - c) Review of outstanding item regarding chafers, contained in NAFO/FC Doc 82/VI/2, Rev.
4. Review of Annual Return of Infringements. The Chairman requested the Executive Secretary to comment on NAFO/FC Doc. 85/5. The Executive Secretary indicated those Contracting Parties who had already submitted their reports and those still outstanding. He emphasized the need for timely receipt in order to publish the document prior to the conclusion of the NAFO meeting. The EEC and Portugal stated they were prepared to provide their statistics to the Executive Secretary. The delegate from Canada noted the requirement to table at the STACTIC meeting the status of disposition of reports on apparent infringements, and further emphasized the importance of those documents to the viability of the operation of the Committee.
5. Review of the Registration of Vessels fishing in the Regulatory Area. The Chairman reviewed NAFO Circular Letter 85/54 listing those Contracting Parties who had submitted their reports and was pleased to see an improvement over last year in that almost all countries had reported.
6. Enforcement in the Regulatory Area. The Canadian delegate noted that a formal report would be presented on Canadian activity at a later session.
7. Time and Place of Next Meeting. It was agreed to hold a further session of STACTIC on Thursday, 12 September, at a time to be designated by the Chairman. It was further agreed that the next meeting of STACTIC would coincide with the time and place of the next annual meeting.
8. Other Matters. The election of a new Chairman for STACTIC was deferred to the next session of STACTIC to be held on 12 September.

The delegate from Spain indicated that on June 28, 1985, a Spanish pair-trawler was boarded in the NAFO Regulatory Area, under the terms of the NAFO Scheme of Enforcement. However, once the inspectors were on board they identified themselves as coastal state inspectors acting under the coastal state inspection scheme.

After some delay, as a result of the boarding supposedly to effect a NAFO inspection, the vessels were taken over by an armed military party on one vessel and an unarmed military party on the other, in spite of being outside the 200-mile zone of the coastal state.

The captain, first officer and crew members of one vessel were handcuffed and the vessels were arrested and taken to a port of the coastal state.

The Spanish delegation considered, without going in depth at that moment into the legal aspects and any bilateral implications, that those actions constitute a misuse of NAFO credentials. The delegate from Canada stated he was not prepared to reply to the statement by Spain at that time and deferred further comment to the next session on Thursday, 12 September.

9. The Canadian delegate proposed deferring discussion on NAFO/FC Doc 82/VI/2, Rev. until Thursday to permit delegates to review the document prior to discussion.

The meeting adjourned at 1105 hours.

The Chairman reopened the STACTIC meeting at 0830 on September 12.

10. Other Business. The Chairman asked the delegate from Spain if he wished to make a statement on the allegation of improper use of the NAFO Scheme of Enforcement regarding the arrest of Spanish pair trawlers on June 28, 1985. The delegate of Spain stated he would like to meet with the Rapporteur to clarify the wording of the Spanish statement regarding that incident but would at the time like to hear the Canadian response to that incident. The delegate from Canada responded with the following statement:

"Canada wishes to reply to the statement made by the delegate from Spain alleging the improper use of the NAFO Scheme of Enforcement regarding the arrest of two Spanish vessels on 28 June 1985.

Canada would like to state emphatically that the vessels in question were ordered to stop in Canadian fisheries waters, subsequently boarded, arrested and taken to St. John's under Canadian legislation.

At no time during the process of requesting the vessels to stop, and boarding them, was any indication given to the vessels that this was being done under the NAFO Scheme of Enforcement."

The delegate of Canada then stated that as that incident was presently before the Canadian courts no further comments could be provided.

With regard to the reply given by the Canadian delegation to the Spanish statement of improper use of the NAFO Scheme of Enforcement in the arrest of a Spanish pair trawler on June 28, 1985, the Spanish delegation made the following comments:

- 1) The information at the disposal of the Spanish Authorities, which would in due time be included in the formal communication that would be made by Spain to NAFO, was the basis for the Spanish statement of incorrect use of credentials.
- 2) The boarding and arrest of the Spanish pair trawler took place in international waters outside the Canadian 200-mile zone. The boarding in international waters was allowed by the Spanish captains precisely because the inspection to be carried out was under the NAFO Enforcement Scheme. Once aboard, however, the vessels were arrested and taken to St. John's, according to the Canadian reply, "under Canadian legislation", in spite of the fact that the vessels were in international waters.
- 3) The procedure constituted therefore a clear misuse of NAFO credentials, because if not, it would then seem that Canadian legislation was considered by Canada to be applicable outside the 200-mile zone and therefore in international waters. That interpretation was totally unacceptable to Spain as it went against international law.

