

Northwest Atlantic



Fisheries Organization

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12TH ANNUAL MEETING - SEPTEMBER 1990

EEC/CANADIAN PROPOSAL

RESOLUTION FOR NAFO GENERAL COUNCIL

NON-NAFO FISHING ACTIVITIES

Recalling Article 116 of the United Nations Convention on the Law of the Sea stating that the right of all States for their nationals to engage in fishing on the high seas is subject to certain conditions:

Recalling Article 117 of that Convention requiring States to take or cooperate with other States in taking such measures for their respective nationals as may be necessary for the conservation of the living resources of the high seas, and Article 118 which provides that States shall cooperate with each other in the conservation and management of living resources in the areas of high seas;

Recalling Article 63.2 of that Convention providing that where the same stock or stocks of associated species occur both within the exclusive economic zone and in an area beyond and adjacent to the zone, the coastal State and the States fishing for such stocks in the adjacent area shall seek, either directly or through appropriate subregional or regional organizations, to agree upon the measures necessary for the conservation of these stocks in the adjacent area;

Recalling that according to Article 119.2 of that Convention available scientific information, catch and fishing effort statistics, and other data relevant to the conservation of fish stocks shall be contributed and exchanged on a regular basis through competent international organizations, whether subregional, regional or global, where appropriate and with participation by all States concerned;

Considering that the Northwest Atlantic Fisheries Organization is the competent regional fisheries organization for the conservation and rational management of fish resources in the NAFO Regulatory Area;

Recalling Article XIX of the NAFO Convention in which the Contracting Parties agree to invite the attention of any State not a Party to the Convention to matters relating to fishing activities in the Regulatory Area of the nationals or vessels of that State which appear to affect adversely the attainment of the objectives of the Convention;

Recalling the resolution adopted by the Fisheries Commission of NAFO on June 7, 1979 calling on all Contracting Parties to take all practicable steps to prevent arrangements between their nationals and vessels flying the flags of States which are not members of NAFO, where such arrangements involve fishing in the Regulatory Area;

Noting that an increasing number of vessels of States not party to the Convention have been fishing in the Regulatory Area, representing a serious threat to the conservation and rational management of stocks;

Noting further that at least some of the catch of these vessels is landed or sold in States being Contracting Parties;

Declares that all members of the international community whose nationals carry out fishing activities in the NAFO Regulatory Area should ensure that such activities do not have an adverse impact on the stocks or NAFO's ability to ensure conservation; and

resolves that:

- (1) All Contracting Parties should communicate through diplomatic channels with non-Contracting Parties whose vessels fish in the NAFO Regulatory Area to request that they take all necessary measures to prevent any fishing contrary to NAFO conservation measures;
- (2) The Executive Secretary of NAFO draw to the attention of the non-Contracting Parties involved the activities of their vessels in the Regulatory Area, and the negative impact of such fishing on the conservation of fish stocks in the Regulatory Area;
- (3) The Executive Secretary and Contracting Parties individually contact non-Contracting Parties, whose vessels fish in the Regulatory Area, to request them to provide NAFO with complete and accurate statistical reports on their catches in the NAFO Regulatory Area to the end of 1990;
- (4) All Contracting Parties should take effective measures to reduce the benefits of any fishing activities undertaken by vessels from non-Contracting Parties in the NAFO Regulatory Area where such fisheries take place contrary to NAFO conservation measures, with the aim of causing them to withdraw from such activities;
- (5) In full respect of the international obligations of Contracting Parties, further measures should be developed for consideration by the General Council at its 1991 annual meeting, including the possibility of introducing a system under which all Contracting Parties would require that all fish and fish products of a species managed by NAFO, imported from non-Contracting Parties whose vessels fish in the NAFO Regulatory Area, be accompanied by a certificate indicating harvest origin outside that Area.