

Northwest Atlantic  Fisheries Organization

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(Revised)

TENTH ANNUAL MEETING - SEPTEMBER 1988

Report of the Fisheries Commission

Tuesday, 13 September - 1545-1630  
Wednesday, 14 September - 1030-1205; 1425-1700  
Thursday, 15 September - 1040-1200; 1530-1715  
1855-2145  
Friday, 16 September - 1100-1120

1. The Tenth Annual Meeting of the Fisheries Commission was called to order by the Chairman, Mr. K. Yonezawa (Japan) at 1545, 13 September 1988, in the Ottawa Congress Centre, Ottawa, Canada. All members were present except Bulgaria. (See Appendix 1)
2. Under Agenda item 2, E. Mundell (Canada) was appointed Rapporteur.
3. Under Agenda item 3, Adoption of Agenda, the Agenda was adopted as circulated. (See Appendix 2)
4. Under Agenda item 4, Admission of Observers, the Chairman welcomed observers from Mexico and the United States of America.
5. Under Agenda item 5, Publicity, the Chairman proposed to follow the usual practice of issuing at the end of the meeting a simple and factual statement of events following consultations with the Executive Secretary. That was agreed. (See Appendix 3)
6. Under Agenda item 6, Approval of the Report of the Ninth Annual Meeting, September 1987 and Report of the Special Meeting of the Fisheries Commission, February, 1988, FC Doc. 87/14 (Revised) was adopted as circulated and FC Doc. 88/4 (Revised) was adopted as amended in Note 1 on page 8 of Circular Letter 88/36.
7. Under Agenda item 7, Review of Commission Membership, the Chairman noted that ten Contracting Parties were members of the Fisheries Commission, the same as in 1987. There was no further discussion.
8. Under Agenda item 8, Procedural Rules for Decision Taking in Voting by Telex or Mail, the Chairman noted that the amendments proposed to Rules 2.5 and 2.6 had already been adopted by the General Council and that the Fisheries Commission might wish to follow suit. The delegate of Denmark asked why the term "teledocumentation" was proposed rather than "telecommunication". The Chairman replied that the General Council had agreed to "teledocumentation", and that he would return to the item only if there were to be any change. That was agreed.
9. Under Agenda item 9, Status of Proposals, the Chairman stated that it had been decided in 1987 to update the document every year. There were no further remarks.
10. Under Agenda item 10, Conservation and Enforcement Measures already opened for study and/or discussion, the Chairman indicated that the seven subitems had already been referred to STACTIC and that Fisheries Commission deliberations on them would be deferred.
11. It was agreed that consideration of Agenda items 11 to 15 inclusive would be deferred until after review by STACTIC.
12. Under Agenda item 16, Summary of Scientific Advice Proffered by the Scientific Council, the Chairman reported that the Scientific Council had not concluded its discussions. It was agreed that consideration of that item should therefore be postponed until the following morning.
13. It was agreed that discussion of agenda items 17 through 20 would also be deferred until the next session, to begin at 1000 hours 14 September 1988.

The meeting adjourned at 1630 and reconvened at 1030 on 14 September 1988.

14. The Chairman recognized the delegate of Canada, who extended invitations to the other NAFO delegates to a reception that evening in the foyer of the NAFO meeting rooms. On behalf of the NAFO delegations, the Chairman thanked the delegate of Canada for the invitation.
15. Under Agenda item 16, Summary of Scientific Advice Proffered by the Scientific Council, the Chairman of the Scientific Council, referring to SCS Doc. 88/20 and its corrigendum, summarized the scientific advice for the stocks covered by the request by the Fisheries Commission (FC 87/11).

The Chairman of the Scientific Council stated first that the corrigendum pertained to the introductory part of the Scientific Council Report, which made no changes to the conclusions set out in the body of the Report.

The Chairman of the Scientific Council also drew the attention of delegates to the summary table which had been expanded to include different management options as requested in 1987 by the Fisheries Commission.

16. For Cod in Div. 3M, the Chairman of the Scientific Council noted that there were difficulties with the assessment of the stock, but that it was clear that it was at a very low level. It appeared however that the 1986 year-class was strong.

The scientific advice for 1989 was to continue the moratorium so that the 1986 year-class could reach spawning age and contribute fully to the rebuilding of the stock.

17. For Cod in Div. 3NO, the Chairman of the Scientific Council, observed that catches had increased significantly in 1986 but had decreased somewhat in 1987. He indicated that there existed reasonably complete data on the stock and that an analytical assessment was therefore possible. He also pointed out that the spawning stock biomass had increased eight fold since 1979 but that new data available since 1987 showed that two recent year-classes were smaller than previously estimated. Management options had been formulated for fishing levels in 1989 at  $F_{0.1}$  (25,000 t)  $F_{max}$  (40,000 t) and  $F_{1987}$  (33,000 t).
18. For Redfish in Div. 3M, the Chairman of the Scientific Council advised that a good assessment for that stock was not possible, given the many year-classes in the population and the data requirements of the analytical model used. Given the uncertainties regarding the stock, he indicated that there was no basis to advise a change in the TAC for the 1988 level, 20,000 t.
19. For Redfish in Div. 3LN, the Chairman of the Scientific Council noted that there were different trends in each division with respect to a number of indicators and that it was therefore impossible to achieve an accurate assessment of the stock. As there were no significant trends in catch rates, he advised that there was no basis for a change in the TAC from the present level of 25,000 t.
20. For American plaice in Div. 3M, the Chairman of the Scientific Council highlighted in his summary the small size of the stock, the significant increases in catches since 1986, and the lack of data on discards and catches by non-members of NAFO. He advised, however, that the biomass appeared stable and that there were therefore no grounds for the Scientific Council to advise a change in the TAC from the present level of 2,000 t.
21. For American plaice in Div. 3LNO, the Chairman of the Scientific Council recounted the 1987 advice for management of the stock and discussion in the Fisheries Commission which led to setting a preliminary TAC of 40,000 t. He pointed out that the assessment conducted on the basis of new data available in 1988 had confirmed the pessimistic estimate made in 1987. The trends were sharply reduced catch rates, and a stable but much lower biomass than had been estimated in assessments made in earlier years.

He noted again the lack of data on catches by non-members and on discards. He stressed that a very high proportion of juvenile American plaice was found in the Regulatory Area, which made the increase in catches all the more disturbing. He stated finally that it was not possible to calculate the  $F_{max}$  fishing level for the stock but that the  $F_{0.1}$  values would be 28,000 t in 1988 and 32,000 t in 1989.

22. For Witch flounder in Div. 3NO, the Chairman of the Scientific Council noted first the lack of data. He indicated that catches had increased since 1985 and that catch rates had diminished somewhat, although they were still higher than in the late 1970s. He concluded that there was no basis to advise a change in the TAC from the present level of 5,000 t.
23. For Yellowtail flounder in Div. 3LNO, the Chairman of the Scientific Council pointed in particular to drastic reductions in abundance in the Regulatory Area, sharply increased catches, of special concern because of the high proportion of juveniles in the Regulatory Area, the poorest incoming recruitment on record and, finally, the absence of data on catches by non-members and on discards. Current trends indicated very poor prospects for the 1989 and 1990 fisheries. The Scientific Council therefore advised a 1989 catch of 5,000 t.

24. For Capelin in Div. 3NO, the Chairman of the Scientific Council noted that advice on management of the stock in 1986 and 1987 had been based on harvesting 5% of the average biomass. The Scientific Council now considered that, because of the likelihood of a strong 1986 year-class, 3NO capelin, like the adjacent 3L capelin stock, could be safely managed at 10% of the biomass averaged for the period 1981-87, which was estimated to be 280,000 t. That indicated a catch in 1989 of 28,000 t.
25. For Squid in Subareas 3 and 4, the Chairman of the Scientific Council observed that it had previously been customary for the Scientific Council to assume average abundance for that stock and advise a precautionary TAC of 150,000 t. For 1989, however, given the lack of any new data, the Scientific Council preferred not to give any advice on a TAC, since no forecast on abundance could be made.
26. In response to the Fisheries Commission request in 1987 for further information on the proportion of biomass of the cod stock in Div. 3L in the Regulatory Area, the Chairman of the Scientific Council advised that research surveys in 1987 confirmed the previous conclusion that the maximum proportion of the entire 2J3KL cod stock estimated to occur in the Regulatory Area was less than 10% in winter and less than 5% on average throughout the year.
27. The Chairman of the Scientific Council, commenting on whether the Scientific Council Report was based on consensus among the scientists, affirmed that consensus had been achieved on the assessments. He reported a difference of view on advice to maintain TACs at current levels when it was not possible to calculate catches at the reference levels. He pointed out that the lack of quantitative analysis would make it difficult to comment on the impact of any change in those TACs.
28. The Chairman of the Scientific Council did not present then the report on an Annual Scientific Program requested by the Fisheries Commission as it was agreed to discuss it under Agenda item 20.
29. The Chairman thanked the Chairman of the Scientific Council and invited comments on his statement.
30. The delegate of Canada asked the Chairman of the Scientific Council to elaborate on his comments regarding the high proportion of young 3LNO American plaice and yellowtail flounder in the Regulatory Area and to suggest what measures might be taken to protect them.
31. The Chairman of the Scientific Council responded that catches of those stocks from the Regulatory Area had increased in recent years but that the potential loss of yield could not be measured due to the lack of data on catches by non-members and on discards. Management measures might include: better catch data, improved biological sampling, reduced TACs, larger mesh size, prohibited seasons and closed areas. He added that the Scientific Council had not considered any of those measures.
32. The delegate of the USSR posed three questions: (1) Did the Scientific Council assess the results of the 3M cod moratorium? (2) What was the basis for a 10% exploitation rate of 3NO capelin? and (3) Did the Scientific Council advise on which F level should be adopted for the 3NO cod TAC in 1989?
33. The Chairman of the Scientific Council responded that: (1) there was no concrete assessment at present of the actual 3M cod biomass; (2) it was thought important to harvest capelin at a lower level than such species as cod because of the relatively greater importance of the former in the ecosystem; and (3) no advice had been provided by the Scientific Council on the different management options.
34. The delegate of Denmark asked whether information would be available on cod by-catches in other fisheries given the moratorium on the 3M cod fishery.  
  
The Chairman of the Scientific Council replied that it was assumed that Contracting Parties would report by-catches, although he noted that smaller cod would be susceptible to small mesh fisheries for redfish, and might be discarded. For that reason biological sampling of the catches was needed.
35. As there were no further comments or objections, the Chairman thanked the Scientific Council for its report.
36. The delegate of the EEC expressed his view that there were still some problems with the Scientific Council Report because different management options had been provided for some stocks only. It was the EEC's position that a range of options should be available for all stocks. It was also regrettable, he thought, that the scientific advice for a number of stocks was that the TACs should remain at present levels. He commended the Scientific Council for the summary sheets on pages 85-87 of the Report, which he regarded as very useful. The Chairman of the Scientific Council observed that it was proposed in future to replace the present textual introduction to the Scientific Council Report, contained in the corrigendum to SCS Doc. 88/20, with summary tables for all stocks, provided that was acceptable to the Fisheries Commission. Regarding the comment by the delegate of the EEC on the need for a range of management options for all stocks, the Chairman of the Scientific Council noted that the Scientific Council could not provide advice on a range of options for all stocks until better scientific information became available. For some stocks, information to generate responses to the Fisheries Commission's requests was simply unavailable.