The Spanish delegate raised specific questions regarding the incident and the terms of the Canadian reply as it did not mention whether the boarding and arrest had taken place inside or outside the 200-mile zone. The Canadian delegate stated that that incident was presently before the courts in Canada and he could not enter into a discussion regarding the incident until it had been resolved in the Canadian courts.

The delegate from the EEC also asked specific questions regarding the incident and the delegate from Canada again replied that he could not discuss that incident until the final disposition of the case in the Canadian courts.

The delegate from the EEC then read the following statement for inclusion in the present report:

"The circumstances about which STACTIC has been informed raise fundamental problems of principle regarding the continuation and proper functioning of the NAFO Scheme of Enforcement. This Scheme is an expression of mutual trust between the Contracting Parties and can only survive as long as confidence in its strict implementation is maintained.

Article XVIII of the Convention clearly states that the Scheme of Joint International Enforcement apply to the Regulatory Area, and to this only. The Article further provides for flag state prosecution and sanctions on the basis of evidence resulting from boardings and inspections of the Scheme.

These principles are of course reiterated in the Scheme itself. It is thus stated in paragraph 4(i) that the Scheme applies in the Regulatory Area for fishing vessels which are or have been engaged in fishing operations in the Regulatory Area. It is also clear that inspection and control is limited to activities that have taken place in the Regulatory Area. Inspection and control can accordingly not relate to activities which have taken place outside the Regulatory Area.

The mutual trust on which the Scheme is based, is clearly expressed in the fact that the appropriate authorities of a Contracting Party shall consider and act on reports from inspectors of other Contracting Parties under the Scheme on the same basis as reports from its own inspectors. The appropriate authorities of the Contracting Parties are also obliged to collaborate in order to facilitate judicial or other proceedings arising from a report submitted by an inspector under the Scheme.

It is clear that the Coastal States have special possibilities under this Scheme. These special possibilities must however be matched by similar special obligations, i.e. a special obligation to guarantee that inspection and control under the Scheme is being strictly separated from national inspection and control.

It is in this connection, Mr. Chairman, that the incident we are at present dealing with gives raise to doubt. Unless this doubt can be completely and totally removed, the Scheme of Joint International Enforcement is seriously threatened.

My delegation expects that all Contracting Parties take appropriate measures to ensure that their authorized inspectors when carrying out the duties in the context of NAFO do so within the strict limits and conditions laid down in the Joint Enforcement Scheme."

11. NAFO/FC Doc 82/VI/2, Rev. The Chairman asked the Executive Secretary to comment on NAFO/FC Doc 82/VI/2, Rev. The Executive Secretary stated he raised the point to solicit the assistance of the Fisheries Commission in providing names of experts with whom he could correspond to resolve the issue. It was confirmed that the item could be resolved by correspondence and would not necessitate a special meeting of those experts designated.
12. Enforcement in the Regulatory Area. The Chairman asked the Canadian delegate to report on the enforcement in the Regulatory Area. The Canadian delegate reviewed NAFO/FC Doc. 85/9 which constituted the Canadian report on enforcement in the Regulatory Area.

The Spanish delegation having taken note of the 1984 Canadian Report on enforcement in the Regulatory Area (NAFO/FC Doc. 85/9), circulated in that meeting, wished to point out the disproportion of inspections effected on Spanish vessels with regard to the total number. (Appendix I of NAFO/FC Doc. 85/9)

However, in spite of that fact, the results could not be said to be alarming - of the 190 inspections effected in 1984 and up to July 31, 1985, only 20 apparent infringements resulted last year, and 13 this year. The Spanish delegation wished to comment further that, with respect to both years, the number of apparent infringements could be drastically reduced if the existing problem of applying different conversion factors was taken into account as to infringements related to misreporting or misrecording. Finally, as could be seen by the Annual Return presented by Spain and included in NAFO document FC Doc. 85/5, page 21, the 30 inspections effected of mesh size, mesh obstruction and fish size confirmed the inexistence of infringements.

