

Northwest Atlantic



Fisheries Organization

Serial No. N2029

NAFO GC Doc. 91/7

13TH ANNUAL MEETING - SEPTEMBER 1991

Report of the General Council

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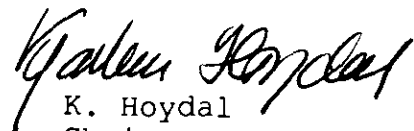
Northwest Atlantic Fisheries Organization

Report of the
General Council of the
Northwest Atlantic Fisheries Organization

Dartmouth, N.S., Canada
9-13 September 1991

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K. Hoydal
Chairman
September 1991

PART I

13th Annual Meeting, 9-13 September 1991
 Holiday Inn, Dartmouth, N.S., Canada

Report of the General Council

Tuesday, 10 September (1020-1140)
 Friday, 13 September (1100-1500)

1. Opening of the Meeting (items 1 to 5 of the Agenda)

- 1.1 The meeting was opened by the Chairman of the General Council, Mr. K. Hoydal (Denmark in respect of the Faroe Islands and Greenland) at 1020 on 10 September 1991.
- 1.2 The members of the General Council present were: Canada, Cuba, Denmark (on behalf of the Faroe Islands and Greenland), European Economic Community, Japan, Norway, Poland, and USSR (Annex 1). The following Contracting Parties were absent: Bulgaria, Iceland, and Romania.
- 1.3 In the opening address (Annex 2) the Chairman expressed his optimism on a very significant increase in the degree of consensus on a number of issues and the scope of serious international cooperation. However, as the Chairman mentioned, NAFO still is facing very difficult problems, and important decisions have to be taken to stabilize the situation in the management of the stocks for which NAFO is responsible.
- 1.4 The Chairman opened the floor for the representatives of Contracting Parties wishing to make opening addresses before proceeding with the Agenda.

 The Representative of Canada indicated that the Canadian Delegation would like to make a statement under item 13 of the Agenda "Fishing activities in the Regulatory Area adverse to the objectives of the Convention (Article XIX of the Convention)". (Annex 3)
- 1.5 The meeting accepted the proposal by the Chairman to designate the Executive Secretary as Rapporteur of the meeting.
- 1.6 The Agenda was adopted as presented to the Meeting (Annex 4).
- 1.7 Under item 4 "Admission of Observers", the Chairman welcomed the USA observers who were present.
- 1.8 The General Council considered an application from Greenpeace International for an observer status at its meetings and decided not to grant such requested status, and to treat this request as those previously. The Executive Secretary should convey this decision to Greenpeace International along the same line as last year.
- 1.9 It was decided to deal with publicity in the traditional manner by preparing the press statement that describes the results of the meeting.

2. Supervision and Coordination of the Organizational, Administrative and other Internal Affairs (items 6 to 11 of the Agenda)

- 2.1 The proceedings of the 12th Annual Meeting, September 1990 (GC Doc. 90/10, Revised) were adopted as circulated without any changes or amendments.
- 2.2 The Rules of Procedure of the General Council which include the Rules of Procedure for the new Standing Committee "STACFAC" were adopted as presented to the meeting in GC Working Paper 91/2 (Annex 5).
- 2.3 The clarification of the Rules of Procedure regarding the "seconding" of all motions presented to the meeting in the GC Working Paper 91/1 was discussed by the Contracting Parties during two plenary sessions.

At the second plenary Meeting on September 13, after sufficient deliberations, all Contracting Parties agreed not to include formally the provision of "seconding" as mandatory requirement in the Rules of Procedure or in the Convention. However, the Executive Secretary was instructed to include such item in the Agenda of the next Annual Meeting and research further for additional explanations.

- 2.4 Items 8,9 and 10 of the Agenda were delegated by the meeting to STACFAD for consideration and further report to the General Council.
- 2.5 At the second plenary meeting the Chairman of STACFAD, Mr. H. Koster (EEC), presented a final report (see Part II) on items 8 to 10 as follows:

STACFAD noted (item 8) that the former member of the General Council and the Fisheries Commission, German Democratic Republic (GDR), has ceased to be a Contracting Party to the Convention, as a result of the accession of the (ex) GDR to the Federal Republic of Germany, and the European Economic Community has succeeded to the rights and obligations of the former German Democratic Republic under the Convention and within NAFO (the appropriate documents in GF/90-370 and GF/91-170 were presented to the Meeting).

One Contracting Party, Romania, is on the record of contributions to NAFO as "in arrears" (Financial Regulations, Rule 4.7) for more than 2 years, and in accordance with Article XVI.9 of the Convention this Contracting Party "shall not enjoy any right of casting votes and presenting objections under the Convention" at the present time.

The total number of members of the General Council is 11, and the total number of members of the Fisheries Commission is 9.

The NAFO Secretariat (item 9) continue to seek a solution for accommodation of Headquarters with appropriate Canadian officials. The results of any decision will be forwarded to STACFAD. The Executive Secretary shall provide STACFAD with actual costs and other related expenses for holding meetings outside of NAFO for estimation of most cost-effective option.

STACFAD approved the Administrative Report (item 10) for 1990 and noted preliminary statistics were used for calculations of billing to the Contracting Parties. STACFAD recommends that appropriate actions be taken to ensure the timely reports of catch statistics from Contracting Parties be presented to the NAFO Secretariat for these purposes.

- 2.6 The Chairman explained that item 11 - Election of Officers, Chairmen and Vice-Chairmen - should be postponed as usual to the end of the Meeting to give delegations the chance to discuss this issue among themselves. At the conclusion of the Meeting on September 13, there were elections of a new Chairman and a Vice-Chairman. In accordance with the provisions of Article IV.2 of the Convention the Representative of Japan, Mr. K. Yonezawa, was elected as the Chairman of the General Council, the President of the Organization, to serve for a term of two years (1992-1993), and the Representative of Norway, Mr. P. Gullestad, was elected as the Vice-Chairman. This motion was moved by Canada and supported by the European Economic Community and all delegations present.
3. Coordination of the External Relations (item 12 of the Agenda)
 - 3.1 The Chairman stated that the issue of large-scale pelagic driftnet fishing was a subject of discussion at the last 12th Annual Meeting and asked the Executive Secretary to explain the status of the pending question to the meeting.
 - 3.2 The Executive Secretary presented information of his communication to Under-Secretary of UN and Contracting Parties (GF/91-167, GF/91-251), which was approved by the meeting. (Annex 6)
 - 3.3 The Chairman summarized the positions of Contracting Parties that the Executive Secretary shall write to the UN informing of an endorsement by NAFO of the United Nations Resolution 45/197 (Annex 7) on large-scale pelagic driftnet fishing and asking, as the USSR Representative suggested, for clarification on the definition of "large-scale pelagic driftnet fishery".
4. Fishing Activities in the Regulatory Area adverse to the Objectives of the Convention (Article XIX of the Convention) (items 13 to 15 of the Agenda)
 - 4.1 The Chairman of the new Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area - STACFAC, Mr. Southgate (EEC) presented during the first plenary session on September 10 a draft report on two meetings of the Committee in 1991 (January, June) and stated that the Committee achieved some positive results. The Committee had considered the following three basic points:

The dispatches of diplomatic demarches from NAFO to the flag states of non-Contracting Parties fishing in the Regulatory Area;

Short-term measures for an introduction of a Certificate of Harvest Origin and/or a Landing Declaration; and,

Long-term trade measures to compel the non-Contracting Parties to cease their activities in the Regulatory Area.

The most important task now for the Committee is to elaborate the appropriate documents.
 - 4.2 The reports of STACFAC (NAFO GC Doc. 91/1 and GC Doc. 91/2) were adopted by the General Council.
 - 4.3 The Representative of Canada presented a brief statement (Annex 3) on behalf of the Canadian delegation. He especially emphasized that fishing by non-Contracting Parties in the Regulatory Area is one of the many vital, urgent questions of NAFO. The establishment of a

Standing Committee on non-Contracting Parties activity indicates that NAFO is a likely organization to deal with this problem.

- 4.4 Agenda items 14 and 15 were postponed for further presentation at the General Council of the STACFAC deliberations during this Annual Meeting.

- 4.5 The Chairman of STACFAC presented the final report (see Part III) on September 13 noting that activity by non-Contracting Parties in the Regulatory Area continues on a large scale, accounting for up to one-third of all catches in the Regulatory Area. The Committee proposed to continue its work as follows:

To assess the final results of the Aide-Memoires (for joint diplomatic demarches) dispatches to the non-Contracting Parties;

To determine the destination of fish products of non-Contracting Parties from the Regulatory Area; and,

To develop and approve a landing declaration system to collect data on landings of catches by non-Contracting Parties sighted fishing in the Regulatory Area.

- 4.6 The Committee presented GC Doc. 91/6 for approval and adoption by the General Council. The USSR Representative with concurrence of the European Community and Canadian Representatives proposed that the phrase in paragraph 4 of this document "...as soon as possible..." be changed to "Contracting Parties provide the NAFO Executive Secretary on annual basis as of first January 1992 statistics available to them on their imports...". This was clarified by the Canadian Representative and the Chairman that the first reports be presented on the first of January 1992. The Representative of Japan proposed to remove in paragraph 6 the phrase "pursuant to the relevant provisions of UNCLOS..." which was accepted by the General Council. (Annex 8)

- 4.7 The General Council adopted with those changes the report of STACFAC and approved the recommendation of the Committee to hold the next meeting sometime during the first three months of the next year. The specific time will be negotiated later among the Contracting Parties.

5. Finance (items 16 to 20 of the Agenda)

- 5.1 Items 16-20 of the Agenda were forwarded to STACFAD for discussions in the Committee and presentation of recommendations to the General Council on Friday, September 13.