37. Under Agenda item 17(a), Cod in Div. 3M, the delegate of Norway stated that the 1986 year-class should be protected and that the moratorium should be continued. The delegate of Denmark noted the need to rebuild the stock and supported continuation of the moratorium for at least another year. He pointed out that although the moratorium would clearly be violated by by-catches in other 3M fisheries, it must otherwise be fully respected.

The delegate of the USSR expressed support for a moratorium in 1989 but considered that the scientific analysis of 3M cod was unsatisfactory in not having assessed the results of the moratorium in 1988. He agreed that by-catch violations of a moratorium would be practically impossible to avoid.

38. The delegate of the EEC stated support for continuation of the moratorium but thought the Fisheries Commission should set a minimum target for the spawning stock biomass (SSB) in order to determine when a fishery could be safely resumed. He noted that the Scientific Council Report set out an SSB target of 85,000 t and asked when that target had been set and approved.
39. The Norwegian proposal to continue the 3M cod moratorium in 1989 was carried unanimously. The delegate of the EEC noted, however, that his favourable vote was conditional on an explanation of the current SSB target of 85,000 t.
40. Following some procedural discussion, the Chairman of the Scientific Council was requested to inform the Fisheries Commission about the SSB target of 85,000 t. The Chairman of the Scientific Council explained that the target had been set by the Fisheries Commission in 1979, when a TAC had been agreed for the stock at a slightly higher level than was justified by the scientific advice. The TAC had been frozen until the SSB target of 85,000 t would be reached. He indicated that it would be difficult to advise accurately on a new target, given present information. Discussion ensued on whether the Scientific Council should be asked to advise on the SSB target at the 1989 meeting or the present meeting. The Chairman of the Scientific Council reiterated that the current stock was below 30,000 t. While available evidence could be studied immediately to give advice on a target SSB figure, it would be preferable to provide a report in 1989 on both a target and the current position in relation to the target. The delegate of the EEC agreed but considered that the 85,000 t figure was not acceptable and should be invalidated immediately. The delegate of Canada stated that the Scientific Council should review the matter ab initio, without reference to any previous target. It was agreed that the 85,000 t target SSB for 3M cod was no longer valid and the delegate of the EEC withdrew the reservation on his vote in favour of the moratorium.
41. Under Agenda item 17(b), Redfish in Div. 3M, the delegate of Canada, in order to inform other delegates of the Canadian position on that stock before lunch, proposed that the TAC for 1989 be set at 20,000 t.

The meeting adjourned at 1205 and reconvened at 1425.

42. Under Agenda item 17(b), Redfish in Div. 3M, the delegate of Canada, supported by Cuba and Japan, proposed that the scientific advice be followed, i.e., a TAC in 1989 of 20,000 t. The delegate of the EEC deplored the scientific advice to maintain the TAC, set at the same level since 1979, and absence of different management options. In his view, that was not an adequate basis for good fisheries management. The delegate of Denmark noted that the Scientific Council had not chosen between the two fishing levels set out in its Report, MSY (26,050 t) and 2/3 MSY (17,627 t). He urged a compromise so that a consensus decision on the TAC could be made. The delegate of Norway concurred in the Danish remarks. The Chairman suggested that the vote be deferred. The delegate of Canada observed that his proposal for a TAC of 20,000 t was based on the advice in the Scientific Council Report. He agreed that the vote should be deferred. There were no objections.
43. Under Agenda item 17(c), American plaice in Div. 3M, the delegate of Canada, supported by the USSR, proposed that the scientific advice be followed and the TAC set at 2,000 t. The delegate of the EEC stated for the record his opposition to the Canadian proposal on grounds of inadequate scientific advice and of the existence of only a single management option. The Canadian proposal was carried by 8 votes in favour: Canada, Cuba, Denmark (in respect of Faroes and Greenland), GDR, Japan, Norway, Poland and the USSR, and 1 against: EEC. After the vote, the delegate of the EEC indicated that his negative vote meant that the EEC would lodge an objection to the TAC under Article XII of the NAFO Convention.
44. Under Agenda item 18(a), Cod in Div. 3NO, the delegate of Canada, supported by the USSR, proposed a TAC of 25,000 t in conformity with the scientific advice. The delegate of the EEC expressed his satisfaction with the scientific advice for that stock and observed that it was in good health, the biomass having increased eight fold since 1979. He saw no reason to set the TAC at FO.1 since the Fmax level would not lead to significant reductions in the biomass. For socio-economic reasons, the EEC therefore proposed a TAC of 40,000 t. The delegate of Denmark suggested that the vote be deferred. The delegate of Canada reminded the other delegates that he had consistently proposed TACs of FO.1 or its equivalent, which had been agreed to by the Fisheries Commission. TACs at this level were consistent with the management strategy followed by Canada inside its 200-mile zone. He drew the attention of delegates to Article XI of the NAFO Convention which obliged the Fisheries Commission

to seek to ensure consistency between NAFO management decisions for transboundary stocks and any measures or decisions taken by the coastal state. He stressed that this was a key principle for NAFO. The FO.1 management strategy, in Canada's view, was reasonable and prudent and had proved effective. He expressed his willingness to delay the vote if the other delegates so wished.

45. The delegate of Denmark acknowledged the content of Article XI, as well as the Canada/Denmark bilateral fisheries agreement, and again suggested a postponement of the vote. The delegate of the EEC declared that his opposition was to NAFO decisions based solely on Canada's wishes and announced that the EEC, as a sovereign body, was entitled to fish in international waters in accordance with the Law of the Sea Convention. He noted furthermore that consistency was clearly not a principle when a moratorium on fishing for cod in Div. 3L in the Regulatory Area was established, although a fishery on the same stock was conducted inside the Canadian fishing zone. The Chairman deferred the vote.

The meeting adjourned for a short break at 1500 and resumed at 1530.

46. The Chairman requested comments on how to proceed with respect to 3NO cod. The delegate of Canada reiterated the importance to Canada of the transboundary stocks and queried the purpose of further delay of the vote. The Canadian proposal was then carried by 7 votes in favour: Canada, Cuba, Denmark (in respect of Faroes and Greenland), GDR, Norway, Poland and the USSR; 1 vote against: EEC; and 1 abstention: Japan.
47. Under Agenda item 18(b), Redfish in Div. 3LN, the delegate of Canada proposed a TAC of 25,000 t, in conformity with the scientific advice. The delegate of the EEC deplored the inadequacy of the scientific advice and indicated that he would consequently oppose the Canadian proposal. The delegate of Canada stated his understanding that the Scientific Council could not provide advice on a range of management options in the absence of certain data. The Chairman of the Scientific Council, in response, explained that the Scientific Council had not been able to quantify different management options because the existing data on the stock were not suitable for analytical models. The delegate of the EEC noted that EEC catches of the stock were fully reported to NAFO and asked why there was so little useable information. He also asked whether such a situation should be permitted to continue indefinitely. The delegate of Canada pointed out, with reference to EEC catches of the stock, that although the EEC had a 0 quota for 3LN redfish, the EEC catch reports to NAFO showed catches of 27,712 t in 1987 by the Portuguese fleet alone.
48. The Chairman of the Scientific Council then elaborated on the difficulty of accurate stock assessments, especially of redfish, in the early stages of significantly increased effort on the stock. The effects of such increased effort would not be evident until abundance was affected. The delegate of the EEC thanked the Chairman of the Scientific Council for his explanation and noted that maintaining the TAC at the same level gave no opportunity to acquire a better knowledge of the stock. He added that the stock should be fished at a higher level if it was possible to do so. The delegate of Canada stated that his earlier question had not been answered. Given the extraordinary increase in EEC effort on 3LN redfish, what data on the stock had the EEC provided to the Scientific Council? The Chairman of the Scientific Council replied that catch data was available, as well as some length samples. He repeated that the problem regarding the stock was the inconsistency of existing data rather than a lack of data. The Canadian proposal was then carried by 8 votes in favour: Canada, Cuba, Denmark (in respect of Faroes and Greenland), GDR, Japan, Norway, Poland and the USSR; and 1 vote against: EEC.
49. The delegate of the EEC stated that his opposing vote meant that the EEC would lodge an objection. The delegate of Canada noted that the delegate of the EEC had made no alternative proposal and asked if that meant that the EEC favoured unregulated fishing. The delegate of the EEC responded that an objection had not been lodged yet but, if that step were taken by the EEC, it would be in conformity with Article XII of the NAFO Convention. When queried further by the delegate of Canada on the grounds for an EEC objection, the delegate of the EEC explained that the EEC intended systematically to object to any TAC not based on different management options provided by the Scientific Council and also in cases where the Fmax level had not been selected even though it could have been. The EEC intended to object to all NAFO decisions that disregarded the legitimate socio-economic needs of the EEC fleet.
50. The delegate of Canada confessed that he was mystified. NAFO was an organization dedicated to rational fisheries management. How could the Scientific Council be expected to provide different management options when the data did not permit calculation of options? The delegate of the EEC said that he, in turn, was dumbfounded by Fisheries Commission decisions, year after year, to maintain identical TACs. The delegate of Denmark asked what should be the Fisheries Commission policy if the data did not permit different management options. Traditionally, the Fisheries Commission had asked the Scientific Council for precautionary TACs, still the practice in some cases. Should the policy be to let a stock benefit from the doubt or not? Things simply could not be left as they were, however.

51. Under Agenda item 18(c), American plaice in Div. 3LNO, the delegate of Canada referred to the 1987 Fisheries Commission discussions and announced that Canada renewed its commitment to keep its catches of the stock at 33,000 t. In that case, the effective TAC in 1988 was 33,585 t (33,000 t for Canada; 510 t for the EEC, and 75 t for Others). He asked the Chairman of the Scientific Council for the F0.1 figure for 1989 relative to the 1988 effective TAC. The Chairman of the Scientific Council replied that the 1989 F0.1 level would be 30,300 t. The delegate of Canada then proposed that the TAC be set at 30,300 t.

52. The delegate of Canada went on to describe the importance of 3LNO American plaice to the Canadian fishing industry inside the Canadian zone and Canada's dismay regarding the extraordinary decline suffered by the stock, mentioning that only two years ago (1986) the TAC had been 55,000 t and the Canadian quota, 54,200 t. It was instructive, he noted, to compare the figures with those in the Canadian paper (GC Doc. 88/4) comparing the EEC quotas of the stock in 1986 and 1987 with catches for those years by EEC vessels. The delegate of Denmark observed that Canada received 98% of the TAC for the stock and would therefore bear most of the burden of the 1989 reduction. Consequently, he had no difficulty in seconding the Canadian proposal. Norway and the USSR concurred. The delegate of the EEC requested a short break to consult with his delegation. That was agreed.

The meeting resumed at 1645.

53. The delegate of the EEC began by expressing his commitment to conservation of stocks. He indicated that the gear used in the EEC fishery for 3LNO American plaice, however, in no way endangered the juveniles in the stock. He pointed out that the spawning stock biomass had been stable at 140,000 t during the 1980-87 period. To maintain that level, the delegate of the EEC proposed a TAC of 44,000 t, 39,000 t in Div. 3LN and 5,000 t in Div. 30.

The delegate of Denmark confirmed his support of the Canadian proposal. As there were no further comments, the Canadian proposal was put to a vote and carried by 8 votes in favour: Canada, Cuba, Denmark (in respect of Faroes and Greenland), GDR, Japan, Norway, Poland and the USSR; and 1 vote against: EEC.

54. The delegate of the EEC stated that his negative vote meant an objection would be lodged by the EEC. The delegate of Canada again expressed himself puzzled by the logic of the EEC position.