With respect to NAFO/FC Doc. 85/5, the comments made on the Canadian Report were also applicable, although the Spanish delegation would like to add that it also congratulated itself on the fact that out of 56 inspections effected by Cuba in 1984, only two apparent infringements were detected.

The EEC delegate stated that it was evidently not possible at present to discuss the substance of the Spanish complaint any further. He wished however to point out that the coastal state for obvious reasons carried out by far the largest proportion of the inspections in the Regulatory Area and that it was therefore essential that the inspections be carried out in a non-discriminatory manner. That was of great importance as inspections necessarily caused inconvenience and thereby affected the possibilities of the fishermen in exercising their rights to fish in the Regulatory Area.

The Canadian delegate requested that Canada be given an opportunity to develop a reply to the Spanish and EEC statements and requested that another meeting for 15-20 minutes be arranged. The delegate of Canada asked the Spanish delegate what conversion factors were being used by the Spanish fleet. The Spanish delegate indicated that the question was more complicated than it would appear. The factors changed over time. Inspections of Spanish vessels in port confirmed that no misreporting occurred. He stated that Canadian authorities had received a table of Spanish conversion factors. The Canadian delegate asked the Spanish delegate if he would agree that the conversion factor for saltfish is greater than one. The Spanish delegate agreed.

The EEC delegate requested that the election of a new Chairman be deferred to the next meeting and that was agreed.

The meeting adjourned at 0920.

The meeting reconvened at 0840 hours on 13 September.

The Canadian delegate amended his earlier statement regarding the incident related by the Spanish delegate of June 28, 1985, as follows:

"Canada would like to state emphatically that the vessels in question were ordered to stop in Canadian Fisheries Waters, subsequently boarded, arrested and taken to St. John's under Canadian legislation pursuant to the principle of hot pursuit. At no time during the process of requesting the vessels to stop, and boarding them, was any indication given to the vessels that this was being done under the NAFO Scheme of Enforcement."

With regard to the amendment made by the Canadian delegation to its reply to the Spanish statement, the Spanish delegation, without going into the legal implications of the principle of hot pursuit, wished to point out that that principle did not derive from national legislation but instead from consuetudinary international law and specially from the results of the III Conference of the Law of the Sea.

However, in that incident the Spanish delegation could not accept the pertinence of the principle of hot pursuit.

The Canadian response to the comments made by the Spanish and EEC delegates on the Canadian report on enforcement within the Regulatory Area was then read, verbatim:

"Canada would like to comment on the point made by the delegate from Spain regarding the number of boardings of Spanish vessels in the Regulatory Area. NAFO inspectors are the enforcement arm of this Organization and as such are responsible to investigate all enforcement problems in this Area. We wish to note that since Spain has joined this Organization on August 31, 1983 vessels from this country have been sighted for apparent infringements more frequently than vessels from any other nation.

Canada has limited resources to conduct enforcement activities in this Area and although we generally follow the principle of opportunity boarding, we would be negligent of our responsibilities to this Organization if we did not direct our efforts towards known problem areas.

Canada would like to draw your attention to the Appendices of NAFO/EC Doc. 85/9. It is noteworthy that Spanish vessels outnumbered all other fleets in the Regulatory Area. Second, it must be remembered that as the Spanish delegate pointed out earlier, the pair trawlers are considered one fishing unit, however boardings are reported by individual vessel. Where possible Canadian inspectors board both vessels of the Spanish fishing unit. This gives the impression of a high number of inspections when in fact the actual fishing units inspected is lower than that for one of the other Contracting Parties in 1984.

In response to the Spanish comments on infringements, Canada is pleased to note that the compliance of Spanish fishing units, under the Conservation and Enforcement Measures in the Regulatory Area, appears to be improving over previous years.

Canada must point out however, that citations for apparent infringements regarding misreporting are only given by Canadian NAFO inspectors when the degree of discrepancy between reported and actual catches is significant.