- 5.2 The Chairman of STACFAD, Mr. H. Koster (EEC) presented on September 13 the results of STACFAD meetings and report (see Part II), which was adopted unanimously by the General Council as presented on the provision that this budget does not contain the cost of financial implications of implementation of new measures for inspection and enforcement in the Regulatory Area. Such costs could be in the range of \$65,000-70,000 preliminary estimates and subject for further estimations through a consultant (s) and presentation to the Contracting Parties.

- 5.3 The Delegate of Canada, Ms. D. Gill, was re-elected by STACFAD as the Chairperson of STACFAD for a second term (1992-1993) and Mr. H. Koster (EEC) was elected as the Vice-Chairperson.

6. Closing of the Meeting (items 21 to 24 of the Agenda)

- 6.1 During the first plenary session of the General Council on September 10 the Agenda items 21 to 26 were postponed for discussion on September 13.
- 6.2 The General Council agreed to hold the next meeting at Dartmouth, N.S. (Canada) during the dates approved in the STACFAD Report.
- 6.3 The Representative of Canada presented (under Agenda item 22) for consideration of Contracting Parties a draft Resolution "To Establish a new Scheme of Effective Joint International Enforcement" which called for a special NAFO meeting to be held before the end of June 1992.
- 6.4 The Chairman specified that delegations first should decide on the possibility of the proposed intersessional meeting before discussing the Canadian proposal in detail. The floor was opened for opinions.
- 6.5 The Representatives of Contracting Parties (European Economic Community, Denmark, USSR, Norway, Japan, Poland, Cuba) expressed their understanding of the Canadian concern for efficiency of the joint international inspection and control in the Regulatory Area as this is one of the major goals for all Contracting Parties.

The delegations concurred with the European Economic Community views that NAFO should work further along the lines of existing and new rules in the Committees - STACTIC, STACFAD to implement what was already decided and to analyze the existing measures for their efficiency, operational problems, practicality and costs. The majority of delegations present expressed opinions that for the special meeting proposed by Canada a consensus of Contracting Parties would be the most appropriate way to achieve positive goals.
- 6.6 The Canadian Representative agreed with views of delegations that more time was needed to consider this issue and noted that Canada will conduct bilateral discussions with the Contracting Parties to discuss its ideas for the special meeting and related problems. After these discussions, when the time is right and a positive attitude is there, Canada will ask for a special meeting.
- 6.7 The Chairman summarized the position of the Representatives of Contracting Parties present that the General Council agreed with this approach.
- 6.8 The Representative of Denmark (in respect of the Faroe Islands and Greenland) announced that he, as the Chairman of STACTIC, in view of discussions at the General Council and Fisheries Commission, proposed to arrange a STACTIC intersessional meeting in February 1992 and to invite this meeting to be held in Copenhagen, Denmark. This was agreed.
- 6.9 Under Agenda item 23 the Chairman presented a draft Press Statement reflecting the discussions and decisions made during the 13th Annual Meeting. This was approved by the meeting (see Annex 9).
- 6.10 The Chairman closed the Thirteenth Annual Meeting of the General Council at 1500 on September 13, 1991.

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Annex 2

13TH ANNUAL MEETING - SEPTEMBER 1991Opening Remarks to General Council by Chairman, K. Hoydal

It is an honour for me to call the General Council at the 13th Annual Meeting to order and welcome all delegates from the Contracting Parties.

It is fair to say that the 12th Annual Meeting ended on a much happier note than the previous meetings. There was a very significant increase in the degree of consensus on a number of issues and the scope serious international cooperation was widened considerably. Particularly in agreement on quotas, improvement of inspection schemes and routines and handling of non-Member activity.

It is my hope that the tone of the 12th Annual Meeting will prevail and even be improved.

Having said that there was an improvement last year, I have to stress that we still are facing very difficult problems and although we hopefully have entered a path of cooperation, which ultimately can solve those problems, important decisions have to be taken to stabilize the situation in the management of the stocks for which NAFO has responsibility.

It could be said that the question NAFO has to address is: How can NAFO prove that the multilateral cooperation beyond the 200-mile limit can manage as efficiently as fisheries administrations of the Contracting Parties. We should not aim at anything less than what we demand from the management in our zones.

Notes for Comments

by

Head of the Canadian Delegation

Effective International Enforcement

Mr Chairman:

I would like to make a brief statement on behalf of the Canadian delegation.

The issue of fishing by non-Contracting Parties inside the Regulatory Area is of great concern to Canada. It is one of the many vital questions NAFO must address with some degree of urgency.

The fact that we now have a Standing Committee on eliminating non-Member fishing activity, a new working group on improving inspection and control in the Regulatory Area may appear to indicate that NAFO is a likely organization. But, Mr Chairman, as we sit here, the fish stocks for which NAFO is responsible are declining at an alarming rate. We are killing more fish than we should. The Scientific Council is telling us that too much of the catches are unrecorded. Too many fish are harvested too young. We know that if our fish die, our fishing communities will die with them. We know that if our fish die, NAFO will become irrelevant. We know that we must act to stop this trend and to reverse it.

Using these estimates, our scientists have estimated fishing mortalities. In most cases, they have advised precautionary TACs at the same level as those of last year. Uncertainty prevails. NAFO is in a holding pattern but in the meantime, the stocks are going down.

Mr Chairman, the Canadian delegation is deeply concerned about the state of the stocks in the Regulatory Area and about the inability of NAFO to implement effectively management measures necessary to the rebuilding and protection of those stocks. We propose to make a further statement on that matter at the Fisheries Commission this afternoon.

Thank you, Mr Chairman.

Annex 4

13 Annual Meeting of NAFO
 Holiday Inn, Dartmouth, Nova Scotia, Canada
 9-13 September 1991

General CouncilAgendaOpening Procedures

1. Opening by Chairman, K. Hoydal (Denmark in respect of the Faroes and Greenland)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Admission of Observers
5. Publicity

Supervision and Coordination of the Organizational, Administrative and other Internal Affairs

6. Approval of Proceedings of 12th Annual Meeting, September 1990 (See GC Doc. 90/10, Revised)
7.
 - a) Approval and adoption of amendment to the Rules of Procedure (new Standing Committee-STACFAC; Note 1 with Attachment; GC Working Paper 91/2)
 - b) Clarification of the Rules of Procedure regarding the "seconding" of all motions (Note 2; G.C. Working Paper 91/1)
8. Review of Membership
 - a) General Council (GF/90-370, 91-171)
 - b) Fisheries Commission (GF/90-370, 91/171)
9. NAFO Headquarters accommodations for conducting of NAFO meetings (G.C. Working Paper 91/3)
10. Administrative Report
11. Election of Officers - Chairman and Vice-Chairman

Coordination of the External Relations

12. Request from the Under-Secretary General of the United Nations on information of large-scale pelagic driftnet fishing - Resolution 44/225 - of the General Assembly of the United Nations (Note 3, GF/91-167, GF/91-251)

Fishing activities in the Regulatory Area adverse to the objectives of the Convention (Article XIX of the Convention)

13. Approval of Proceedings of First and Second Meetings of STACFAC (GC Doc. 91/1 and 91/2)

14. Practical implementation of the General Council Resolution on Non-NAFO Fishing Activities (GC Doc. 90/8; Reports of STACFAC)
15. Report of STACFAC

Finance

16. Auditor's Report
17. Meeting of the Pension Society
18. Staff Rules (Note 4; GF/91-163-STACFAD Working Paper 91/1, 91/4)
19. Review of Meeting Dates and Date of Annual Meeting (Note 5)
20. Report of STACFAD

Closing Procedures

21. Time and Place of Next Meeting
22. Other Business
23. Press Statement
24. Adjournment

*Note: Supplementary documents to this Agenda are provided in 5 notes.

Notes to the General Council Agenda by the Executive Secretary

Note 1 (Revised)
(item 7a of Agenda)

In accordance with Rule 5.4 of the Rules of Procedure for the General Council, the Standing Committee on Fishing Activities of non-Contracting Parties in the Regulatory Area (STACFAC) established its own Rules of Procedure (Attachment to Note 1). The majority of international organizations conduct their activities and define the basic objectives in their convention (constitutions) and by-laws, which in NAFO's case are the Rules of Procedures. There should be no other such equivalent documents to avoid confusion or disorder, unless any such additional documents are mentioned in the Convention. As STACFAC is a subsidiary body of the General Council, the Rules of Procedure adopted by the Standing Committee should be included in the Rules of Procedure for the General Council under the heading "Committees" in Rule 5. The new formulation of this Rule is presented in GC Working Paper 91/2. Furthermore, there are suggested changes in Rule 5.3 of the word "Chairman" (as it was in former Rule 5.2) for "a chairperson and a vice-chairperson", that will be consistent with STACFAC's Rules and correspond with a real situation in STACFAD. In this Committee the presiding officer is a chairperson and his/her substantial work requires support with vice-chairperson.

Note 2
(item 7b of Agenda)

The "seconding" of motions is a question from the 12th Annual Meeting which was raised by the Contracting Parties. A request for an inclusion into an agenda came from Canada (letter of November 1990). The NAFO Secretariat prepared its GC Working Paper 91/1 with the explanations of the motions and "seconding".

Note 3
(item 12 of Agenda)

The NAFO Secretariat received a request from the Under-Secretary-General of the United Nations for a report on large-scale pelagic driftnet fishing in the Northwest Atlantic (GF/91-167 of 12 April 1991, Attachment 1 to this note). A new Resolution was adopted by the General Assembly-45/197-on the basis of previous Resolution 44/225 (Attachment 2 to this note). The NAFO position was expressed at its 12th Annual Meeting and this position had been reconfirmed to the United Nations by the Executive Secretary in his letter dated June 24, 1991 (Attachment 3 to this note).