55. Under Agenda item 18(d), Yellowtail flounder in Div. 3LNO, the delegate of Canada, supported by Poland, proposed a TAC of 5,000 t, in conformity with the scientific advice, especially important for the stock given its tragic decline. The Canadian proposal was carried by 8 votes in favour: Canada, Cuba, Denmark (in respect of Faroes and Greenland), GDR, Japan, Norway, Poland and the USSR; and 1 vote against: EEC.

56. The delegate of the EEC stated that his negative vote meant an objection would be lodged by the EEC. The delegate of Canada expressed concern about the repeated EEC notice of objection and asked if the EEC was saying it wanted no part of any Fisheries Commission quota decision. The implied support by the EEC for unregulated fishing was very disturbing. The delegate of the EEC replied that the EEC would always abide by its Law of the Sea obligations.

57. Under Agenda item 18(e), Witch flounder in Div. 3NO, the delegate of Canada, supported by the USSR, proposed a TAC of 5,000 t, in conformity with the scientific advice. The Canadian proposal was carried by 8 votes in favour: Canada, Cuba, Denmark (in respect of Faroes and Greenland), GDR, Japan, Norway, Poland and the USSR; and 1 vote against: EEC.

58. The delegate of the EEC again gave notice of objection. The delegate of Denmark asked how the EEC could object when it had no historical share of 3NO witch flounder. The delegate of the EEC responded that his notices of objection pertained not to quotas but to the TACs and the way in which they were decided.

59. Under Agenda item 18(f), Capelin in Div. 3NO, the delegate of the USSR, supported by Norway, Japan and Cuba, proposed a TAC of 28,000 t in conformity with the scientific advice. The delegate of Denmark stated that increases in TACs should result in additions to the "Others" quota and proposed for later consideration an "Others" quota of 2,000 t. The USSR proposal was carried by 8 votes in favour: Canada, Cuba, Denmark (in respect of Faroes and Greenland), GDR, Japan, Norway, Poland and the USSR; and 1 abstention: EEC.

60. Under Agenda item 18(g), Squid (Illex) in Subareas 3 and 4, the delegate of Canada, supported by the USSR, proposed a precautionary fishing level of 150,000 t. The delegate of the EEC expressed his support. The Canadian proposal was adopted unanimously.

61. Under Agenda item 18(h), Management measures for the following stocks, if available in the Regulatory Area in 1989, the Chairman noted that the stocks listed were managed by Canada and needed no discussion by the Fisheries Commission. The delegate of Canada indicated his wish to discuss, perhaps the following day, item 18(h)(i), Cod in Div. 3L, in the context of continuing the moratorium on

fishing for that stock in the Regulatory Area. Meanwhile, he wanted to thank Contracting Parties for observing the moratorium, since the 2J3KL cod was a very important stock for Canada. That was agreed.

It was agreed to resume at 1000 on 15 September 1988.

The meeting adjourned at 1700.

The meeting reconvened at 1040 on 15 September 1988.

62. Under Agenda item 17(b), Redfish in Div. 3M, the delegate of Canada repeated his proposal of the previous day, supported by Cuba and Japan, that a TAC of 20,000 t be set for 1989. The delegate of Norway, referring to the intervention of the previous day by the delegate of Denmark, regretted that no compromise appeared to be possible through establishment of a TAC at a mid-point between the management options in the Scientific Council Report. He believed that a compromise would have been productive for NAFO. The Canadian proposal was then put to a vote and carried by 5 votes in favour: Canada, Cuba, GDR, Japan and Poland; 3 abstentions, Denmark (in respect of Faroes and Greenland), Norway and USSR; and one vote against: EEC. The delegate of the USSR explained his abstention on grounds that the scientific data indicated that a higher TAC could be set for 1989 and that a compromise was feasible. He indicated, however, that USSR vessels would comply with all regulatory measures in that vital area. The delegate of Denmark referred to the necessity of requesting the Scientific Council to provide the greatest possible information on cod by-catch levels in the 3M redfish and American plaice fisheries. He expressed the view that the Fisheries Commission should set by-catch limits for 3M cod in 1989. The delegate of Canada agreed with the interventions of the USSR and Denmark regarding the shortcomings of the scientific assessment and hoped they would be rectified in time for the 1989 meeting.
63. Under Agenda item 18(h)(i), Cod in Div. 3L, the delegate of Canada, supported by Poland, repeated his proposal of the previous day that the moratorium on fishing for that stock should be continued in 1989. He observed that no new scientific data had been brought to light to indicate grounds for lifting the moratorium. The delegate of the EEC opposed the Canadian proposal, arguing that there was no scientific justification to continue a moratorium on a stock which sustained a fishery in the Regulatory Area. It was moreover inconsistent with pursuit of a fishery on that stock inside the Canadian 200-mile zone. A moratorium was therefore, in his view, contrary to Articles II and XI of the NAFO Convention. He reminded delegates that the EEC had repeatedly requested a scientific assessment of the stock, which had been blocked by some delegates without good reason. He went on to say that EEC vessels had fished in the 3L area for some 300 years and had no intention of ending that fishery, which they pursued in full accordance with their sovereign rights under the Law of the Sea.
64. The delegate of Canada responded that the portion of the 2J3KL cod stock in international waters was so small as not to warrant designation as an international stock. It was as well fully subscribed within the Canadian fisheries zone. The proposed moratorium was therefore completely consistent with the NAFO Convention and Canada's rights as the coastal state. The delegate of the EEC replied that a scientific assessment of the stock should be conducted no matter how small a portion was found in international waters, to the benefit of all NAFO Contracting Parties and the international community. He stated that he could not accept the Canadian position that the stock was fully subscribed inside the Canadian zone, since the coastal state's rights to that stock did not extend into the Regulatory Area. In his view, Canada, as the coastal state, had no right to claim the whole stock for itself.
65. The delegate of Canada retorted that the 1987 Fisheries Commission Report showed clearly that the Fisheries Commission had asked only for stock separation information and had not requested a full scientific assessment of the 2J3KL cod stock. Far from refusing the Fisheries Commission request, the Scientific Council had complied fully and provided all the information requested. The delegate of the EEC indicated that he still wanted a full assessment of the whole 2J3KL stock with at least three management options,  $F_{0.1}$ ,  $F_{max}$ , and a midpoint  $F$  value. He thought it was necessary to investigate the possibilities of that stock in order to determine how it should be managed. The question of stock separation could be discussed later.
66. The delegate of the USSR agreed that the Law of the Sea and the NAFO Convention gave all Contracting Parties equal rights outside the national jurisdiction. He wished to put a question to the Chairman of the Scientific Council regarding catch statistics for 3L cod in the Regulatory Area. He thought that if such catch statistics could be provided for a 3-year period it would clarify the issue. The delegate of the USSR also indicated that the USSR would continue its research surveys on that stock in 1989. The Chairman of the Scientific Council replied that the catches of cod in 3L did not distinguish between those inside the Canadian zone and those in the Regulatory Area. He indicated, however, that the latter could be estimated based on the catch data provided by Contracting Parties known to fish for 3L cod in the Regulatory Area.

67. The delegate of the EEC sympathized with the USSR view. He asked why, in a working document titled "Recent Nominal Catches and National Allocations for Stocks Under Review at the September 1988 Annual Meeting", the EEC catches for 3L cod in the Regulatory Area were not included. He noted that those catch statistics had been sent to NAFO along with all other EEC catch statistics. The USSR request was legitimate and he for his part would be willing to provide the catch information immediately at the table or bilaterally if that was so desired. The delegate of the USSR expressed his amazement that catch statistics sent to the Executive Secretary had not been circulated. Without those catch statistics, the Scientific Council would naturally be unable to produce a recommendation. He expressed interest in receiving the catch data from the EEC.
68. The delegate of Canada intervened to say that SCS Doc. 88/18 listed various catch statistics, including those for 3L cod. The delegate of the EEC replied that SCS Doc. 88/18 was not pertinent. The previously mentioned working document was the relevant document. After some further exchanges between the delegates of Canada and of the EEC regarding the relevance of various NAFO documents, the delegate of Canada called for a vote on his proposal. The delegate of the EEC requested first to read into the record the catch statistics for 3L cod which had already been communicated to NAFO: 1986 - 60076 t; 1987 - 33,675 t; 1988 (to June) - 11,200 t.
69. The delegate of the EEC then asked if the Chairman of the Scientific Council would explain the refusal of the Scientific Council to assess the 2J3KL cod stock and study the fishery on its own initiative. He followed that intervention with a proposal that the Scientific Council assess 2J3KL cod and report to the Fisheries Commission in 1989. The delegate of Canada asked whether this was the proper agenda item for such a proposal.

The Chairman enquired whether there was a seconder for the EEC proposal. The delegate of the EEC argued that the Fisheries Commission could make requests to the Scientific Council at any time, adding that a proposal does not necessarily need a seconder. Discussion ensued on whether a formal proposal required a seconder under the Rules of Procedure. During those discussions, the delegate of the EEC advised that his proposal reflected the crucial importance of the stock to the EEC. He thought it inappropriate to vote on a moratorium without scientific advice. In his view, the two issues of a moratorium and a scientific assessment were linked and should be voted on together. He indicated, however, that he would accept a decision by the Chairman to vote on the question of the scientific assessment under another agenda item, as long as a vote was assured. After some further discussion, the Chairman decided that the question of a scientific assessment would be considered under another agenda item and called for an immediate vote on the Canadian proposal. The Canadian proposal was carried by 5 votes in favour: Canada, Cuba, GDR, Poland, USSR; 3 abstentions: Denmark (in respect of Faroes and Greenland), Norway, Japan; and 1 against: EEC.

70. The delegate of the USSR asked to go on record that in the coming year the USSR would continue its research surveys and experimental fisheries on cod and other stocks in the Division 3L as in previous years. The delegate of Denmark announced that he had no specific problem with the 3L cod moratorium in 1989, which would be respected by Danish vessels. Being a coastal state itself, Denmark understood the Canadian position and would also claim a primary interest if a mere 3% of one of its stocks was found in international waters. At the same time, he was less than satisfied with the solution. He had proposed another solution but would not pursue it at that time. The delegate of the EEC gave notice that an objection would be lodged by the EEC.
71. Under Agenda items 17 and 18, the Chairman indicated that it remained to decide the question of national quotas. He suggested that where 1989 TACs had remained at the same level as in 1988, national quotas would also remain the same. The suggestion was supported by the delegates of the USSR, Canada, Cuba and Japan. The Chairman then proposed that the stocks for which national quotas would remain at current levels should be identified. After that had been done, it became clear that further discussion was required on national quotas for the following stocks: 3LNO American plaice, 3NO cod, 3LNO yellowtail flounder, and 3NO capelin.

It was agreed to reconvene the meeting at 1500.

The meeting then adjourned at 1200 and reconvened at 1530.

72. Under Agenda item 18(a), Cod in Div. 3NO, for which the TAC had been reduced in 1989, the delegate of Canada proposed to follow the same practice as in the past and reduce national quotas on a proportionate basis. He listed the national quotas which would result if that principle were followed. The delegate of the USSR seconded the Canadian proposal. The Canadian proposal was carried by 8 votes in favour: Canada, Cuba, Denmark (in respect of Faroes and Greenland), GDR, Japan, Norway, Poland, USSR; and one against: EEC.
73. Under Agenda item 18(c), American plaice in Div. 3LNO, a proportionate reduction of national quotas was proposed by the delegate of Canada, supported by the USSR. The Canadian proposal was carried by 8 votes in favour: Canada, Cuba, Denmark (in respect of Faroes and Greenland), GDR, Japan, Norway, Poland, USSR; and one vote against: EEC.