This issue however raises the point that there is no standard agreed list of conversion factors for use by NAFO inspectors. Canada proposes that a working group of experts be struck to formulate a proposal to be submitted to the Scientific Council by the Fisheries Commission to commence work on a standard list of conversion factors to be accepted by all Contracting Parties. Priorities on product forms would be determined by this group.

This would greatly facilitate the inspection procedures for NAFO inspectors of all nations."

The Canadian delegate asked if other Contracting Parties had reports on their enforcement in the NAFO Regulatory Area. The EEC and Soviet delegates stated their reports had already been submitted to the Executive Secretary.

Election of the Chairman. The Japanese delegate proposed the delegate from Canada (R. J. Prier). There was unanimous agreement with a note by the delegate from the EEC that the principle of the Commission was to circulate the position of chairman among the Contracting Parties and that Canada had already occupied that position in the recent past just before the delegate from the USSR. Spain also noted the EEC comment.

The meeting adjourned at 0900 hrs.

7th Annual Meeting of NAFO
Havana, Cuba, 9-14 Sep 85

Standing Committee on International Control (STACTIC)

Agenda

1. Opening by the Chairman, Mr. A. A. Volkov (USSR)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of Annual Return of Infringements
5. Review of Registration of Vessels fishing in the Regulatory Area
6. Enforcement in the Regulatory Area
7. Time and Place of Next Meeting
8. Other Matters
9. Adjournment

Informal translation

Statement of the Mexican Delegation to the 7th Annual Meeting
of the Northwest Atlantic Fisheries Organization

Members of NAFO

Mr. Chairman:

According to specific instructions received from the Government of Mexico and taking into account our country's international obligation expressed both in our Political Constitution as well as in the United Nations' Convention on the Law of the Sea, we are participating for the second time as observers in the workings of the Northwest Atlantic Fisheries Organization, now in its Seventh Annual Meeting.

On this occasion, we would first like to express before the distinguished delegates of the member nations of NAFO our recognition and appreciation to the Executive Secretary of this Organization, Captain Joaquim Esteves Cardoso, who visited our country and exchanged views with the Mexican fisheries authorities regarding the objectives, functions and scope of the Northwest Atlantic Fisheries Organization. Mr. Executive Secretary, please receive our deepest recognition.

Mexico, as a signatory of the United Nations' Law of the Sea Convention (UNCLOS), is very concerned to comply with its solidary obligations before the international community, and for this reason, the provisions contained in the Convention and its recommendations are faithfully observed by our country.

For this reason, we wish to emphasize our support of the precepts of the Convention and particularly those established in Article 61 in its paragraphs (2) and (3) regarding the conservation and management measures adopted by regional organizations over living marine resources found in the waters of one or more coastal States, and especially for those determinations aimed at re-establishing fishery populations, as is the case of NAFO's aspirations.

Furthermore, we would like to declare that we are also conscious of the need to adopt conservation and management measures for the living marine resources found in the areas adjacent to the Exclusive Economic Zones of the coastal States when the measures agreed upon are consistent with the international juridical precepts set forth in the United Nations' Law of the Sea Convention, especially with those established in the second paragraph of Article 63, in conjunction with and strict accordance with the determinations of Part VII (High Seas) in its Articles 87 (e) of Section 1 and 116, and 117, 118, and 119 of Section 2, regarding both the freedoms of States on the high seas and the conservation measures for the living resources of these ocean areas. It is of particular relevance to emphasize numeral 3 of Article 119 regarding the conservation of living resources on the high seas which states that the States concerned shall: "... ensure that conservation measures and their implementation do not discriminate in form or in fact against the fishermen of any state", since only in this way can the provisions of Article 300 be satisfied in the sense that States exercise the rights, jurisdiction and freedoms recognized in the Convention, in such a manner which would not constitute an abuse of right.

For Mexico, it is particularly important that the decisions and measures adopted by NAFO also duly take into account the provisions contained in Article 61 Paragraph (3) of the Convention, together with the precepts established in Article 119 section (a) of the same document, relative to the special needs of the developing States. In this context, our country wishes to emphasize once again its interest in knowing the possible agreements adopted by NAFO in this sense.