Note 4
(item 18 of Agenda)

The NAFO Staff Rules have already been on the NAFO Meeting Agendas and seriously considered for the last 6 years. The new draft NAFO Staff Rules (STACFAD Working Paper 91/1 of 10 April, 1991) was forwarded to the Contracting Parties in accordance with the General Council decision (GC Doc. 90/10, Revised, item 43).

The majority of Rules in this draft formulated following the international practice developed by the international organizations with analogous duties and responsibilities for the sizable multinational tasks (such as ICES, NEAFC, CCAMLR) and following the NAFO Financial Regulations (Rule 6).

Bearing in mind the high level of international responsibility for the Organization, it is very important to establish and maintain the reasonably high level of incentives for its staff in accordance with the existing international practice.

Note 5
(item 19 of Agenda)

At the present time the conditions for conducting the Annual Meetings in the Halifax-Dartmouth area are becoming more complicated. The time for the Annual Meeting in September coincides with many local, national and international events in those cities, and this month appears as the busiest "equinox" of the year for these purposes.

The managers of a major chain of hotels in Halifax and Dartmouth advised NAFO that a minimum required time for a reservation of such events as NAFO meetings should be not less than 2-3 years in advance on a long-term basis.

Under such circumstances it is imperative that NAFO's meeting schedule should be firmly fixed for 3 years in advance. If any Contracting Party would like to invite the meeting to be held outside of Canada, such invitation should be presented to NAFO in advance not less than 2 years.

At this stage the Secretariat of NAFO negotiates a long-term arrangement for the Annual Meetings with Hilton Hotel in Halifax, which has all necessary facilities for conducting international meetings.

Annex 5

13th Annual Meeting of NAFO
 Holiday Inn, Dartmouth, N.S., Canada
 4-13 September 1991

Rules of Procedure
 for the General Council

COMMITTEES

Rule 5

- 5.1 There shall be a **Standing Committee on Finance and Administration** consisting of at least five representatives, one from each of at least five Contracting Parties, who may be assisted by experts and advisers, and which will advise the General Council on:
- a) matters relating to the Secretariat;
 - b) the budget of the Organization;
 - c) the time and place of meetings of the Organization; and
 - d) publications of the Organization.
- 5.2 There shall be a **Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)** including one representative from each Contracting Party that wishes to participate, who may be assisted by experts and advisers, and which shall:
- a) obtain and compile all available information on the fishing activities of non-Contracting Parties in the Regulatory Area, including details on the type, flag and name of vessels and reported or estimated catches by species and area;
 - b) obtain and compile all available information on landings, and transshipments of fish caught in the Regulatory Area by non-Contracting Parties, including details on the name and flag of the vessels; the quantities by species landed, transshipped; and the countries and ports through which the product was shipped;
 - c) examine and assess all options open to NAFO Contracting Parties including measures to control imports of fish caught by non-Contracting Party vessels in the Regulatory Area and to prevent the reflagging of fishing vessels to fish under the flags of non-Contracting Parties; and
 - d) recommend to the General Council measures to resolve the problem.
- 5.3 The Committee shall elect from among its members, to serve for two years, a chairperson and a vice-chairperson who shall be allowed a vote. The Executive Secretary shall be an *ex officio* member, without vote.
- 5.4 The General Council may establish such other subsidiary bodies as requested.
- 5.5 Except as provided in these Rules, each subsidiary body shall establish its own Rules of Procedure.

In all correspondence,
please refer to:

GF/91-167

12 April 1991

Dear Sir,

Subject: United Nations Resolution 44/225 on
large-scale pelagic driftnet fishing

On April 10 I received a letter from Mr. Satya N. Nandan, Under-Secretary-General of the United Nations, requesting a report by 31 July 1991 on large-scale pelagic driftnet fishing in accordance with the UN Resolution 44/225. The Contracting Parties discussed this Resolution at the last Annual Meeting (item 7 of the General Council agenda).

In accordance with the decision of the General Council, a response had been sent to the United Nations by the Executive Secretary (GF/90-324, October 12, 1990) confirming that:

1. Large-scale pelagic driftnet fishing is not presently practiced by NAFO Contracting Parties in the Convention Area.
2. NAFO endorsed the UN Resolution on large-scale pelagic driftnet fishing.

I assume that at present the above-mentioned position stands the same. Therefore, if Contracting Parties agree, I will send this reply to the United Nations by 31 June 1991.

Yours very truly,

Dr. L. I. Chepel
Executive Secretary

LIC:bjc

In all correspondence,
please refer to:

GF/91-251

24 June 1991

Mr. Satya N. Nandan
Under-Secretary-General
Special Representative of the
Secretary General for the Law
of the Sea
Office for Ocean Affairs and the
Law of the Sea
United Nations
N.Y. 10017
USA

Dear Mr. Nandan,

RE: Your letter dated 03 April 1991 on
large-scale pelagic driftnet fishing
General Assembly resolutions 44/225
and 45/197

The Contracting Parties of the Northwest Atlantic Fisheries Organization (NAFO) were informed on the adoption by the General Assembly UN of Resolution 45/197 and provided with the text of the Resolution.

At this stage the NAFO Secretariat does not possess any information related to large-scale pelagic driftnet fishing in the Convention Area of the Northwest Atlantic.

On behalf of NAFO I have the pleasure to reconfirm that the NAFO General Council at the 12th Annual Meeting in 1990 had:

1. Confirmed that large-scale pelagic driftnet fishing is not presently practiced by NAFO Contracting Parties in the Convention Area.
2. Endorsed the United Nations Resolution on large-scale pelagic driftnet fishing.

I wish to inform further that at the upcoming Annual Meeting of NAFO in September this issue will be considered again under the General Council Agenda.

Sincerely yours,

Dr. L. I. Chepel
Executive Secretary

LIC:bjc

UNITED
NATIONS

A



General Assembly

Distr.
GENERAL

A/RES/45/197
18 March 1991

Forty-fifth session
Agenda item 79

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Second Committee (A/45/849/Add.1)].

45/197. Large-scale pelagic driftnet fishing and its impact
on the living marine resources of the world's
oceans and seas

The General Assembly,

Recalling its resolution 44/225 concerning large-scale pelagic driftnet fishing and its impact on the living marine resources of the world's oceans and seas, including enclosed and semi-enclosed seas, which was adopted by consensus on 22 December 1989,

Also recalling, in particular, that the General Assembly recommended that all members of the international community agree to certain measures specified in the operative paragraphs of resolution 44/225,

Further recalling the relevant principles elaborated in the United Nations Convention on the Law of the Sea, ^{1/} which are referred to in the seventh to tenth preambular paragraphs of resolution 44/225,

Commending the unilateral, regional and international efforts that have been undertaken by members of the international community and international organizations to implement and support the objectives of resolution 44/225,

^{1/} Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

A/RES/45/197

Page 2

Noting that at the Twenty-first South Pacific Forum, held at Port Vila on 31 July and 1 August 1990, the Heads of Government reaffirmed their opposition to large-scale pelagic driftnet fishing, 2/ and taking note of the resolution on large-scale pelagic driftnet fishing in the South Pacific region, adopted by the South Pacific Conference at Noumea, New Caledonia, on 31 October 1990,

Welcoming the decision of a Member State to suspend driftnet operations in the South Pacific one year in advance of the date of cessation stipulated by the General Assembly, and the decision of other Member States to cease or suspend driftnet fishing,

Taking note of the Castries Declaration 3/ issued on 24 November 1989 at the sixteenth meeting of the Authority of the Organization of Eastern Caribbean States, in which the Authority resolved to establish a regional régime for the regulation and management of the pelagic resources in the Lesser Antilles region that would outlaw the use of driftnets and called upon other States in the region to co-operate in this regard, and noting the more recent developments in the wider Caribbean Community region,

Noting that there have been recent meetings related, inter alia, to the protection of fish and other living marine resources and the environment in the Mediterranean, including the Meeting of the Nine Western Mediterranean Countries on Dialogue and Co-operation in the Western Mediterranean, held at Rome on 10 October 1990, and the Meeting on the Mediterranean of the Conference on Security and Co-operation in Europe, held at Palma de Mallorca, Spain, from 24 September to 19 October 1990,

Noting also that the International North Pacific Fisheries Commission has concerned itself with large-scale pelagic driftnet fishing in the North Pacific Ocean, including the need to accumulate scientific knowledge, and has supported the full implementation of resolution 44/225,

Noting further that the International Whaling Commission, at its forty-second annual meeting, in July 1990, referred to the use of large-scale pelagic driftnets in many areas of the high seas, including important habitats for cetaceans encompassing feeding and breeding grounds and migratory pathways, and endorsed resolution 44/225,

Noting that, at its first session, the Preparatory Committee for the United Nations Conference on Environment and Development requested the Secretary-General of the Conference to prepare, for submission to the Preparatory Committee at its second session, a comprehensive report on, inter alia, the impact of large-scale harvesting, and new fishing technologies and fishing technologies incompatible with

2/ See A/45/456, annex.