74. Under Agenda item 18(d), Yellowtail flounder in Div. 3LNO, the delegate of Canada, supported by Norway, proposed that the principle of proportionate reductions be followed. The Canadian proposal was adopted by 8 votes in favour: Canada, Cuba, Denmark (in respect of Faroes and Greenland), GDR, Japan, Norway, Poland, USSR; and one vote against: EEC.
75. Under Agenda item 18(f), Capelin in Div. 3NO, it was decided to postpone discussion on the item until later.
76. Under Agenda item 20, Annual Scientific Program for 1989, the Chairman of the Scientific Council, at the request of the Chairman, elaborated on the contents of SCS Doc. 88/05 regarding deficiencies of scientific information on stocks in the Regulatory Area. The delegate of Canada expressed his satisfaction with the report of the Scientific Council and the very useful, precise indication of the data deficiencies. He then tabled a proposal (see Appendix 4), calling for implementation of the proposed scientific program for 1989. The delegate of the EEC, alluding to EEC requests in previous years for just such a report, also welcomed the report. He accepted the resolution proposed by Canada and indicated that the EEC would support it. He had, however, a quibble, namely the reference to "NAFO Inspectors" in the fifth operative paragraph, which he thought an inappropriate interjection in a scientific document of the fisheries control function. He proposed instead "NAFO Scientific Observers". After some further discussion on whether that would be appropriate, it was agreed to substitute "NAFO Scientific Program" for "NAFO Inspectors". The resolution was then adopted as amended, without objection.
77. Discussions ensued on when the remaining agenda items would be considered. It was agreed to reconvene the meeting at 1830.  
  
The meeting adjourned at 1715 and reconvened at 1855.
78. Under Agenda item 18(f), Capelin in Div. 3NO, the delegate of the USSR, supported by Cuba and Poland, proposed a proportionate distribution of national quotas. The delegate of Canada indicated his readiness to support the proposal but reserved his right to re-examine the distribution key in 1989. The delegate of Denmark also supported use of the 1988 distribution key but considered that the "Others" quota should be increased whenever an increase in a TAC was possible. He also reserved the right to re-examine the distribution of national quotas for the stock at a later date. The proposed national quotas for 3NO capelin were accepted unanimously. The delegate of the EEC requested that his vote in favour of the proposal be specifically recorded.
79. Under Agenda item 20, Annual Scientific Program for 1989, discussion resumed on the EEC proposal to request an assessment of 2J3KL cod for the 1989 meeting. In reiterating his proposal, the delegate of the EEC expressed the opinion that a separate 3L cod stock did not exist and that an assessment would be necessary of the entire 2J3KL cod stock.
80. The delegate of Canada stated that a draft Fisheries Commission request to the Scientific Council was now being circulated (see Appendix 5). He indicated that the draft reference included a number of questions that had been raised in previous debates, notably the effect of fishing juvenile yellowtail flounder and American plaice in Division 3LNO, the SSB target for 3M cod and by-catches of cod in Division 3M. He pointed out that paragraph 3 of the draft reference amended the EEC proposal for an assessment of 2J3KL cod. The delegate of the EEC welcomed some of the requests included in the Canadian proposal but advised that his proposal for an assessment of 2J3KL cod stood. He proposed listing 2J3KL cod among the other stocks mentioned in paragraph 1 of the draft reference. If that change were made, he stated that the EEC could support the proposal by Canada. The delegate of Canada advised that he could not agree to an examination of 2J3KL cod in the Canadian zone. The delegate of the EEC repeated his proposal to include 2J3KL cod among the list of other stocks to be assessed by the Scientific Council for the 1989 meeting. The delegate of Denmark asked whether Canada, the coastal state, would concur if 2J3KL cod were listed in paragraph 1 of the draft proposal. The delegate of Canada replied in the negative, indicating that the Canadian position was set out in the document drafted. The delegate of the EEC insisted that the Scientific Council should provide advice on the entire 2J3KL cod stock. He added that the reference draft by Canada was a new proposal and did not constitute an amendment to the EEC proposal. The delegate of Canada pointed out that the draft document requested the Scientific Council to provide information on 2J3KL cod additional to that requested in previous years but that Canada had no intention of compromising its sovereignty over that stock. The delegate of the EEC, citing the example of ICES, argued that the advice from the Scientific Council would in no way endanger Canadian sovereignty. The delegate of Norway regretted the impossibility of reaching a compromise on the issue.
81. The delegate of Japan recalled that the Scientific Council could give advice to the Fisheries Commission only with the concurrence of the coastal state. He pointed out that 2J3KL cod was 97% under Canadian jurisdiction, although he recognized the concern of the EEC. He proposed that Canada provide advice at the 1989 meeting regarding the conditions of the stock in order to clarify matters for the Fisheries Commission. The delegate of the EEC expressed appreciation for the Japanese suggestion but was obliged to point out that 2J3KL cod was not an exclusively Canadian stock. It was an overlapping stock and therefore subject to the NAFO Convention. Alluding to Article VI(1)(d) of the NAFO Convention, the

delegate of the EEC added that the Scientific Council need not respond only to a Fisheries Commission request but could provide advice on its own initiative. He appealed to the scientists to take the initiative to provide the requisite advice. The delegate of the GDR reminded delegates that a Canadian proposal had been tabled and suggested that the reference to 2J3KL cod in paragraph 3 of the Canadian proposal was sufficient and would leave adequate room for the Scientific Council to provide all the advice necessary.

82. After a short break, the delegate of the GDR indicated that he appeared to have been misunderstood in his previous intervention. He reiterated his proposal that the Canadian draft document, without modifications, provided sufficient scope to the Scientific Council and would allow the Council to complete a partial or a full assessment of the stock, as appropriate. He thought that the Canadian proposal was therefore acceptable. The delegate of the EEC insisted that the Canadian proposal would be acceptable to him only if 2J3KL cod were added to the list of stocks in paragraph 1. He indicated his willingness to withdraw his earlier proposal regarding 3L cod and proposed instead an amendment to the draft reference that would list 2J3KL cod in paragraph 1. He believed that a vote would be required first on his proposed amendment.
83. The delegate of the USSR expressed his reluctance to vote hastily on such an important issue. He agreed with the delegate of Norway that the situation was deadlocked and suggested that all the Contracting Parties and the Fisheries Commission should further review the matter. The delegate of the EEC indicated that he was, with one exception, satisfied with the Canadian proposal. He had to ask, however, why a stock found in international waters should be excluded from the Fisheries Commission request to the Scientific Council. He pointed out that the draft request included stocks found solely in Canadian waters and that the problem of Canadian sovereignty was not a satisfactory explanation for excluding 2J3KL cod from the request to the Scientific Council. He regretted that Canada was blocking the important work of the Scientific Council and urged that a vote on his amendment be taken immediately. The delegate of Canada retorted that Canada was not blocking any study by the Scientific Council and had in fact agreed to further study of 3L cod in the Regulatory Area. Canada was therefore meeting fully its obligations to NAFO and all Contracting Parties.
84. Discussions ensued on the procedural issue of which proposal should be voted on first. After a short break, the delegate of Canada stated that the EEC amendment was invalid, since it presupposed the concurrence of the coastal state. He requested the Chairman to rule on the validity of the proposed EEC amendment. The Chairman asked whether the EEC accepted that the coastal state, Canada, had not concurred and, if so, whether the EEC would accept a vote first on the Canadian proposal as drafted. The delegate of the EEC rejected the Canadian interpretation, arguing that the Fisheries Commission was free to ask the Scientific Council for advice on any stock, with or without the concurrence of the coastal state. The delegate of the USSR stated his view that Canada's concurrence would be required by any Scientific Council assessment of transboundary stocks. The delegate of the EEC rejected the USSR argument, contending that the Fisheries Commission was sovereign and that there was nothing in the NAFO Convention regarding the need for coastal state consent for a Fisheries Commission request for advice from the Scientific Council.
85. The Chairman intervened to state that it was obvious there was no consensus on that issue and that the coastal state did not concur in the request to the Scientific Council proposed by the delegate of the EEC. In his view, the Fisheries Commission could not request the Scientific Council for advice without the coastal state's consent, except for those portions of a stock lying entirely within international waters. The Chairman asked that it be noted in the record that there was no concurrence by the coastal state. He then called for a vote on the Canadian proposal as drafted. The delegate of the EEC reiterated his view that the concurrence of the coastal state was not relevant to any request from the Fisheries Commission to the Scientific Council. Obviously, he said, if the coastal state did not concur then there would be no advice but that did not affect the validity of the request.
- The delegate of the EEC stated that he would abide by the ruling of the Chairman. He believed, however, that Canada as the coastal state should be the first to observe its responsibilities and should not block a legitimate request for scientific advice. The EEC was disappointed that the work of the Fisheries Commission was being blocked and would continue to take every opportunity to insist on the question. The Chairman ruled that discussion on that issue was concluded and the draft Canadian proposal had been accepted unanimously, except for the noted EEC reservations and remarks.
86. Under Agenda items 10 through 14, the Chairman of STACTIC reported on the discussions in STACTIC and presented the Committee's recommendations which were accepted without objection. (See Appendix 6) Two further items on the STACTIC agenda remained to be addressed. The outcome would be reported later to the Commission, along with the Final Report of STACTIC. That was agreed.
87. Under Agenda item 19, Fishing Activities by Vessels of States Not Party to the Convention in the Regulatory Area, the delegate of the EEC noted the sacrifices of Contracting Parties to NAFO were being thwarted because of unregulated fisheries being conducted in the Regulatory Area by non-members of NAFO, notably for 3M cod but also on other stocks in other divisions. He considered that the problem required solution through cooperation rather than confrontation. In his view, sanctions against non-members were not appropriate. It would be better instead to seek their voluntary respect

for NAFO quotas. He therefore proposed that NAFO should formally invite active non-Contracting Parties to join NAFO and to provide them with appropriate quotas. In his view, there were ample opportunities for fishing by current non-members of NAFO in the Regulatory Area. He suggested that some TACs could be revised upward in order to make room for those countries who had a legitimate right to fish in international waters. The Chairman advised that the issue would also be discussed in the General Council. The observer from Mexico expressed his positive reaction to the EEC proposal and his interest in the comments of other Contracting Parties. He said that he would make a formal statement the following day, in the General Council.

88. It was agreed to consider items 21, 22, 23, and the STACTIC report on the following day.

The meeting was adjourned at 2145.

The meeting reconvened on 16 September at 1100.

89. Under Agenda item 15, Report of STACTIC, the Chairman of STACTIC reported in detail the discussions on apparent infringements of 3M cod moratorium, raised under "Other Business" of the STACTIC agenda. The Chairman thanked the Chairman of STACTIC for his report and proposed approval of the Report. That was supported by Canada, the USSR and Japan. The report was then unanimously adopted as submitted.
90. Under Agenda item 21, Time and Place of Next Meeting, the Chairman reported that the Commission would follow the wishes of the General Council in determining the date and place of the next Annual Meeting.
91. Under Agenda item 22, Other Business, no items were raised.

The final session of the Tenth Annual Meeting of the Fisheries Commission adjourned at 1120.