Regarding the document NAFO/FC Doc 85/5 on Inspections and Apparent Violations and the Status of their Disposition, the Mexican Delegation wishes to express the following:

- 1) We have observed on page 10 of the document mentioned that, during 1984, four inspections of Mexican flag vessels were conducted under the heading of "excessive incidental catch" without identifying the names or registration of the vessels, their location, the species caught, or the basis for the four inspections.
- 2) With regard to NAFO's FC Doc 85/9 titled "1984 Canadian Report on Enforcement in the Regulatory Area", circulated at this meeting, we have become aware that during 1983, 1984 and up until July 31st, 1985, some Mexican flag vessels and vessels of other flags have been sighted on several occasions, and that these vessels "continue to present a threat to the conservation"

of certain unspecified resources found in the NAFO Regulatory Area. Similarly, we have noticed in appendices I and II of this document, relative to inspections and sightings conducted in Divisions 3L, 3M, 3N, 3O and in the total 3LMNO area during the time frame previously mentioned that, the referred vessels are reported to have been inspected on six (6) occasions in 1983 and in five (5) instances during 1984 without any references made as to the names of the vessels, their registration, the specific dates and locations on which the inspections occurred, nor the basis for these inspections.

- 3) Without prejudice to the previously stated facts, and given that Mexico is not a member of NAFO, it is of utmost concern to Mexico that Mexican flag vessels be and continue to be subject to inspections or supervision by authorities of any other country without them being convened or voluntarily accepted by the Government of Mexico.
- 4) In this sense, my Government wishes to reiterate its offer made at the Sixth Annual Meeting of NAFO in Halifax, Nova Scotia on September 10-14, 1984, regarding the establishment of bilateral contacts with the various member Governments of NAFO, and in particular with those which have special considerations regarding the resources found in the area, in order to adopt an international position it judges appropriate to satisfy both its national and international interests.
- 5) Likewise, my Government wishes to declare that, as a developing country, it is continuing to devote its efforts to increasing its fisheries capacity and therefore has a fleet operating both in its own jurisdictional waters and in the Exclusive Economic Zones of friendly nations which have authorized such activities, as well as on the high seas, as is the case of the North Atlantic, where there is evidence that Mexican vessels have historically carried out fishing operations.

We reiterate our interest in furthering our contacts with NAFO, continually in search of a just and equitable order within the context of world fisheries development.

RESOLUTION (1/85) CONCERNING REPORTING ON CATCHES
AND SCIENTIFIC SAMPLING

THE FISHERIES COMMISSION calls on all its Members to follow the reporting requirements of NAFO Rules and Regulations (as contained in the provisions concerning management in NAFO document FC 82/IX/13 - Conservation and Enforcement Measures - Part I.C) and comply with the sampling requirements which have been established by the Scientific Council.

REQUEST FOR SCIENTIFIC ADVICE ON MANAGEMENT IN 1987
OF CERTAIN STOCKS IN SUBAREAS 2 TO 4

1. The Fisheries Commission with the concurrence of the Coastal State requests that the Scientific Council, at a meeting in advance of the 1986 Annual Meeting, provide advice on the scientific basis for the management of the following fish and invertebrate stocks or groups of stocks in 1987:
 - Cod (Div. 3N and 3O; Div. 3M)
 - Redfish (Div. 3L and 3N; Div. 3M)
 - American plaice (Div. 3L, 3N and 3O; Div. 3M)
 - Witch flounder (Div. 3N and 3O)
 - Yellowtail flounder (Div. 3L, 3N and 3O)
 - Capelin (Div. 3L; Div. 3N and 3O)
 - Squid (Subareas 3 and 4)