3/ A/45/64, annex.

the sustainable management of living marine resources, taking into account resolution 44/225, 4/

Noting with appreciation the contribution to the report of the Secretary-General 5/ made by the Food and Agriculture Organization of the United Nations, by other appropriate organs, organizations and programmes of the United Nations system and by various regional and subregional fisheries organizations, in response to the request of the General Assembly in paragraph 6 of resolution 44/225,

Also noting with appreciation the contribution to the report of the Secretary-General made voluntarily by some members of the international community and by intergovernmental and non-governmental organizations,

Noting that some members of the international community have initiated co-operative efforts to obtain statistically sound data on the impact of large-scale pelagic driftnet fishing,

Expressing deep concern about reports of attempts to expand large-scale pelagic driftnet fishing on the high seas of the Atlantic Ocean by one fishing entity, in disregard of paragraph 4 (c) of resolution 44/225,

Expressing concern about reports of reflagging of vessels by some private fishing interests, which is contrary to the spirit and content of resolution 44/225,

1. Takes note with interest of the report of the Secretary-General 5/ and expresses its appreciation for his efforts;
2. Reaffirms its resolution 44/225, and calls for its full implementation by all members of the international community, in accordance with the measures and time-frame elaborated in paragraph 4 of that resolution concerning large-scale pelagic driftnet fishing on the high seas of all the world's oceans and seas, including enclosed and semi-enclosed seas;
3. Also reaffirms that it is important that all members of the international community take such measures as may be necessary to ensure compliance with paragraph 4 (c) of resolution 44/225;
4. Requests the specialized agencies and other appropriate organs, organizations and programmes of the United Nations system, as well as the various global, regional and subregional fishery organizations, to continue to study urgently large-scale pelagic driftnet fishing and its impact on living marine resources and to report their views to the Secretary-General, bearing in mind the dates set out in paragraphs 3 and 4 of resolution 44/225;

4/ A/45/46, annex I, decision 1/20, para. 1 (c).

5/ A/45/663.

A/RES/45/197

Page 4

5. Requests the Secretary-General to bring the present resolution to the attention of all members of the international community, intergovernmental organizations, non-governmental organizations in consultative status with the Economic and Social Council and well-established scientific institutions with expertise in relation to living marine resources;

6. Also requests the Secretary-General to submit to the General Assembly at its forty-sixth session a report on the implementation of the present resolution.

71st plenary meeting

21 December 1990

Serial No. N2026NAFO/GC Doc. 91/6**NORTHWEST ATLANTIC FISHERIES ORGANIZATION****Recommendation to the General Council****13th Annual NAFO Meeting
9-13 September 1991**

THE STANDING COMMITTEE ON FISHING ACTIVITIES OF NON-CONTRACTING PARTIES IN THE NAFO REGULATORY AREA - STACFAC

Recalling the Resolution on Non-NAFO Fishing Activities adopted by the General Council at the 12th Annual Meeting of the Northwest Atlantic Fisheries Organization, resolving i.a. that

- 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;

Recalling the Terms of Reference of the Standing Committee (STACFAC), established by the General Council "to examine options to cause non-Contracting Parties to withdraw from fishing activities contrary to NAFO Conservation Measures";

Recalling the relevant provisions of the United Nations Convention on the Law of the Sea (UNCLOS) on the obligations of states with respect to conservation of the living resources of the high seas;

Recalling the provisions of the General Agreement on Tariffs and Trade (GATT), in particular the principles of non-discrimination, proportionality and transparency;

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

Expressing concern at the serious threat to conservation and rational stock management posed by increasing fishing activities of vessels flying the flag of countries that are not Contracting Parties of NAFO and to whom quotas in the NAFO Regulatory Area have not been assigned, and convinced that such non-Contracting Parties should cooperate in accordance with the principles contained in UNCLOS;

Bearing in mind the adverse effect of high levels of unreported catches by non-Contracting Parties for the assessment of stocks and the provision of management advice;

Noting with satisfaction the individual and joint diplomatic demarches to the aforementioned non-Contracting Parties engaged in fishing activities in the NAFO Regulatory Area undertaken by NAFO Contracting Parties and bearing in mind the positive responses received to date;

Taking into account the views expressed in STACFAC discussions;

Recommends to the General Council at its 13th Annual Meeting that:

1. Contracting Parties follow-up on the successive diplomatic initiatives undertaken individually and jointly with non-Contracting Parties seeking the necessary measures to prevent fishing contrary to NAFO Conservation Measures and shall report the results to STACFAC for consideration of possible further action;

2. The Executive Secretary shall continue his efforts to draw to the attention of non-Contracting Parties the negative impact of the fishing activities of their vessels in the Regulatory Area and the importance of providing NAFO with complete and accurate statistical catch reports;
3. Contracting Parties seek to collect data on fishing activities of vessels flying the flags of non-Contracting Parties in the NAFO Regulatory Area including catches and landings;

Contracting Parties provide regular reports of these activities to the NAFO Executive Secretary; and

The Executive Secretary shall distribute these reports to all Contracting Parties.

4. Contracting Parties provide the NAFO Executive Secretary on annual basis as of first January 1992 statistics available to them on their imports of groundfish species regulated by NAFO from non-Contracting Parties whose vessels fish in the NAFO Regulatory Area;
5. STACFAC shall examine where possible methods of improving the reporting of catches and landings from the NAFO Regulatory Area by non-Contracting Parties.
6. Contracting Parties shall investigate options open to them, in accordance with their legislation, to dissuade their nationals from engaging in fishing activities, in contravention of NAFO conservation decisions, in the NAFO Regulatory Area under non-Contracting Party flags and to discourage such activities where they are presently taking place.
7. STACFAC shall continue examination of a Landing Declaration system to collect data on landings of catches by non-Contracting Party vessels in the NAFO Regulatory Area and provide a report on possible implementation to the General Council in 1992.
8. STACFAC shall submit a comprehensive report to the General Council at the 14th Annual Meeting on the above provisions and on possible additional measures consistent with STACFAC's Terms of Reference for consideration.

Northwest Atlantic Fisheries Organization
Thirteenth Annual Meeting - September 1991

Press Release

1. The Thirteenth Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO) was held in Dartmouth, N.S., Canada during 9-13 September 1991, under the chairmanship of Mr. K. Hoydal (Denmark in respect of the Faroe Islands and Greenland), President of NAFO. The sessions of the General Council, the Scientific Council, and the Fisheries Commission and all subsidiary bodies were held at the Holiday Inn.
2. The delegations attending the meeting were from the following Contracting Parties: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), European Economic Community (EEC), Japan, Norway, Poland and the Soviet Union (USSR). Observers from the United States of America were present at the meeting.
3. The Scientific Council, under the chairmanship of Mr. B. W. Jones (EEC), provided the scientific assessment and recommendations pursuant to the Convention on the management of the fishing stocks in the Convention Area. The Chairman of the Scientific Council reported to the Fisheries Commission on the questions pertaining to the scientific basis for the management and conservation of fishery resources within the Regulatory Area.
4. Under the umbrella of the Scientific Council there was a Symposium on "Changes in abundance and biology of Cod stocks and their possible causes". The Symposium was held at NAFO Headquarters in Dartmouth during 4 to 6 September. The Scientists from different Contracting Parties presented and discussed 24 reports and papers on the different topics of major changes in abundance of cod stocks and their biology in relation to environmental variability and as functions of the fisheries. The scientific presentation will be published in 1992 as the Scientific Studies which will contribute further to better understanding of the basic principles of the management of the cod stocks.
5. The Fisheries Commission, under the chairmanship of Ms. M. Yeadon (Canada) considered and took decisions on several important issues pertaining to the management and conservation of the fisheries resources in the Regulatory Area as follows:

On the basis of the scientific advice from the Scientific Council the Contracting Parties agreed on the Total Allowable catches and allocations in 1992 for the fishing stocks which are either entirely in the Regulatory Area or associated with the stocks within the 200-mile fishing zones. The TACs and allocations decided by the Commission are presented in the attached Quota Table.

On the basis of the deliberations and presentation of the Standing Committee on International Control (STACTIC) under the chairmanship of Mr. O. Muniz (Cuba), the Fisheries Commission adopted new proposals for international measures of control and enforcement within the Regulatory Area for the purpose of improvements on inspection and surveillance in the Regulatory Area. In a new Scheme of Joint International Inspection and Surveillance there are provisions for coordination of all "Hail System" reports on activity of the fishing vessels in the Regulatory Area via the NAFO Headquarters in Dartmouth and implementation of the aircraft surveillance.

6. The Contracting Parties agreed to continue the moratorium for 1992 on cod fishing by Contracting Parties in Division 3L outside the 200-mile Canadian Zone, in the continuation of the conservation measures for the purpose of the stock recuperation.
7. Upon the presentation of the Standing Committee on Finance and Administration (STACFAD), the General Council adopted the Organization's budget and accounts for 1992.
8. The new Standing Committee on Fishing Activities by non-Contracting Parties in the Regulatory Area (STACFAC), under the chairmanship of Mr. C. C. Southgate (EEC), examined important questions on the fishing by vessels of non-member countries and presented its report and recommendations to the General Council, which adopted further measures designed to curtail and eliminate such unregulated fishing in the Regulatory Area. The most important measures include: active diplomatic initiatives individually and jointly, intensive effort from the office of the Executive Secretary in communication with non-Contracting Parties, improvement in statistical information on non-member catches and on imports of groundfish species from non-Contracting Parties whose vessels fish in the NAFO Regulatory Area.
9. The General Council endorsed the UN Resolution 45/197 on large-scale pelagic driftnet fishing and reconfirmed that such fishing is not presently practiced by NAFO Contracting Parties in the Convention Area.
10. Several elections took place for Chairmen and Vice-Chairmen of constituent and subsidiary bodies of the Organization, as follows:

Chairman of the General Council, President of the Organization	- K. Yonezawa (Japan)
Vice-Chairman of the General Council	- P. Gullestad (Norway)
Chairman of the Fisheries Commission	- E. Wiseman (Canada)
Vice-Chairman of the Fisheries Commission	- P. Hillenkamp (EEC)
Chairman of the Scientific Council	- V. P. Serebryakov (USSR)
Vice-Chairman of the Scientific Council	- H. Lassen (Denmark in respect of the Faroe Islands and Greenland)
Chairperson of the Standing Committee on Finance and Administration (STACFAD)	- D. Gill (Canada)
Vice-Chairman of the Standing Committee on Finance and Administration (STACFAD)	- H. Koster (EEC)
Chairman of the Standing Committee on International Control (STACTIC)	- E. Lemche (Denmark in respect of the Faroe Islands and Greenland)