APPENDIX 1

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Tenth Annual Meeting of NAFO  
Ottawa Congress Centre, Ottawa, 12-16 Sep 88

Fisheries Commission

Agenda

OPENING PROCEDURES

1. Opening by the Chairman, Mr. K. Yonezawa (Chairman)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Admission of Observers
5. Publicity

ADMINISTRATION

6. Approval of the Report of the Ninth Annual Meeting, September 1987 (See FC Doc. 87/14, Rev.) and Report of the Special Meeting of the Fisheries Commission, February 1988 (FC Doc. 88/4, Revised)
7. Review of Commission Membership
8. Procedural Rules for Decision Taking in Voting by Telex or Mail

COMMISSION PROPOSALS

9. Status of Proposals (See Circular Letter 88/42)
10. Conservation and Enforcement Measures already opened for study and/or discussion:
  - a) Ropes and reinforcements in trawls
  - b) Conversion factors for use by NAFO inspectors
  - c) Changes to NAFO measures regarding by-catch limits
  - d) Types of chafers and measurements of their meshes
  - e) Minimum mesh size for groundfish in the Regulatory Area
  - f) Underfishing of quotas
  - g) Methodology for the Calculation of Catch Estimates for NAFO Regulated Stocks (see Working Paper 86/2)

INTERNATIONAL CONTROL

11. Revision of the Scheme of Joint International Inspection (See FC Doc. 88/1)
12. Enforcement in the Regulatory Area
13. Annual Return of Infringements
14. Fishing Vessel Registration
15. Report of STACTIC

CONSERVATION

16. Summary of Scientific Advice Proffered by the Scientific Council
17. 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

18. 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 in Div. 3NO
- g) Squid (*Illex*) in Subareas 3 and 4
- h) Management measures for the following stocks, if available in the Regulatory Area in 1989:
  - i) Cod in Div. 3L
  - ii) Greenland halibut in Subarea 2 and Div. 3KL
  - iii) Roundnose grenadier in Subareas 2 and 3
  - iv) Capelin in Div. 3L

19. Fishing Activities by Vessels of States not Party to the Convention in the Regulatory Area

OTHER MATTERS

20. Annual Scientific Programme for 1989

ADJOURNMENT

21. Time and Place of Next Meeting

22. Other Business

23. Adjournment

Northwest Atlantic  Fisheries Organization

NORTHWEST ATLANTIC FISHERIES ORGANIZATION

TENTH ANNUAL MEETING - SEPTEMBER 1988

PRESS RELEASE

1. The Tenth Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO) was held in Ottawa, Ontario, Canada, during 12-16 September 1988, under the chairmanship of Mr. F. Hartung (German Democratic Republic), President of NAFO. The Sessions of the Scientific Council, the General Council and the Fisheries Commission and their Committees were all held at the Ottawa Congress Centre.
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 (GDR), Japan, Norway, Poland, and the Union of Soviet Socialist Republics (USSR).  
  
Observers from Mexico and the United States of America were present at the meeting.
3. The Scientific Council, under the chairmanship of J. S. Beckett (Canada), gave advice on matters, requested by the Fisheries Commission on resources in the Regulatory Area and on special questions affecting those resources.
4. During 7 and 8 September 1988, there was a Special Session of the Scientific Council on Interaction between Environment and Fish Stocks in the North Atlantic, which involved 20 scientific contributions.
5. The Scientific Council adopted several recommendations which were aimed at improving future research activities on resources in the Convention Area and the ongoing policy regarding its publications.
6. On the basis of the scientific advice provided by the Scientific Council from its meeting in June 1988 and at the present meeting, agreement was reached by the Fisheries Commission, under the chairmanship of Mr. K. Yonezawa (Japan), on conservation and management measures for 1989, regarding total allowable catches (TACs) and allocations for certain stocks, which are either entirely outside the 200-mile fishing zones or occur both within the zones and in the Regulatory Area. The TACs and national allocations for stocks in Division 3M and those overlapping the 200-mile boundary lines are given in the attached Quota Table.
7. The Fisheries Commission agreed to continue the moratorium for 1989 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.
8. The General Council reviewed and approved the Organization's budget and accounts.
9. The General Council passed a Resolution proposed by Canada and the USSR addressed to all Contracting Parties on the necessity of abiding as far as possible by the regulatory measures adopted by the Fisheries Commission.
10. The General Council decided to organize a working group which, in collaboration with all non-member countries which fish habitually outside the 200-mile limits of the coastal states within the Convention Area, will strive to attract those countries to become members of the Northwest Atlantic Fisheries Organization.

NAFO Secretariat  
16 September 1988

J. C. Esteves Cardoso (Capt.)  
Executive Secretary

SCHEDULE I  
Quota Table<sup>1</sup> for 1989

Column I Contracting Party	II		III		IV		V		VI		VII		VIII		IX		X		XI	
	Cod	Div. 3M	Cod	Div. 3NO	Redfish	Div. 3M	Redfish	Div. 3LN	American plaice	Div. 3M	American Plaice	Div. 3LNO	Yellowtail	Div. 3LNO	Witch	Div. 3NO	Capelin	Div. 3NO	Squid (Illex)	Subareas 3+4 & 4
1. Bulgaria	-	-	-	-	300	300	-	-	-	-	-	-	-	-	-	-	-	-	500	-
2. Canada	-	11920	11920	-	500	500	10650	10650	150	150	29860	4875	4875	3000	3000	748	748	748	N.S. <sup>5</sup>	N.S. <sup>5</sup>
3. Cuba	-	-	-	-	1750	1750	2450	2450	-	-	-	-	-	-	-	700	700	700	2250	2250
4. Denmark (Faroes & Greenland)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5. European Economic Community	-	9220	9220	-	3100	3100	-	-	350	350	385	100	100	-	-	700	700	700	N.S. <sup>5</sup>	N.S. <sup>5</sup>
6. German Democratic Republic	-	-	-	-	-	-	850	850	-	-	-	-	-	-	-	-	-	-	-	-
7. Iceland	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
8. Japan	-	-	-	-	400	400	-	-	-	-	-	-	-	-	-	2612	2612	2612	2250	2250
9. Norway	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8400	8400	8400	-	-
10. Poland	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	840	840	840	1000	1000
11. USSR	-	2985	2985	13850	13850	13850	10900	10900	1000	1000	-	-	-	1950	1950	14000	14000	14000	5000	5000
12. Others	-	875	875	100	100	100	150	150	500	500	55	25	25	50	50	-	-	-	5000	5000
13. Special Reservation <sup>2</sup>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
14. Total Allowable Catch	0	25,000	25,000	20,000	20,000	20,000	25,000	25,000	2,000	2,000	30,300	5,000	5,000	5,000	5,000	28,000	28,000	28,000	150,000 <sup>6</sup>	150,000 <sup>6</sup>

<sup>1</sup> Quotas are in metric tons.

<sup>2</sup> There are no Special Reservations for 1989.

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

<sup>4</sup> 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.

<sup>5</sup> Not specified because the allocation to these Contracting Parties are as yet undetermined, although their sum shall not exceed the difference between the total of allocations to other Contracting Parties and the TAC.

<sup>6</sup> The TAC would remain at 150,000 tons subject to adjustment where warranted by scientific advice.

Resolution of the Fisheries Commission  
of the Northwest Atlantic Fisheries Organization

The Fisheries Commission,

Recalling its decision at the Ninth Annual Meeting to establish an Annual Scientific Program in order to improve scientific knowledge on the status of the fish stocks in the Regulatory Area, and its request that the Scientific Council prepare a report for the 1988 Annual Meeting, and,

Noting the response of the Scientific Council, contained in particular in FC Doc. 88/05 but also in SCS Doc. 88/19 and SCS Doc. 88/20,

Accepts the Scientific Council recommendation that existing scientific surveys be continued and that any new research efforts be addressed towards completing scientific objectives currently in place;

Urges those Contracting Parties which have not recently conducted research surveys to resume such work;

Calls upon Contracting Parties to ensure the provision to NAFO of complete and accurate statistical reports regarding catches, discards and directed fishing efforts, so as to rectify the information deficiencies outlined in FC Doc. 88/05;

Calls also upon Contracting Parties to improve and extend biological sampling of stocks in the Regulatory Area by specialized personnel, either unilaterally or through bilateral cooperative program where appropriate, in order to rectify the information deficiencies outlined in FC Doc. 88/05;

Requests the Executive Secretary and Contracting Parties individually to contact non-members of NAFO, whose nationals fish in the Regulatory Area, to request them to provide NAFO with complete and accurate statistical reports and to cooperate fully with the NAFO Scientific Program; and,

Requests the Scientific Council to evaluate the progress of this program in a report at the 1989 Annual Meeting.

APPENDIX 5

Fisheries Commission Request for Scientific Advice on  
Management in 1990 of Certain Stocks in Subareas 3 and 4

1. The Fisheries Commission with the concurrence of the Coastal State requests that the Scientific Council, at a meeting in advance of the 1989 Annual Meeting, provide advice on the scientific basis for the management of the following fish and invertebrate stocks or groups of stocks in 1990:

Cod (Div. 3NO; Div. 3M)  
Redfish (Div. 3LN; Div. 3M)  
American plaice (Div. 3LNO; Div. 3M)  
Witch flounder (Div. 3NO)  
Yellowtail flounder (Div. 3LNO)  
Capelin (Div. 3NO)  
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  $F_{0.1}$ ,  $F_{1987}$  and  $F_{max}$  in 1989 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 1990 and the long term. Values of  $F$  corresponding to the reference points should be given and their accuracy assessed.
- b) For those stocks subject to general production-type assessments, the time series of data should be updated, the status of the stock should be reviewed and management options evaluated in the way described above to the extent possible. In this case, the general reference points should be the level of fishing effort or fishing mortality ( $F$ ) which is calculated to be required to take the MSY catch in the long term and two-thirds of that effort level.
- c) For those resources of 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 of the virgin stock.
- d) Spawning stock biomass levels that might be considered necessary for maintenance of sustained recruitment should be recommended for each stock.
- e) Presentation of the result should include the following:
  - i) for stock for which analytical dynamic-pool type assessments are possible:
    - a graph of yield and fishing mortality for at least the past 10 years.
    - a graph of spawning stock biomass and recruitment levels for at least the past 10 years.
    - a graph of catch options for the year 1990 over a range of fishing mortality rates ( $F$ ) at least from  $F_{0.1}$  to  $F_{max}$ .
    - a graph showing spawning stock biomasses at 1.1.1991 corresponding to each catch option.
    - graphs showing the yield-per-recruit and spawning stock per-recruit values for a range of fishing mortality.
  - ii) for stocks for which advice is based on general production models, the relevant graph of production on fishing mortality rate or fishing effort.

In all cases the three reference points, actual  $F$ ,  $F_{max}$  and  $F_{0.1}$  should be shown.

3. The Fisheries Commission with the concurrence of the Coastal State requests that the Scientific Council continue to provide information, if available, on the stock separation in Div. 2J+3KL and the proportion of the biomass of the cod stock in Div. 3L in the Regulatory Area and a projection if possible of the proportion likely to be available in the Regulatory Area in future years. Information is also requested on the age composition of that portion of the stock occurring in the Regulatory Area.
4. With respect to cod in Div. 3M, the Scientific Council is asked to advise on the levels of unavoidable by-catch of cod in directed fisheries for redfish and American plaice. The Council is asked also to comment on the appropriateness of establishing a minimum target level for the spawning biomass, and to provide advice on options for establishing such a level.
5. With respect to flounders in Div. 3LNO, the Scientific Council is requested to provide advice on the impact of recent increased catches of American plaice and yellowtail flounder from areas described by the Council in its 1988 report as being nursery areas for these species.

Advice should also be provided on management options that would reduce the extent of the impact on the potential yield if it is concluded that the changes in catch distribution are reducing the potential yield.