 2. The Commission and the Coastal State request the Scientific Council to consider the following options in assessing and projecting future stock levels for those stocks listed above:
 - a) For those stocks subject to analytical dynamic-pool type assessments, the status of the stock should be reviewed and management options evaluated in terms of their implications for fishable stock size in both the short and long term. In those cases where present spawning stock size is a matter of scientific concern in relation to the continuing productive potential of the stock, management options should be evaluated in relation to spawning stock size. As general reference points the implications of fishing at $F_{0.1}$, F_{1985} , F_{1985} plus and minus 25%, F_{max} and of maintaining catch levels at the 1985 level in 1987 and subsequent years should be evaluated. The present stock size and spawning stock size should be described in relation to those observed historically and those expected in the longer term under this range of options. Opinions of the Scientific Council should be expressed in regard to stock size, spawning stock sizes, recruitment prospects, catch rates, and TACs implied by these management strategies for 1987 and the long term.
 - b) For those stocks subject to general production-type assessments, the status of the stock should be reviewed and management options evaluated in the way described above to the extent possible. In this case, the general reference points should be the level of fishing effort (F) which is calculated to be required to take the MSY catch in the long term and two-thirds of that effort level.
 - c) For those resources on which only general biological and/or catch data are available, no standard criteria on which to base advice can be established. The evidence of stock status should, however, be weighed against a strategy of optimum yield management and maintenance of stock biomass at levels of about two-thirds that of the virgin stock.
 - d) Values of F corresponding to the reference points should be given and their accuracy assessed.
 - e) Spawning stock biomass levels that might be considered minimal for maintenance of sustained recruitment should be recommended for each stock.
 - f) Presentation of the result should include the following:
 - i) for stocks for which analytical dynamic-pool type assessments are possible:
 - a graph of yield and fishing mortality for the past 10 years,
 - a graph of spawning stock biomass levels and subsequent recruitment for the past 10 years,
 - a graph of catch options for the year 1987 over a range of fishing mortality rates (F) at least from -25% to 25% of F in 1985,
 - a graph showing spawning stock biomasses at 1.1.1988 corresponding to each catch option,
 - graphs showing the long-term average catches, catch per unit effort and spawning stock biomass against fishing mortality rate,
 - ii) for stocks for which advice is based on general production models, the relevant graph of production on fishing mortality rate,
- In all cases the three reference points, actual F, F_{max} and $F_{0.1}$ should be shown.

In addition the following specific questions should be addressed:

For cod in Divisions 2J, 3K and 3L

- a) What is the evidence for stock separation of cod in Divisions 2J, 3K and 3L i.e. what stock divisions exist, if any?
- b) What proportion of the biomass of the cod stock(s) in Divisions 2J, 3K and 3L, is available, on average, seasonally and annually, in the Regulatory Area?
- c) What proportion of the biomass of the cod stock(s) in Division 3L, is available, on average, seasonally and annually, in the Regulatory Area?
- d) What would be the catch associated with fishing mortality levels of $F_{0.1}$ and F_{max} for the cod stock(s) in Division 3L?
- e) What programme of research will be necessary to answer these questions on an ongoing basis?

For capelin in Division 3L

What proportion of the biomass of capelin is available, on average, seasonally and annually, in the Regulatory Area?

For squid in SA 3 and 4

What proportion of the biomass of squid (*Illex*) is available to be fished, on average, seasonally and annually, in the Regulatory Area?

For cod in Div. 3M

What will be the effect on stock status if the fishing mortality on cod younger than 3 years is reduced by 50%? The Council should consider options for achieving such a reduction.

For Greenland halibut in Subarea 2 and Div. 3KL

- a) What is the evidence for stock separation of Greenland halibut in Subarea 2 and Divisions 3KL, i.e. what stock divisions exist, if any?
- b) What proportion of the biomass of the Greenland halibut stock(s) in Subarea 2 and Divisions 3KL is available, on average, seasonally and annually, in the Regulatory Area?
- c) What proportion of the biomass of the Greenland halibut stock(s) in Division 3L, is available, on average, seasonally and annually, in the Regulatory Area?
- d) What would be the catch associated with fishing mortality levels of $F_{0.1}$ and F_{max} for the Greenland halibut in Division 3L?
- e) What programme of research will be necessary to answer these questions on an ongoing basis?

For roundnose grenadier in Subareas 2 and 3

- a) What is the evidence for stock separation of roundnose grenadier in Subareas 2 and 3, i.e. what stock divisions exist, if any?
- b) What proportion of the biomass of the roundnose grenadier stock(s) in Subareas 2 and 3, is available, on average, seasonally and annually, in the Regulatory Area?
- c) What proportion of the biomass of the roundnose grenadier stock(s) in Division 3L, is available, on average, seasonally and annually, in the Regulatory Area?
- d) What would be the catch associated with fishing mortality levels of $F_{0.1}$ and F_{max} for the roundnose grenadier in Division 3L?
- e) What programme of research will be necessary to answer these questions on an ongoing basis?