NAFO Secretariat
Dartmouth, N. S., Canada
13 September 1991

SCHEDULE I
Quota Table¹ for 1992

Column I	II	III	IV	V	VI	VII	VIII	IX	X	XI
Contracting Party	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 ³ (Illex) Subareas 3+4
1. Bulgaria	-	-	645	-	-	-	-	-	-	500
2. Canada	100	6,484	1,075	5,964	150	25,425	6,825	3,000	800	N.S. ⁵
3. Cuba	480	-	3,762	1,372	-	-	-	-	750	2,250
4. Denmark (Faroes & Greenland)	2,900	-	-	-	-	-	-	-	-	-
5. European Economic Community	6,465	5,016	6,665	476	350	328	140	-	750	N.S. ⁵
6. Iceland	-	-	-	-	-	-	-	-	-	-
7. Japan	-	-	860	-	-	-	-	-	2,800	2,250
8. Norway	1,200	-	-	-	-	-	-	-	9,000	-
9. Poland	500	-	-	-	-	-	-	-	900	1,000
10. USSR	1,270	1,624	29,777	6,104	1,000	-	-	1,950	15,000	5,000
11. Others	50	476	216	84	500	47	35	50	-	5,000
12. Special Reservation ²	-	-	-	-	-	-	-	-	-	-
13. Total Allowable Catch	12,965	13,600	43,000	14,000	2,000	25,800	7,000	5,000	30,000	150,000 ⁶

¹Quotas are in metric tons.

²There are no Special Reservations for 1992.

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

⁴Any 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.

⁵Not 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.

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

PART II

REPORT OF THE STANDING COMMITTEE ON
FINANCE AND ADMINISTRATION (STACFAD)
Monday, 9 September 1991 (1500-1835 hours)
Thursday, 12 September 1991 (0730-1000 hours)
Thursday, 12 September 1991 (1930-2000 hours)
Friday, 13 September 1991 (0800-0840 hours)

1. Opening of the Meeting

- 1.1 The Chairman of the NAFO General Council, Mr K. Hoydal (Denmark in respect of the Faroe Islands and Greenland) opened the meeting and explained that the Chairperson of STACFAD was unable to attend this meeting and that the election of a new Chairperson was necessary.
- 1.2 It was proposed by the USSR and seconded by Canada that Mr H. Koster (EEC) be elected Chairperson for this meeting. This was supported by all delegates.

2. Appointment of Rapporteur

Members of the Secretariat were requested to keep minutes of the meeting. The Executive Secretary hoped that during future meetings a Rapporteur could be nominated from one of the Contracting Parties bearing in mind that STACFAD decisions would have a direct financial implication for the NAFO Secretariat.

3. Adoption of Agenda

The provisional agenda was adopted as circulated to Contracting Parties (Annex 1).

4. Review of Membership

- 4.1 The Executive Secretary pointed out that under this item members of STACFAD were responsible for ensuring a sufficient number of Contracting Parties were represented in the Committee to form a quorum which is at least five representatives in accordance with the Rules of Procedure. He noted that under these Rules it is not the responsibility of STACFAD to review membership in the Organization. Six Contracting Parties (Canada, Cuba, EEC, Japan, Poland and USSR) (Annex 2) were represented at this meeting, enough for a quorum, permitting STACFAD to proceed with its mandate as contained in the NAFO financial regulations.
- 4.2 The Chairperson pointed out that the General Council had forwarded items 8, 9 and 10 from the General Council Agenda and item 8 is the Review of Membership in the General Council and the Fisheries Commission, which should be considered.
- 4.3 The Executive Secretary reported that the former German Democratic Republic is no longer a Contracting Party and Heads of Delegations were advised on 30 November 1990 (GF/90-370) and on 16 April 1991 (GF/91-171).

It was noted that Bulgaria, Romania and Iceland were not represented at this meeting. The Executive Secretary informed STACFAD that these Contracting Parties had received all meeting information and documents. He also pointed out that Romania's annual financial contribution to NAFO was more than 2 years in arrears and consequently Romania could have no vote.

- 4.4 The Chairperson noted that the members of the General Council total 11 Contracting Parties and the members of the Fisheries Commission total 9.
- 4.5 One Contracting Party - Romania- is on the record of its contributions to NAFO "...to be in arrears..." (Financial Regulations, Rule 4.7) for more than 2 years, and in accordance with Article XVI.9 of the Convention such Contracting Party "shall not enjoy any rights of casting votes and presenting objections under the Convention".
5. Auditors Report for 1990
 - 5.1 The Executive Secretary informed STACFAD that the Auditors Report had been mailed to the Heads of Delegations on 22 February 1991 and no comments had been received on the Report. He pointed out that "Ireland" should be changed to read "Iceland" (page 3) and drew attention to the unfunded pension liability of approximately \$ 168,171.00.
 - 5.2 Following a discussion of this matter STACFAD recommended that in order to avoid any possible cash flow problems the annual payment of approximately \$ 28,783.00 be continued until the unfunded pension liability is paid in full.
 - 5.3 STACFAD recommended to the General Council that the Auditors Report for 1990 be adopted.
6. Meeting of the Pension Society
 - 6.1 The Executive Secretary introduced STACFAD Working Paper 91/5, Report on the Meeting of the Pension Society. He reported that much progress had been made on pension benefits for members of the Secretariat and felt that attendance at future meetings of the Society would continue to be very beneficial. The next meeting will be held in Seattle, Washington, in May 1992 and it is planned to send two members of the Secretariat to this meeting.
 - 6.2 The delegates agreed with the results of the Meeting of the Pension Society and future participation of the NAFO Secretariat.
7. Review of Accumulated Surplus Account
 - 7.1 The Executive Secretary advised STACFAD that the estimated Accumulated Surplus at the end of 1991 would be \$ 235,205.00 (NAFO/GC Doc. 91/4, Statement IV, page 8).
 - 7.2 STACFAD recommended that the Accumulated Surplus should be maintained at \$ 75,000.00 and the balance of \$ 160,205.00 be used to reduce contributions of Contracting Parties for 1992.
8. Review of Cost Implications for the NAFO Secretariat of Long-term and Short-term Measures for International Control in the Regulatory Area
 - 8.1 The Executive Secretary advised participants that information on this item was contained in FC Doc. 90/9 and STACFAD Working Paper 91/3 and pointed out that it might be premature to discuss this item in STACFAD until this item is reviewed in the Fisheries Commission and approved by the General Council. However, he felt it was necessary to advise STACFAD of possible costs.

- 8.2 Concerns were expressed by all members of STACFAD about the estimated financial implications of the hail system (\$ 65,000.00 to \$ 71,000.00), and following a lengthy discussion STACFAD recommended to the General Council that a consultant be retained to assess the technical, human and financial resources that will be required by the NAFO Secretariat in 1992 to implement the inspection and control measures for international control in the Regulatory Area.
- 8.3 STACFAD draws the attention of the General Council to the probable cost implications of the inspection and control measures for the 1992 budget. Since these costs are not known the 1992 budget does not contain a provision for these financial implications.
9. NAFO Headquarters Accommodations for Conducting of NAFO Meetings
- 9.1 The Executive Secretary introduced GC Working Paper 91/3 which drew attention to the fact of insufficient office accommodation for NAFO meetings held in the NAFO Secretariat. He pointed out that one meeting to discuss possible expansion of NAFO Headquarters had been held with appropriate Canadian officials as the representatives of the host Country, just prior to this NAFO meeting and a further meeting will be held following the Annual Meeting to discuss this situation in more detail. The results of this meeting will be circulated to the members of STACFAD.
- 9.2 As at present time the host country Canada pays for all NAFO Headquarters accommodation, it is possible that there will be no additional costs to Contracting Parties, if the appropriate Canadian authorities are willing to contribute expansion of NAFO Headquarters.
- 9.3 STACFAD requests the Executive Secretary to provide actual costs of hotel and other related expenses of holding meetings outside NAFO Headquarters. If additional costs are involved for Contracting Parties, STACFAD will return to this question.
10. Administrative Report and Financial Statements for 1991 (as of 31 July 1991)
- 10.1 The Administrative Report (GC Doc. 91/4) was reviewed and attention was drawn to the amount of unpaid member contributions (Statement III, page 7). As of 31 July 1991, the amount owed by Contracting Parties was \$ 233,409.00.
- 10.2 The Executive Secretary reported that Cuba had paid their 1990 contribution (\$ 25,276.00), and Poland had paid their 1991 contribution (\$ 23,370.55). However, the amount still outstanding was \$ 184,762.45. The EEC advised STACFAD that their contribution of \$ 59,559.81 had been forwarded to the NAFO Secretariat.
- 10.3 The Executive Secretary pointed out that once again preliminary catch statistics were used when calculating the billing in Statement V (Annex 3).
- STACFAD recommended that the General Council take appropriate action to insure the timely reporting of catch statistics from Contracting Parties.

11. Preliminary Budget Estimate for the Fiscal Year Ending 31 December 1992

11.1 STACFAD reviewed the preliminary budget estimate of \$ 903,000.00 a 4.42% increase over the approved budget for 1991 which is very close to the annual inflation rate in Canada.

11.2 STACFAD recommended to the General Council that the budget for the Organization of \$ 903,000.00 be adopted as presented for 1992 (Annex 4).

12. Preliminary Budget Forecast for the Fiscal Year Ending 31 December 1993

STACFAD noted that the preliminary budget forecast of \$ 944,000.00 for 1993 (Annex 5) would be reviewed in detail during the 14th Annual Meeting.