APPENDIX 6

TENTH ANNUAL MEETING - SEPTEMBER 1988

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

The Standing Committee on International Control (STACTIC) met on 5 occasions during the week of 12-16 September 1988.

The initial meeting convened at 1030 on 12 September 1988.

1. Introduction by Chairman

The Chairman of STACTIC, Mr. R. J. Prier (Canada), welcomed all delegations to the Tenth Annual Meeting of NAFO. STACTIC delegations included Canada, Cuba, Denmark (in respect of Faroes and Greenland), European Economic Community (EEC), Japan, Norway, Poland and USSR. Delegations from the United States and Mexico were present as observers.

2. Appointment of Rapporteur

Mr. P. N. Snow (Canada) was appointed Rapporteur.

3. Adoption of Agenda

The provisional STACTIC agenda was reviewed by all delegations. Item 8 (Enforcement in the Regulatory Area) was amended on a proposal by the EEC delegation, to change the word "Enforcement" to "Inspection" as it would be in keeping with the new Scheme of Joint Inspection.

The agenda, as amended, was adopted. (See Attachment 1)

4. Review of Annual Return of Infringements

The Chairman stated that the Annual Return of Infringements (NAFO/FC Doc. 88/6) had been placed in the boxes for review by each Contracting Party.

The Canadian delegation stated that an amended version of its annual return of infringements was given to the Executive Secretary for distribution.

The EEC delegation stated that its report on annual return of infringements had been submitted to the Executive Secretary.

Further discussion on Agenda item 4 was deferred until the amended document was tabled.

5. Review of Registration of Vessels Fishing in the NAFO Regulatory Area

The Chairman stated that a number of Contracting Parties had submitted lists of vessels that would be fishing in the NAFO Regulatory Area and those had been published in a NAFO Circular Letter.

Further discussion on Agenda item 5 was deferred until Contracting Parties had an opportunity to review that document.

6. Conservation and Enforcement Measures

The Chairman stated that there were a number of items (a-f on agenda) which were outstanding from the Ninth Annual Meeting of NAFO in September 1987 and that all Contracting Parties were to have reviewed those items and be prepared to discuss them at the meeting.

a) Ropes and Reinforcements in trawls

The Chairman noted that that item was referred to STACTIC by the Fisheries Commission and details were outlined in NAFO SCS Doc. 87/26.

b) Changes to NAFO Measures regarding by-catch limits

The Chairman noted that that item concerned the 10% by-catch limitation which was omitted when ICNAF became NAFO. It was proposed by Canada to reinstate it in the NAFO Conservation Measures.

c) Types of chafers and measurement of their meshes

The Chairman noted that that item was detailed in NAFO/FC Working Paper 87/1 submitted by the Executive Secretary.

d) Minimum mesh size for groundfish in the Regulatory Area

The Chairman stated that it was a proposal from Canada which called for the same mesh size for groundfish both inside and outside of the Regulatory Area. The proposal called for a minimum mesh size of 130 mm.

e) Underfishing of quotas

The Chairman noted that it was a proposal from the USSR that was still outstanding.

f) Methodology for the Calculation of Catch Estimates for NAFO Regulated Stocks (see FC Working Paper 86/2)

The Chairman noted that that item was presented by Canada at the Ninth Annual Meeting of NAFO held in September 1987 and was deferred for discussion at the present meeting.

The Chairman stated that the above items (a-f) were referred to STACTIC by the Fisheries Commission and STACTIC had to present its recommendations to the Fisheries Commission.

The EEC delegation stated that there appeared to be some confusion regarding some of those items as to their origin, who was in favor of which one and who was not. In addition, there might be errors in some of the cross-references to working documents, thus the Community would like to defer the whole group of items until the next session of STACTIC.

The USSR delegation agreed with the proposal from the EEC delegation.

The Canadian delegation agreed with the suggestion to defer the items until the next meeting and asked the Chairman if, prior to their discussion at the next meeting, he could give a brief history of the items as outlined by the EEC delegation.

The Chairman agreed to defer item 6 until the next meeting and stated that he would attempt to give a history of all those items.

7. Revision of Scheme of Joint International Inspection

The Chairman referred to the STACTIC agenda attachment which outlined the concerns of the Executive Secretary.

The Executive Secretary stated that he was not proposing any changes to the Scheme: what he was proposing were drafting changes which would clarify the Scheme. He gave several examples where he felt clarification was necessary.

The Executive Secretary proposed that a small group redraft the Scheme and present it to STACTIC for approval or changes, so that it could later be presented to the Fisheries Commission.

The Canadian delegation stated that it would be pleased to participate in such a drafting group.

The EEC delegation stated it appreciated the comments made by the Executive Secretary and acknowledged his efforts. However the Community counselled caution and felt it was too early to consider changes to the Scheme; even small numbering changes would result in a number of problems from a practical point of view.

The USSR delegation stated that probably it was not the right time to carry out a full review of the Scheme; however, it would like to remove the words "duration of assignment" from the ID Cards.

The Executive Secretary stated that maybe he had not made himself clear. It was his intention to have the results of the review presented at the next annual STACTIC meeting. Thus there would have been 15 months under the Scheme, before changes would be introduced.

In addition, the Executive Secretary stressed the fact that he was not proposing any changes other than drafting changes and clarification of certain points.

The Canadian delegation accepted that the points raised by the EEC delegation were valid and would like to defer the item until later in the week to allow time for delegations to consult informally.

The Chairman noted that there were two proposed changes that did affect the Scheme and they were those regarding the pennants for helicopters and changes to the ID Cards for NAFO inspectors.

There were no objections to deferring the item until later in the week.

8. Inspections in the Regulatory Area

The Chairman noted that in the past Contracting Parties submitted reports on inspections carried out in the Regulatory Area.

The Canadian delegation stated it would submit its report at the next day's meeting of STACTIC.

Further discussion on Agenda item 5 was deferred until the next meeting of STACTIC.

9. Time and Place of Next Meeting

Subsequent STACTIC meetings would be scheduled throughout the week of 12-16 September 1988, at a time designated by the Chairman.

10. Other Matters

There were no other matters to be considered.

STACTIC adjourned at 1120 on 12 September 1988.

STACTIC reconvened at 1630 on 13 September 1988.

11. Request from the EEC delegation

The Chairman noted that the EEC delegation had requested that substantive discussions or approvals of significant items at the current STACTIC meeting be deferred until the next STACTIC meeting as there was an EEC delegation meeting coinciding with the current meeting.

12. Review of Annual Return of Infringements

The Chairman noted that NAFO/FC Doc. 88/6 had been revised and distributed.

The EEC delegation stated that the revised document still made reference to member states of the EEC and would like to see that corrected.

The Chairman stated that the revised document would be amended as requested by the EEC.

There was no objection in accepting the report subject to the amendments requested by the EEC delegation.

13. Review of Registration of Vessels Fishing in the Regulatory Area

The Chairman noted that three Contracting Parties had not submitted their list of vessels. However STACTIC should accept the lists published by the Executive Secretary in the appropriate Circular Letters.

There was no objection to the Chairman's proposal.

14. Conservation and Enforcement Measures

The Chairman stated that the necessary background documents were given to all delegations and asked delegations to review the documents for the next meeting of STACTIC.

The Chairman gave a brief summary of those items [agenda item no. 6 (a-f)] and deferred substantive discussion until the next STACTIC meeting.

15. Revision of Scheme of Joint International Inspection

The Chairman noted that the Executive Secretary should be present for the discussion; however the EEC had concerns regarding changes to the Scheme at that time.

The Chairman stated that there was an agreement regarding the proposed changes to the ID card, size of pennants and the flashing blue light for inspection vessels.

The EEC delegation stated that it was in agreement with not using a flashing blue light as it was already being used for other purposes but STACTIC should consider an alternative method of identification. That was agreed by STACTIC.

The Chairman requested that each Contracting Party should examine the text of the Scheme to identify drafting errors. Those could be considered, if appropriate, at the next Annual Meeting. If necessary the substantive changes (lights/pennants) for which consensus was obtained could be included in those amendments.

16. Inspection in the Regulatory Area (Agenda item 8)

The Chairman noted that the Canadian delegation had submitted its report (NAFO/FC Doc. 88/7) and it had been distributed. The Canadian delegation stated that the Japanese delegation had already requested that a small amendment relative to Japanese tuna longliners be introduced and that amendment would be reflected in the document as revised.

The Canadian delegation referred to its correspondence that year with the European Economic Community, subsequently distributed to other Contracting Parties in GF/8-106 and GF/8-206, respecting sightings of fishing vessels of the EEC in NAFO Div. 3M. As recently as three days before, Canadian aerial surveillance had again sighted EEC fishing vessels in 3M and the Canadian delegation would appreciate hearing from the EEC delegation concerning the results of its investigations as the responsible Contracting Party for flag state enforcement.

Canada was concerned that as those vessels were mainly pair trawlers which normally did not have freezing capabilities, it was the belief of the Canadian delegation that those vessels were fishing for cod, contrary to the moratorium on cod fishing in 3M.

The Danish/Faroese delegation stated that as the Fisheries Commission would be discussing the moratorium on cod in 3M the next day, the same information was required for that discussion.

The Canadian delegation stated that if the EEC delegation could provide the requested information on that item then that would enable the Chairman to present a report to the Fisheries Commission on that item, providing other members agreed.

The Chairman stated that the proposal from the Canadian delegation was acceptable and found that there were no objections to it.

17. Next Meeting

STACTIC would reconvene at 0900 on 14 September 1988.

18. Other Matters

There were no other matters to be considered.

STACTIC adjourned at 1720 on 13 September 1988.

STACTIC reconvened at 0915 on 14 September 1988.

19. Agenda

The Chairman noted that items 6 and 8 were outstanding on the Agenda and requested that Item 8 be addressed first as agreed the day before.

20. Inspections in the Regulatory Area

The Chairman asked for comments on NAFO/FC Doc. 88/7 (Revised), as submitted by Canada.

The EEC delegation stated it was proposing some amendments regarding the document in question which it would like to see included in future documents of the same nature. The EEC delegation noted that the document dealt with 1987 and 1988 which was contrary to the title. The proposed amendments were that:

- (i) the word "Enforcement" be replaced by the word "Inspection", reflecting the new Scheme of Joint International Inspection;
- (ii) the subheading "Surveillance" was a term appropriate to areas of national fisheries jurisdiction and had no place in a report on inspections in international waters;
- (iii) sightings by aircraft were not part either of the previous Joint Enforcement Scheme or of the new Scheme of Joint International Inspection. Consequently they should be removed from that document which related to inspections;

(iv) reference to individual Member States of the EEC be deleted as the only Contracting Party was the EEC.

The Canadian delegation stated the comments raised by the EEC would be considered in future years.

The Danish delegation noted the comments of the EEC regarding what was required under the Scheme. However there appeared to be a practical problem, as sightings reflected possible fishing activity in 3M where there was a moratorium on a cod fishery. The Danish delegation stated that it would like to have that type of information on its vessels either through NAFO or bilaterally.

The Canadian delegation stated it was not directly commenting on the point raised by the EEC with regard to air sightings. Canada did consider that type of information useful and, as a concerned Contracting Party, Canada passed that information on to the appropriate Contracting Party. However, Canada reserved the right to pass sighting information on to the Executive Secretary for the benefit of all Contracting Parties when it considered such action appropriate.

The EEC delegation restated its position that sightings were not part of the Scheme of Joint International Inspection and should not be considered under the item then being discussed.

In reply to the EEC delegation, the Chairman clarified that item 8 of the agenda was being discussed in two separate parts: one the FC Doc. 88/7 and the other the request from Canada regarding the sighting of EEC vessels in 3M.