13. Billing Date for the Fiscal Year Ending 31 December 1992

The Executive Secretary had been requested by STACFAD to examine the billing procedures of other similar organizations. The Executive Secretary introduced STACFAD Working Paper 91/2 and following his explanation, STACFAD agreed to follow the procedure now used for the NAFO billing.

The proposed date of 15 February 1992 was agreed by STACFAD.

14. Adoption of Staff Rules

14.1 The Executive Secretary explained that STACFAD Working Paper 91/4 was distributed to all Contracting Parties and only Canada had responded with comments on Staff Rules and the cost implications. The Executive Secretary commented that cost implications of Staff Rules presented to Contracting Parties had already been reduced to a level below other similar international organizations and asked that the Staff Rules be approved and adopted in their present form as all the Rules contained in the Working Paper are in accordance with the existing international practice.

14.2 The EEC delegate suggested that Rule 10.1 concerning separation from service for the Executive Secretary should be changed from three (3) months to four (4) months written notice to the Organization. This change was agreed by STACFAD.

14.3 The Canadian delegate agreed with Staff Rules with the exception of Rule 7.1 concerning annual leave and Rule 10.4 concerning separation from service and noted that Staff Rules for Rule 7.1 and 10.4 should follow the guidelines established for the Public Service of Canada.

14.4 Following an exchange of ideas on Staff Rules the Chairperson asked Canada if it was possible to prepare a paper detailing the Canadian proposal. The Canadian proposal on Rule 7.1 and 10.4 was circulated and discussed in detail, and then adopted by STACFAD.

14.5 STACFAD agreed that the NAFO Staff Rules would become effective 1 January 1992 and points out that no additional costs will be incurred during the 1992 fiscal year. Costs related to Staff Rules are to be included in the detailed budget estimate for 1993 and circulated to Contracting Parties prior to the Fourteenth Annual Meeting.

14.6 STACFAD agreed to recommend to the General Council the adoption of NAFO Staff Rules as those presented in STACFAD Working Paper 91/1 with changes to Rules 7.1 and 10.4 and to Rule 10.1. (Annex 6)

15. Election of Officers

It was proposed by delegates that Ms. Debbie Gill (Canada) be re-elected Chairperson and H. Koster (EEC) be elected Vice-Chairperson. This was agreed unanimously.

16. Time and Place of 1992, 1993, 1994 Annual Meetings

The location of the 1992 Annual Meeting shall be in the Halifax-Dartmouth Area and the location of the 1993 and 1994 annual meetings would be in the area of Halifax-Dartmouth, if no invitations to host the annual meetings were extended by a Contracting Party and accepted by the Organization.

1992	Scientific Council	8-18 September
	Fisheries Commission	14-18 September
	General Council	14-18 September
1993	Scientific Council	1-10 September
	Fisheries Commission	6-10 September
	General Council	6-10 September
1994	Scientific Council	14-23 September
	Fisheries Commission	19-23 September
	General Council	19-23 September

17. Other Business

There was no Other Business.

18. Adjournment

The Chairman adjourned the meeting at 8:40 on 13 September 1991.

13th Annual Meeting of NAFO
Holiday Inn, Dartmouth, Nova Scotia, Canada
9-13 September 1991

Standing Committee on Finance and Administration (STACFAD)

Agenda

1. Opening by the Chairman, Mr. H. Koster (EEC)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of Membership
5. Auditor's Report
6. Meeting of the Pension Society
7. Review of Accumulated Surplus Account
8. Review of Cost Implications for the NAFO Secretariat of Long-term and Short-term Measures for international control in the Regulatory Area (FC Doc. 90/9) (STACFAD Working Paper 91/3)
9. NAFO Headquarters accommodations for conducting of NAFO meetings (GC Working Paper 91/3)
10. Administrative Report and Financial Statements for 1991 (to July)
11. Preliminary Budget Estimate for the fiscal year ending 31 December 1992
12. Preliminary Budget Forecast for the fiscal year ending 31 December 1993
13. Billing date for the fiscal year ending 31 December 1992 (15 February 1992) (STACFAD Working Paper 91/2)
14. Adoption of Staff Rules (GF/91-163-STACFAD W.P. 91/1, 91/4)
15. Election of Officers
16. Time and Place of 1992, 1993 and 1994 Annual Meetings
17. Other Business
18. Adjournment

Annex 2

LIST OF PARTICIPANTS

<u>Name</u>	<u>Delegation</u>
D. Delcorde	Canada
B. Garcia	Cuba
T. Abadia	EEC
H. Koster	EEC
A. Umezawa	Japan
J. Stremlau	Poland
V. Solodovnik	USSR
A. Mikhailov	USSR
L. Chepel	NAFO Secretariat
T. Amaratunga	NAFO Secretariat
F. Keating	NAFO Secretariat
H. Champion	NAFO Secretariat

STATEMENT V

Preliminary calculation of billing for Contracting Parties
against the proposed estimate of \$903,000.00 for the 1992
financial year (based on 11 Contracting Parties to NAFO).

Budget Estimate.....	\$903,000.00
Deduct: Amount from Accumulated Surplus Account.....	160,205.00
Funds required to meet 1992 Budget.....	<u>\$742,795.00</u>

60% of funds required = \$445,677.00

10% of funds required = 74,279.50

30% of funds required = 222,838.50

Contracting Parties	Nominal Catches for 1989	% of Total Catch in the Convention Area	10%	30%	60%	Amount Billed
Bulgaria	-	-	-	20,258.05	-	\$ 20,258.05
Canada ^{1,2}	1,017,562	66.75	64,043.78	20,258.05	297,489.39	381,791.22
Cuba	24,102	1.58	-	20,258.05	7,041.70	27,299.75
Denmark (Faroes and Greenland) ^{1,2}	162,671	10.67	10,235.72	20,258.05	47,553.74	78,047.51
European Economic Community ^{1,2}	151,899	9.97	-	20,258.05	44,434.00	64,692.05
Iceland	-	-	-	20,258.05	-	20,258.05
Japan	9,025	0.59	-	20,258.05	2,629.49	22,887.54
Norway	4,803	0.32	-	20,258.05	1,426.17	21,684.22
Poland	9,132	0.60	-	20,258.05	2,674.06	22,932.11
Romania	-	-	-	20,258.05	-	20,258.05
Union of Soviet Socialist Republics	145,166	9.52	-	20,258.05	42,428.45	62,686.50
	1,524,360	100.00	74,279.50	222,838.50	445,677.00	<u>\$742,795.00</u>
Funds required to meet 1 January - 31 December 1992 Administrative Budget						<u>\$742,795.00</u>

¹ Provisional Statistics used when calculating 1989 nominal catches.

² Faroes = 12,143; Greenland = 150,528

Annex 4

NORTHWEST ATLANTIC FISHERIES ORGANIZATIONBudget Estimate for 1992

	Approved Budget for 1991	Preliminary Budget Forecast for 1992	Budget Estimate for 1992	% (+ or -) compared to approved budget for 1991
1. Personal Services				
a) Salaries	\$ 560,000	\$ 596,000	\$ 562,000	+00.36%
b) Superannuation and Annuities	73,000	75,000	71,000	-02.74%
c) Additional Help	1,000	1,000	1,000	-
d) Group Medical and Insurance Plans	29,000	31,000	30,000	+03.45%
e) Termination Benefits	10,000	12,000	15,000	+50.00%
f) Accrued Vacation Pay	5,000	5,000	6,000	+20.00%
2. Travel	18,000	10,000	17,000*	+112.50%
3. Transportation	1,000	1,000	1,000	-
4. Communications	49,000	50,000	51,000	+04.09%
5. Publications	20,000	20,000	22,000	+10.00%
6. Other Contractual Services	45,000	47,000	47,000	+04.45%
7. Materials and Supplies	29,000	30,000	30,000	+03.45%
8. Equipment	5,000	5,000	5,000	-
9. Annual and Mid-Year Meetings	30,000	30,000	30,000	-
10. Computer Services	13,000	15,000	15,000	+15.39%
Less 1.5% Budgetary Restraint	878,000 13,170	928,000	903,000	+02.85%
Adjusted Total	864,830	928,000	903,000	+04.42%

* Includes home leave to the USSR for Executive Secretary and his family; two persons to meeting of Directors and Executive Secretaries of the six International Commissions located in North America, re discussion of pension scheme for employees, May 1992, Seattle, Washington, USA.

PLEASE NOTE: Other Possible Expenses in 1992.

- (a) Extension of NAFO Headquarters (re item 9 of General Council Agenda) GC Working Paper 91/3.
- (b) STACTIC Working Group request to examine the cost of implementing the proposed amendments to the hail system (STACFAD Working Paper 91/3).

NORTHWEST ATLANTIC FISHERIES ORGANIZATIONPreliminary Budget Forecast 1993

1.	Personal Services	
	a) Salaries	\$ 595,000
	b) Superannuation and Annuities	73,000
	c) Additional Help	1,000
	d) Group Medical and Insurance Plans	32,000
	e) Termination Benefits	18,000
	f) Accrued Vacation Pay	6,000
2.	Travel	8,000
3.	Transportation	1,000
4.	Communications	53,000
5.	Publications	24,000
6.	Other Contractual Services	49,000
7.	Materials and Supplies	32,000
8.	Equipment	5,000
9.	Annual and Mid-Year Meetings	30,000
10.	Computer Services	<u>17,000</u>
		944,000

Annex 6

NAFO STAFF RULES

SECTION 1. SCOPE AND GENERAL PROVISIONS

Rule 1.1

These Staff Rules establish the fundamental principles of employment, regulate the working relationships and set out the rights and responsibilities of employees in the service of the Northwest Atlantic Fisheries Organization (hereinafter referred to as the "Organization").

Rule 1.2

The amount of leave with pay, sick leave credits and severance benefits credited to members of the Secretariat, at the time when these Staff Rules become effective, or at the time when those members become subject to them, shall be retained intact.

Rule 1.3

In these Rules:

- 1) "Staff members" are the permanent members of the staff of the Secretariat.
- 2) "Members of the Secretariat" are the Executive Secretary and the staff members.
- 3) "Employees" are all personnel hired or contracted by the Organization for service in the Secretariat.
- 4) "General Council", "Secretariat" and "Executive Secretary" are the entities defined in the text of the International Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, done at Ottawa, on 24 October 1978, hereinafter referred to as "the Convention".
- 5) "Regular Pension Scheme" is the pension plan of the International Fisheries Commissions Pension Society established by Canada and the United States for all employees of international fisheries commissions with headquarters in either of those two countries.
- 6) "Social Security Plans" are the life and long-term disability plans of the International Fisheries Commissions Pension Society, defined above.
- 7) "Separation from service" is the ending of employment for any reason whatsoever, as in lay-off, resignation, retirement, termination of appointment by either side or death.

SECTION 2. DUTIES, OBLIGATIONS AND PRIVILEGES

Rule 2.1

Members of the Secretariat are international civil servants. Upon assuming their responsibilities they shall discharge their duties faithfully and conduct themselves in the best interests of the Organization.

Rule 2.2

Employees are not expected to renounce their national feelings nor political nor religious convictions while working for the Secretariat. They are however expected to conduct themselves in a manner consistent with the international nature of the Organization. They must always exercise loyalty, discretion and tact in the performance of their duties and shall avoid actions, statements and public activities which might be detrimental to the Organization and its aims.

Rule 2.3

All employees are responsible to the Executive Secretary in the fulfilment of their duties, and shall not accept directions or instructions from any authority other than the Executive Secretary. In the case of the Executive Secretary, the Chairman of the General Council shall give such directions to the Executive Secretary as will ensure that the business of the Organization is carried out efficiently and in accordance with its decisions.

Rule 2.4

Authorization for the release of information for official purposes shall lie with the Organization or the Executive Secretary, as the Convention may require. Otherwise employees should abstain from releasing information they possess by reason of their position.

Rule 2.5

Employees shall not be restricted in engaging in other employment outside the hours they are required to work for NAFO as long as this work does not represent a conflict of interest with their position in the Organization.

Rule 2.6

No member of the Secretariat may be actively associated in the management of a business, industry or other enterprise, or have a financial interest therein if, as a result of the official position held in the Secretariat, that person may benefit from such association or interest. Ownership of non-controlling stock in a company shall not be considered to constitute a financial interest in the meaning of this Rule.

Rule 2.7

All members of the Secretariat shall reside in the area where the headquarters of the Organization is located.

Rule 2.8

Members of the Secretariat shall enjoy the privileges and immunities to which they are deemed to be entitled as a consequence of the NAFO Convention and pursuant to the Northwest Atlantic Fisheries Organization Privileges and Immunities Order (Order-in-Council P.C. 1980-132, 11 January 1980), or under any agreement signed between the Organization and the Contracting Party concerned.

Rule 2.9

The Executive Secretary is empowered to delegate to any staff member those duties considered necessary to achieve the most efficient operation of the Secretariat.

SECTION 3 - CLASSIFICATION OF MEMBERS OF THE SECRETARIAT

Rule 3.1

Members of the Secretariat shall be classified in either of two (2) categories:

(a) Professional Category

Positions of high responsibility of a managerial, or scientific nature. These posts will be filled by appropriately qualified professionals, preferably with university qualifications or the equivalent. Staff members in this category will be recruited internationally among citizens of Contracting Parties of the Organization.

(b) General Services Category

Positions of auxiliary administrative and technical nature. Clerical, secretarial and other office personnel. Such staff members shall be recruited from Canada.

SECTION 4 - RECRUITMENT AND APPOINTMENT

Rule 4.1

In accordance with Article XV.2 of the Convention, the General Council shall appoint the Executive Secretary and shall establish tenure, remuneration and other conditions and entitlements as appropriate, within the principles of these Rules.

Rule 4.2

In accordance with Article XV.3 of the Convention, the Executive Secretary shall appoint all staff members.

Rule 4.3

Staff members are generally appointed under a probation period of six (6) months. During the probation period either party may terminate the appointment upon written notice of one (1) month, or a shorter period if mutually agreed.

Rule 4.4

Upon appointment at the start of the probation period, each staff member shall receive a letter of appointment stating:

- (a) nature of the appointment, specifying the duties of the position and its title;
- (b) date of appointment, coinciding with the beginning of the probation period;
- (c) period of the appointment, either on a fixed term or a continuing basis, from the beginning of the probation period;
- (d) category, level, initial salary, scale of increments and any allowances;
- (e) any special terms and conditions which may be applicable; and
- (f) that the appointment is subject to the Staff Rules.

Upon receipt of the letter of appointment and on or before the end of the period of probation, staff members shall indicate in writing that they are familiar with the terms of the appointment as specified and with the Staff Rules, and that all conditions are acceptable.

Rule 4.5

As a condition of the appointment, staff members must be willing to submit to a medical examination and present a resulting certificate stating that they have no medical conditions which might prevent them from performing their duties, or which might endanger the health of others; they may be required to undergo further medical examination from time-to-time at the expense of the Organization.

SECTION 5 - HOURS OF WORK AND PAY PERIODS

Rule 5.1

The normal working week shall consist of thirty seven and a half (37-1/2) hours, Monday through Friday.

The Executive Secretary shall establish the detailed working hours, and may alter them for the benefit of the Secretariat, as circumstances may require.

Rule 5.2

The Organization will pay the members of the Secretariat twice a month, the reference days as pay days being the fifteenth (15th) day and the last day of each month. Members of the Secretariat will be given their pay cheques two (2) banking days before the pay days.

SECTION 6 - SALARIES, ALLOWANCES AND OTHER REMUNERATION

Rule 6.1

The scale of salaries, allowances and any other relevant conditions of employment for members of the Secretariat shall be established and will reflect the salary levels, allowances and conditions pertaining to similarly employed persons occupying similar positions in the public sector of the host country, subject to the NAFO Financial Regulations. The Executive Secretary shall be responsible for the determination of the appropriate public sector analogues in order to establish this parity, which will be submitted to approval of the Organization at its next annual meeting.

Rule 6.2

Salaries, allowances and other remuneration shall be paid in the national currency of the host country.

Rule 6.3

The starting salary shall be that established according to the principles of Rule 6.1, commencing at Step 1. The members of the Secretariat will receive a step increase for each year of service based on the principle of the public sector of the host country, as long as the staff members performance has been considered satisfactory by the Executive Secretary, subject to the approval of the Organization at its next annual meeting.

Rule 6.4

Any change in job classification for staff members may be provisionally authorized by the Executive Secretary through consultation with STACFAD, subject to ratification by the Organization at its next annual meeting.

Rule 6.5

Members of the Secretariat shall not qualify for overtime pay. When, at the request of the Executive Secretary, staff members are required to work more than thirty seven and a half (37-1/2) hours per week, or outside the detailed normal working hours or days, this will be compensated with leave equivalent to the hours of overtime worked. The Executive Secretary will determine the correspondent equivalent leave based on the principles for payment of overtime by the public sector of the host country.

Rule 6.6

The Organization will pay for justified hospitality and representation expenses incurred by the Executive Secretary, after promptly documented claims for the corresponding expenses have been submitted. Exceptionally the Executive Secretary might authorize the Assistant Executive Secretary or any other member of the staff to participate in this type of activity and the corresponding expenses will be limited to the amounts and circumstances the Executive Secretary will define.

SECTION 7 - LEAVE AND HOLIDAYS

A. Annual Leave

Rule 7.1

Members of the Secretariat shall be entitled to annual leave with pay at the following rates:

- (a) one and one-quarter (1-1/4) days for each calendar month until the month in which the anniversary of the employee's eighth (8th) year of continuous employment occurs;
- (b) one and two-thirds (1-2/3) days for each calendar month commencing with the month in which the employee's eighth (8th) anniversary of continuous employment occurs;
- (c) two and one-twelfth (2-1/12) days for each calendar month commencing with the month in which the employee's nineteenth (19th) anniversary of continuous employment occurs;
- (d) two and one-half (2-1/2) days for each calendar month, commencing with the month in which the employee's thirtieth (30th) anniversary of continuous employment occurs;
- (e) For the purposes of leave entitlements in accordance with these staff rules, an employee of the Professional Category (Rule 3.1(a)) may receive credit for continuous years of service prior to joining NAFO in federal or provincial governments (and international equivalencies), and years of service in other international organizations as agreed by a signed contract between the employee and NAFO;
- (f) the Executive Secretary will determine the acceptability of past years experience of an employee in the General Services Category (Rule 3.1(b)).

Rule 7.2

Annual leave shall be authorized by the Executive Secretary who, insofar as possible, shall bear in mind the personal circumstances, needs and preferences of staff members. Nevertheless the leave period shall not cause disruption of normal Secretariat operations and consequently leave shall be subject to the exigencies of the Organization.

Rule 7.3

Members of the Secretariat are expected to take all their annual leave during the year in which it accrues. When in any year a staff member has not been granted all of their accrued annual leave, a maximum of twenty-five (25) work days of the unused accrued leave may be carried over to the following year.

Rule 7.4

Annual leave in anticipation of future days to be accrued shall be at the discretion of the Executive Secretary.

Rule 7.5

Members of the Secretariat while on probation are not to be granted annual leave, although they shall accrue such a leave from the beginning of their appointment.

B. Official Holidays

Rule 7.6

Members of the Secretariat shall be entitled to the paid holidays traditionally celebrated in the location of the headquarters of the Organization. Such official holidays shall be announced by the Executive Secretary at the beginning of the year. If any of these dates fall on a Saturday or a Sunday, the holiday shall be observed on another day, to be set by the Executive Secretary, subject to service needs and, if possible, staff preference.