The EEC pointed out that item 8 concerned inspections and not sightings, and if STACTIC wished to discuss the sightings in 3M then it should do so under agenda item 10, Other Matters.

The Chairman asked if there were any other comments concerning FC Doc. 88/7.

The EEC delegation informed the Committee that, although not a party to the old Scheme for part of 1987 until June 1988, the EEC did conduct inspections during 1987 in the Regulatory Area and would be submitting an information paper on its inspections in 1987 to STACTIC.

The Chairman asked if the EEC was prepared to make a statement regarding the request from Denmark concerning the 3M sightings under item 10 - Other Matters.

The EEC stated it would be willing to discuss 3M sightings under item 10 but would first like to return to item 4 of the agenda to discuss apparent infringements.

21. Review of Annual Return of Infringements (Item 4 of the Agenda)

The EEC delegation referred to NAFO/FC Doc. 88/6 (Revised), in particular pages 23 and 24, and noted that the EEC had already requested amendments regarding identification of individual Member States of the EEC.

A further important correction was required to that document since, in a return submitted by the USSR, apparent infringements had been alleged against Community vessels for violating the moratorium on cod fishing in 3L. The EEC reminded the meeting that the Community had objected to the moratorium under Article XII of the Convention and had regulated its fishing fleets' activity by fixing autonomous quotas for cod in 3L. Consequently, as the vessels could not be the subject of apparent infringements, the EEC requested the deletion of the references.

The USSR delegation agreed to amend the document as requested and it was agreed that, subject to those amendments, NAFO/FC Doc. 88/6, Revised, be accepted.

STACTIC agreed to proceed to item 10 - Other Matters.

22. Other Matters - Sightings in 3M (Item 10 of the Agenda)

At the request of the Chairman, the Canadian delegation restated that in February 1988 it had bilaterally informed the EEC of sightings of Community vessels fishing in 3M in possible contravention of the cod moratorium and that information was given to the Executive Secretary and subsequently distributed to other Contracting Parties in letters GF/8-106 and GF/8-206 and as recently as four days before pair trawlers had been sighted fishing in 3M. To its knowledge those pair trawlers did not have freezing capabilities and normally pursued a cod fishery.

Canada questioned whether the moratorium on 3M cod was being honoured.

The delegation of the EEC acknowledged that they had received written communications concerning sightings of Community vessels in 3M as well as photographs which they had requested and that the EEC had conducted and was conducting investigations on those matters. The EEC noted that the photographs received had written times and positions superimposed on them.

The EEC stated that Community vessels had a perfect right to be in 3M as fishing for other species than cod was permitted. Sightings could not be considered apparent infringements.

The EEC added that it had a major interest in the 3M cod fishery and wished for an improvement in the stocks to permit a resumption of the fishery. To that end the Community had demonstrated its commitment by approving the moratorium.

On the practical level, the EEC clarified that its vessels that fished in the Regulatory Area were away from their home port for several months at a time and upon arrival in port they were inspected. NAFO of course would be informed in the appropriate manner of the follow-up to such apparent infringements. Demonstrating its commitment to respect of NAFO measures, the EEC deployed an inspection vessel in the Regulatory Area during May and June 1988 to inspect Community vessels in accordance with provisions of the Community's Interim Autonomous Scheme of Control. The EEC was prepared to table the results of those inspections as information to STACTIC. Those results, inter alia, showed that one pair trawler was being charged with an apparent infringement for a directed cod fishery in 3M.

The EEC stated that Canadian assumption of guilt because vessels were sighted in an area was unacceptable to the Community. Sightings did not constitute apparent infringements under the Inspection Scheme. The EEC repeated that they were following up on matters and would continue to do so.

The EEC had sighted other vessels in 3M which might or might not be fishing for cod but the Community would never automatically consider those to be apparent infringements or to presume guilt.

In summary the EEC stated that no court in its jurisdiction would consider sighting photos as proof of an infringement and it would be unacceptable to have those sightings categorized as apparent infringements when there was no additional proof or evidence.

The Danish delegation noted that it had heard a strong commitment on the part of the EEC to the cod 3M moratorium.

The Canadian delegation requested time to review the comments made by the EEC and would like to leave the item under consideration open for further discussion.

The Chairman noted there was no objection to the request from Canada.

The EEC delegation presented to STACTIC information papers on inspections carried out in 1987 and 1988. (See Attachment 2)

STACTIC adjourned at 1010 on 14 September 1988.

STACTIC reconvened at 0910 on 15 September 1988.

### 23. Agenda

The Chairman noted that items 6 and 10 were outstanding on the Agenda and requested that item 6 be addressed first.

### 24. Conservation and Enforcement Measures

#### a) Ropes and Reinforcements in trawls

The Chairman referred to NAFO SCS Doc. 87/26.

The USSR delegation stated that they had been conducting research on the effects of trawl attachments for some time as its vessels used strengthening ropes. The USSR delegation proposed that all Contracting Parties submit scientific papers for a future joint discussion between STACTIC and the Scientific Council in 1990.

The Danish delegation suggested that STACTIC should not spend a lot of time on that issue as there did not appear to be a problem with those attachments in the Regulatory Area.

The Canadian delegation stated that as long as those ropes did not contravene existing regulations and did not obstruct mesh size when being used then there was no problem with their use.

The EEC delegation stated that Community vessels complied with Community regulations and there was no problem with the use of strengthening ropes.

The Cuban delegation stated that the item should be passed to the Scientific Council and if the Council discovered a problem regarding the use of those ropes then STACTIC should address it.

The USSR delegation stated that STACTIC would have to be involved in discussion with the Scientific Council on that item.

The Chairman suggested that STACTIC accept NAFO/SCS Doc. 87/26 and recommend that strengthening ropes, splitting straps and codend floats could be used on trawls within the Regulatory Area; however, those attachments, when used must not restrict the mesh size authorized in the Conservation and Enforcement Measures.

There was no objection to the Chairman's suggestion.

b) Changes to NAFO measures regarding by-catch limits

The Chairman noted that the item had been proposed by Canada and asked Canada to restate its proposal.

The Canadian delegation stated that it proposed to place the 10% by-catch limit back in the Conservation and Enforcement Measures which had been omitted when ICNAF became NAFO.

There was much discussion and finally STACTIC agreed that all Contracting Parties should study the proposal further and redraft it for the next annual meeting of STACTIC.

c) Types of chafers and measurements of their meshes

The Chairman stated that STACTIC was still waiting for further information from Poland concerning chafers. It was noted that as the use of topside multiple chafers was not current in the Regulatory Area continuing reference to them in Schedule VI would not cause any problems. It was agreed to defer the matter to the next meeting of STACTIC.

d) Minimum mesh size for groundfish in the Regulatory Area

The Chairman noted that the item had been proposed by Canada and asked for comments.

The Canadian delegation stated that as the proposal still could not be supported by all delegations, it wished to withdraw it.

e) Underfishing of Quotas

The Chairman noted that the item had been proposed by the USSR and asked for comments.

The USSR delegation stated that for the same reasons expressed by Canada in item d, it wished to withdraw the proposal.

f) Methodology for the Calculation of Catch Estimates for NAFO Regulated Stocks

The Chairman noted that working paper (86/2) had been submitted by Canada and asked for comments.

The EEC delegation stated it had studied that working paper and found it unacceptable. The EEC collected catch data from its own vessels.

The delegation of Japan stated that it agreed with the EEC and that the method should not be used for calculating estimates on vessels from Contracting Parties. However, the delegation considered that it might be used for non-member states fishing in the Regulatory Area.

The USSR delegation stated that they had spent a great deal of time on that type of paper and, because of the great number of variables, 40% of the information could be considered inaccurate and the remainder was subject to an error of 20%. Therefore, it would be very difficult to accept such a method.

The EEC delegation stated that, if that method were used to calculate catches of non-member vessels, then Canada should take into consideration the concerns raised by the USSR.

The Danish delegation stated that the paper should not be used for control of quotas. However, if they wished, the Scientific Council should not be restricted from using that information.

The USSR delegation stated that it shared the point of view expressed by other Contracting Parties and agreed that the paper should not be used officially for catch estimates of Contracting Parties.

The EEC delegation stated that given the possibility of large errors in that type of calculation it should not be used in the Scientific Council.

In addition the EEC stated that it had seen Canadian estimates of catches in other documents and would like to see those removed from future documents. The EEC further stated that they found the estimates of the catches of one Contracting Party by another Contracting Party to be abusive.

The USSR delegation stated that the document was not based on science and from a scientific point of view it was incorrect.

The delegation of Japan stated that Canadian estimates should not be used by the Scientific Council.

The Danish delegation agreed with the points raised by the EEC and that STACTIC was not in a position to evaluate the paper.

The USSR delegation proposed that the paper not be used in a formal manner.

The EEC confirmed its support for the USSR proposal.

The Danish delegation stated it was not in a position to say where the paper could or could not be used.

The EEC delegation stated that the only Contracting Party which could present catch estimates of Community vessels was the EEC itself.

The Chairman concluded that Working Paper 86/2 was not to be used for catch estimates for Contracting Parties.

There was no objection to the Chairman's conclusion.

STACTIC adjourned at 1040 on 15 September 1988.

STACTIC reconvened at 1440 on 15 September 1988.

25. Agenda

The Chairman stated that only item 10 remained outstanding on the STACTIC agenda and Canada had requested the opportunity to reply to the intervention by the EEC.

26. Other Matters - 3M Sightings

The Canadian delegation again thanked the EEC for the information it provided yesterday and appreciated their ongoing efforts to investigate whether or not there was a cod fishery in 3M by any Community vessels contrary to the NAFO moratorium which was agreed to without objection last year.

The 3M cod stock was important to all Contracting Parties and Canada used to fish the stock until its virtual collapse in 1976-78 and the Canadian fishing industry hoped some day to fish the stock again.

Article II of the NAFO Convention stated that the objective was to contribute through consultation and cooperation to the rational management and conservation of the fishery resources. To meet that objective Canada had traditionally conducted aerial surveillance in the Regulatory Area.

The particulars of its aerial monitoring of 3M in 1988 were:

In February there were clear sightings of pair trawlers fishing in 3M, from Canadian aircraft with state of the art radar equipment.

On March 18 the EEC was informed of those sightings.

That was a sharing of information which Canada hoped and expected the EEC would use to investigate the matter further and in due course let Canada know the results.

Certain EEC vessels sighted fishing in 3M were not reported as, because of the type of vessel, pattern of fishing, etc., they were not believed to be fishing cod.

In April the EEC requested additional information which Canada supplied, including photos. The Canadian delegation noted that, as EEC had previously indicated, such photos had time and location information superimposed on them. An offer was made in April to provide affidavits confirming such information.

On May 2 NAFO was notified of sightings of Community vessels believed to be fishing cod in 3M during the period February to end of April, 1988.

On May 12 a Community inspector accepted the Canadian offer to accompany Canadian inspectors on a Canadian surveillance flight over 3M which sighted 6 pair trawlers of the Community fishing in the Area.

Additional information was requested by the EEC and provided by Canada. NAFO was advised of more sightings in 3M from April 30 to June 19, 1988, and as recently as September 10 three pairs were observed fishing in 3M.

To sum up, Canada offered that information to EEC for their follow-up action as Canada had reasonable cause to believe that a cod fishery was being prosecuted contrary to 3M moratorium. Canada was looking forward to hearing more from the EEC on the results of those investigations. Thus far, as the EEC document tabled for information yesterday indicated, there was one "alleged infringement related to a directed cod fishery in Div. 3M."

In closing, the Canadian delegation stated that it did not accept the EEC delegations' comment that the use of the term "surveillance" was inappropriate in STACTIC's forum. Part of the role of the NAFO Standing Committee on International Control and a part of normal fisheries control were to "survey the field", in that case the sea. Surveillance would continue to be carried out by Canada, from vessels, helicopters (referred to in the Joint International Inspection Scheme) or aircraft in order to get an overview of fishing activities and to determine the need for further monitoring or enforcement work by the appropriate authority. In the case of NAFO enforcement was the responsibility of the flag state and Canada was not challenging that responsibility.

Canada trusted that the EEC delegation would not challenge Canada's right under NAFO and international law to carry out surveillance by air or vessel.

The EEC delegation stated it did not wish to comment on Canada's statement which contained no new information. There were, however, some terms that needed to be clarified such as the last statement regarding the Canadian delegation's assertion on Canada's right under international law to carry out surveillance in international waters.

The Canadian delegation stated that there was nothing in the NAFO Convention or Law of the Sea which prohibited Canada from carrying out surveillance.

The EEC delegation restated its position that aircraft surveillance was not a part of the Scheme and the EEC was aware of its responsibility regarding inspections and would keep STACTIC informed of the results of their inspections.

The EEC stated that it had been requested by Canada to supply information bilaterally on its follow-up of the reported sightings. It clarified that it considered it inappropriate to respond to the request but that rather, in conformity with its international obligations, would inform NAFO of the results of its control activity.

To summarize and not wishing to repeat the considerations mentioned earlier (see Section 22), the EEC would devote more resources to the Regulatory Area and had already taken action through the presence of its inspection vessel in the NAFO Area in May/June 1988 and, on the basis of evidence resulting from such inspection activity, the EEC would take the necessary action.

The Chairman asked if there were any other matters.

The EEC delegation wished to raise another item under Agenda item 10 - Other Matters - relating to the conditions under which its vessels operated in the Northwest Atlantic.

The EEC delegation stated that its vessels in the Regulatory Area were operating at a considerable distance from their home ports and consequently required access to ports neighbouring the Regulatory Area for supplies or to make repairs, etc. and in order to reach those ports its vessels must transit the Canadian waters.

The EEC brought to the attention of STACTIC incidents where its vessels had been arrested, whilst on innocent passage to St. Pierre et Miquelon for infractions of Canadian jurisdiction which had allegedly occurred one, two or three years before. Even more surprising was that the skippers of the vessels in question had never been notified of the alleged offences.

The EEC considered that such a Canadian action verged on harrassment and put unreasonable pressure on the Community fleet operating legitimately in the NAFO Area.

The Canadian delegation stated that in the cases of force majeure vessels did not need permission to enter Canadian ports and Canada would provide the EEC with a copy of the appropriate Canadian regulations. With respect to Community vessels which were arrested, Canada noted that there had been outstanding warrants issued by the Canadian court officials citing those vessels and Canada always respected due process of law.

The EEC delegation stated that in addition there had been cases of vessels being made to wait for over 24 hours before given authorization to enter Canadian ports. Also Community vessels detained for alleged offences under Canadian jurisdiction had been subjected, while in Canadian ports, to inspections of catch, logbooks and other documents in respect of the vessels' activities in international waters.

The Canadian delegation restated that vessels under force majeure did not require prior authorization to enter ports and that Canada acted in cases of force majeure in conformity with international law. With respect to the inspection of catch, logbooks and other documents the Canadian position had not changed and would continue as expressed in the past two years.

The Chairman asked if there were any other comments.

The EEC, referring to further incidents, stated it would like the record to clearly reflect that it considered the notification in August 1988 by the Canadian authorities of alleged infractions of the Canadian jurisdiction which occurred on 21 June 1985, i.e. three years earlier, as unreasonable and not "fair play".

The Chairman asked if there were any other comments.

As there were no additional comments, STACTIC adjourned its final 1988 meeting at 1540 on 15 September 1988.

APPENDIX 6  
(Attachment 1)

Tenth Annual Meeting of NAFO  
Ottawa Congress Centre, Ottawa, 12-16 Sep 88

Standing Committee on International Control (STACTIC)

Agenda

1. Opening by the Chairman, Mr. R. J. Prier (Canada)
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. Conservation and Enforcement Measures already opened for study and/or discussion:
  - a) Ropes and reinforcements in trawls
  - b) Changes to NAFO Measures regarding by-catch limits
  - c) Types of chafers and measurement of their meshes
  - d) Minimum mesh size for groundfish in the Regulatory Area
  - e) Underfishing of quotas
  - f) Methodology for the Calculation of Catch Estimates for NAFO Regulated Stocks (See Working Paper 86/2)
7. Revision of Scheme of Joint International Inspection
8. Inspection in the Regulatory Area
9. Time and Place of Next Meeting
10. Other Matters
11. Adjournment

9/9/1988

European Community

Inspections in the NAFO Regulatory Area in 1988 by the European Community

The Community maintained a control presence in the Regulatory Area during the months of May and June 1988 when inspections were undertaken by the inspection vessel "Vigilant". The inspections took place in accordance with the provisions of the Community's Interim Autonomous Scheme of Control (1) and were carried out on Community vessels fishing in the Regulatory Area by inspectors appointed by the responsible authorities under the Scheme, i.e. European Commission.

The objective of the inspections was to ensure compliance by those fishing vessels with NAFO conservation and enforcement measures and with the Community's regulations on fishing quotas in the NAFO area as notified to NAFO (2).

Apparent infringements were detected on certain of the vessels inspected. These alleged infringements included undersized mesh sizes, differences between logbook entries and inspectors' estimates of the catches and failure to provide boarding ladders. One alleged infringement related to a directed cod fishery in division 3M. Details are included in the attached annex.

In accordance with the procedures foreseen in the Interim Autonomous Scheme of Control the responsible authorities of the vessels have been informed of the apparent infringements and forwarded copies of the inspection reports. These authorities are responsible for investigating further the apparent infringements and where necessary instituting the required legal procedures. Follow-up action will be notified to the European Commission.

Annex : 1

- (1) Notified to NAFO by letter dated 10 November 1987  
(2) Community letter dated 21 November 1987

**ANNEX**  
**EUROPEAN COMMUNITY - INSPECTIONS 1988**

Information relating to inspections made during 1988 under  
the Community's interim autonomous scheme of control in respect of  
Community vessels operating in the Regulatory Area

Community vessels	Date of inspection	NAFO division	Apparent infringement
LX-37-N Nuno Felipe	09.05.1988	3M	Refusal to allow inspectors on board.
LX-52-N Nascimar	15.05.1988	3M	None.
A-970-N Antonio-Pascoa	15.05.1988	3M	Undersized mesh in lifting bag (or back end of cod end).
LX-61-N Almourol	17.05.1988	3M	None.
A-2204-N Coimbra	17.05.1988	3M	None.
PD-452-N Joao Ferreira	28.05.1988	3M	None.
A-3136-N Padua	28.05.1988	3M	None.
V-7-N Senhora das Candaías	28.05.1988	3M	Illegal top side chafer, undersized mesh in codend.
SS-2-1648 Virgen de Laguna	14.05.1988	3M	Directed fishery for cod; Undersized cod end meshes; No logbook on board.
SS-2-1645 Virgen de Aragón	14.05.1988	3M	Directed fishery for cod; Undersized cod end meshes.
SS-1-2189 Donosti	16.05.1988	3L	Undersized cod end meshes.
SS-1-2188 Irunako	16.05.1988	3L	None.
CO-2-2947 Julio Molina	18.05.1988	3N	Undersized cod end meshes; No boarding ladder.
CO-2-3225 Guernikako Arbola	18.05.1988	3N	None.
VI-5-8748 Bigaro	19.05.1988	3O	Undersized cod end meshes; Differences between logbook entries and inspector's estimates.
VI-5-8752 Narval	19.05.1988	3O	No logbook on board.
VI-5-9812 Monteagudo	19.05.1988	3N	None.
GI-4-1989 Ancora d'Ouro	19.05.1988	3N	None.
CO-2-3826 Mayi Cuatro	30.05.1988	3L	Differences between logbook entries and inspector's estimates; incorrect declaration of species; undersized meshes in whole trawl.

**EUROPEAN COMMUNITY**

Inspections made during the period 27th June to 31st December 1987

During the above period, after the Community had withdrawn from the Scheme of Joint International Enforcement, a number of inspections were carried out in the Regulatory Area by the "Luís Ferreira de Carvalho" and the "Cornide de Saavedra". Details of the inspections made are annexed hereto.

ANNEX

VESSEL NAME	VESSEL NO	INSPECTION VESSEL	DATE INSPECTION	NAFO DIV.	REMARKS	SANCTION
VEIRASA 7	VI-5-9810	Cornide de Saavedra	18 SEP. 1987	3N	Working with legal 120 mm net but with a 114.3 mm net on deck.	Legal Proceedings
PEIXINO	VI-5-9302	"	18 SEP. 1987	3N	Working with legal 120 mm net but with a 60 mm net on deck. Erroneous use of the conversion factor. Mixed declaration of flounder and plaice.	Legal Proceedings
ANCORA D'OURO	GI-4-1989	"	20 SEP. 1987	3L	No apparent infringement.	
BEIRAVAR TRES	VI-5-9674	"	20 SEP. 1987	3L	Missing a crew member.	Fine of : 100.000 Ptas
AREA COVA	VI-5-9287	"	20 SEP. 1987	3L	Skipper refused to allow inspectors on board.	10,000,000 Ptas
LASAGIA	SS-1-2241	"	21 SEP. 1987	3M	No apparent infringement.	
LASABERRI	SS-1-2242	"	21 SEP. 1987	3M	No apparent infringement.	
CLABERRI	BI-2-2521	"	21 SEP. 1987	3M	No apparent infringement.	
CLAZAR	BI-2-2522	"	21 SEP. 1987	3M	No apparent infringement.	
LEON MARCO 5	AT-4-1501	"	21 SEP. 1987	3M	No apparent infringement.	
LEON MARCO	AT-4-1500	"	21 SEP. 1987	3M	No apparent infringement.	
LENENCOA	SS-1-2202	"	21 SEP. 1987	3M	No apparent infringement.	
BIGARENA	SS-1-2201	"	21 SEP. 1987	3M	No apparent infringement.	
PESCAFRIA 2	SS-2-1869	"	22 SEP. 1987	3M	Missing a crew member.	Legal Proceedings
PESCAFRIA 3	SS-2-1870	"	22 SEP. 1987	3M	Missing a crew member.	Legal Proceedings
VIRGEN DEL CABO	SS-2-1749	"	22 SEP. 1987	3M	No apparent infringement.	
VIRGEN DEL CAMINO	SS-2-1793	"	22 SEP. 1987	3M	No apparent infringement.	

A N N E X

VESSEL NAME	INSPECTION VESSEL	DATE INSPECTION	R E M A R K S
INÁCIO CUNHA	LUIS FERREIRA DE CARVALHO	17 AUG. 1987	No apparent infringement.
DAVID MELGUEIRO	"	17 AUG. 1987	" " "
SÃO GONCALINHO	"	18 AUG. 1987	" " "
BRITES	"	20 AUG. 1987	" " "
PADUA	"	20 AUG. 1987	" " "
AGUAS SANTAS	"	28 AUG. 1987	" " "
LUTADOR	"	01 SEP. 1987	" " "
PRAIA DA COMENDA	"	04 SEP. 1987	" " "