C. Sick Leave

Rule 7.7

Members of the Secretariat shall earn sick leave credits at the rate of one and a half (1-1/2) days for each calendar month during which they worked for at least ten (10) days.

Rule 7.8

No member of the Secretariat shall be granted sick leave for a period of more than three (3) consecutive days, and more than a total of seven (7) working days in any calendar year without producing a medical certificate. A staff member shall not, whilst on sick leave, leave the area of the Organization without the prior approval of the Executive Secretary.

Rule 7.9

Members of the Secretariat shall be granted sick leave with pay when they are unable to perform their duties because of illness or injury provided that:

- (i) they satisfy the Executive Secretary of their condition,
- (ii) they have the necessary leave credits.

Rule 7.10

When a staff member has insufficient or no credits to cover the granting of sick leave with pay, sick leave with pay may, at the discretion of the Executive Secretary, be granted for a period of up to fifteen (15) working days, subject to the deduction of such advanced leave from any sick leave credits subsequently earned, and, in the event of termination of employment for reasons other than death or lay-off, subject to the recovery of the advance, from any monies owed the staff member. No deduction and no recovery of the advance are to be effected if the sick leave is considered the result of injury on duty, in which case the advance sick leave credits to a maximum of six (6) months could be provided at the discretion of the Executive Secretary.

Rule 7.11

Accidents at work must be reported immediately to the Executive Secretary.

D. Marriage Leave

Rule 7.12

After the completion of one (1) year continuous employment, and provided that ten (10) days notice is given, any member of the Secretariat has the right to be granted five (5) days leave with pay for the purpose of getting married.

E. Maternity Leave

Rule 7.13

Members of the Secretariat who have completed their probation period before confinement shall be entitled to maternity leave for a period of sixteen (16) weeks. The timing of this leave shall depend on medical advice. During this period she shall continue to receive full pay and corresponding allowances, including accrual of annual leave, provided she continues to remain in the Organization's employment for a period of at least six (6) months after returning to work. Should she fail to return to work for the required six (6) month period, she shall be indebted to the Organization for the amounts received as maternity leave pay and allowances.

F. Other Leave

Rule 7.14

The Executive Secretary is empowered to grant requests by a staff member for leave with pay in cases of bereavement or exceptional family related responsibilities. In the case of death of an immediate family member the period of leave with pay shall normally be five (5) working days.

Rule 7.15

At the discretion of the Executive Secretary leave may be granted with or without pay for purposes other than those specified in these Rules.

G. Application for Leave

Rule 7.16

As far in advance of the leave period as possible, a form titled Application for Leave is to be completed by each staff member, initialized when approved by the supervisor and the Executive Secretary, and passed to the Administrative Assistant for recording purposes.

H. Irregular Leave or Absence

Rule 7.17

Any leave or absence not acceptable within the terms of these Rules shall be deducted from the annual leave and its payment will be at the discretion of the Executive Secretary.

SECTION 8 - SOCIAL SECURITY

Rule 8.1

It shall be a condition of employment that members of the Secretariat join the Regular Pension Scheme and the Social Security Plans set up by the Organization covering life and disability insurances.

Rule 8.2

It shall be a condition of employment that members of the Secretariat, who have been advised, under the terms of Rule 8.1, that they cannot comply with provision of the Regular Pension Scheme and/or Social Security Plans, make appropriate personal arrangements to cover, as necessary, retirement, medical and hospital, life and disability insurances, which shall be initiated as early as possible and duly documented before the end of the first year of employment. Costs to the member of the Secretariat of achieving this coverage shall be met by the Organization in accordance with such rules as it may prescribe, provided that such costs contributed by the Organization shall not exceed fourteen per cent (14%) of the total of the salary and salary-related allowances of the member concerned. Costs in excess of this figure shall be the responsibility of that member.

SECTION 9 - TRAVEL AND TRANSPORTATION

Rule 9.1.

All official travel shall require previous authorization by the Executive Secretary.

Rule 9.2

With regard to official travel, members of the Secretariat shall be entitled to a travel allowance, payable in advance for travel expenses, accommodation, daily living expenses, and any other type of expenses necessarily incurred by reason of travel.

Rule 9.3

Economy Class shall be utilized, wherever feasible, for air travel. Business Class shall be used on the authority of the Executive Secretary only. Exceptionally, when no reasonable alternative is available the Executive Secretary may approve the use of First Class. For land travel outside Canada First Class may be utilized on discretion of the Executive Secretary.

Rule 9.4

On completion of travel, the staff member shall submit, normally within 15 days, for the approval by the Executive Secretary, a detailed claim of expenses with, where reasonably possible, proof of expenditure.

Rule 9.5

Under the control of the Executive Secretary, members of the Secretariat who, in the course of their duties, are requested to use private motor vehicles for official travel or transportation purposes, shall be entitled to receive reimbursement of the costs involved in line with those available to the public sector of the host country. The costs associated with normal daily travel to and from place of work shall not be reimbursed.

Rule 9.6

On taking up an appointment, members of the Secretariat not residing within commuting distance, shall be eligible for:

- (a) payment of travel expenses for arrival at post for the member and family from the place of residence to the location of the headquarters of the Organization;

- (b) a "subsistence allowance" calculated on the basis of the relocation rules in force in the public sector of the host country;
- (c) payment of removal costs including the shipment of personal effects and household goods from the place of residence to the location of the headquarters of the Organization, subject to a maximum volume of 40 cubic meters or one international standard shipping container;
- (d) payment or reimbursement of sundry other expenses related to relocation, including insurance of goods in transit and excess baggage charges, on the basis of the relevant relocation rules in force in the public sector of the host country.
- (e) Payments to staff members shall be subject to prior approval by the Executive Secretary.

Rule 9.7

After eighteen (18) months of service, and if the member of the Secretariat is recruited internationally, from outside Canada, the Organization shall pay, in accordance with Regulations 9.3 and 9.4, travel expenses for the member and family to visit the home country on annual leave. This payment to include economy air fare, meal allowance, hotel accommodation and transportation costs to airports and stations while in travel status. Following this, home leave and its travel expenses shall be granted at two (2) year intervals provided that:

- (a) family who benefit from this grant have resided in the host country for at least (6) months prior to travel;
- (b) It is understood that the member of the Secretariat will return to continue rendering services for a minimum additional period of six (6) months, or, unless otherwise authorized by the Organization, the accounts paid for his or her travel expenses will have to be returned.

SECTION 10. SEPARATION FROM SERVICE

Rule 10.1

Staff members may separate from service by giving four (4) weeks notice in writing to the Executive Secretary.

The Executive Secretary may separate from service by giving at least four (4) months written notice to the Organization.

Rule 10.2

The Executive Secretary may terminate the appointment of a staff member by giving three (3) months written notice, when that termination is due to restructuring of the Organization or of any of its constituent bodies, or if the Organization would decide to cease its functions. If at any time the Executive Secretary considers that the staff member does not give satisfactory service or fails to comply with the duties and obligations set out in these Rules, appointment of the staff member may be terminated upon written notice of one (1) month in advance.

Rule 10.3

The effective date of separation is the first working day after the date of termination of the notice period, except in the event of death of a member of the Secretariat, when it is the day after death and on that date all salary and related emoluments shall cease.

Rule 10.4

- (a) In the event of separation for service with the Secretariat, staff members shall be compensated an indemnity equivalent to the rate of two (2) week current salary for every year of service, free of all deductions, limited to a maximum of 40 weeks;
- (b) For the purposes of entitlements in accordance with these staff rules, an employee of the Professional Category (Rule 3.1(a)) may receive credit for continuous years of service prior to joining NAFO in federal or provincial governments (and international equivalencies) and in other international organizations as agreed by a signed contract between the employee and NAFO;
- (c) the Executive Secretary will determine the acceptability of past years experience of an employee in the General Services Category (Rule 3.1(b)).

Rule 10.5

On separation from service, a member of the Secretariat shall be entitled to the following:

- (a) payment of travel expenses from the place of residence for arrival at the former residence, for the member and family;
- (b) payment of removal costs, including the shipment of personal effects and household goods from the place of residence to the former residence, subject to a maximum volume of forty (40) cubic meters or one (1) international shipping container;
- (c) payment of reimbursement of sundry other expenses related to relocation, including insurance of goods in transit and excess baggage charges subject to the relevant rules and criteria applicable on appointment of the same member of the Secretariat.
- (d) Payments to staff members shall be subject to prior approval by the Organization on the recommendation of the Executive Secretary.

Rule 10.6

Upon separation, accrued unused annual leave shall be paid to any member of the Secretariat at the rate of the current salary at the time of separation but this monetary compensation will not be paid for more than a maximum of twenty-five (25) days plus the leave accrued during the year of separation. In case of death this money will be paid to the member's estate. In the event of termination of employment for reasons other than death or lay-off, the Organization will recover from the member of the Secretariat an amount equivalent to any unearned annual leave taken by that member, in anticipation of future days to be accrued.

Rule 10.7

In case of death of a member of the Secretariat, the Organization shall pay shipment of the remains from place of death to a place designated by the next of kin, limiting the payment of costs to those that correspond to shipping them to the deceased member's home for purposes of home leave or to the place from which personal effects or household goods were shipped.

Rule 10.8

In case of death, the family of a deceased member of the Secretariat shall be entitled to the payments specified in Rule 10.5 except that this right shall lapse if the travel is not undertaken within the six (6) months of the date of the member's death, except if a reasonable extension of that period of time is approved.

SECTION 11. TEMPORARY PERSONNEL

Rule 11.1

The Executive Secretary may hire temporary personnel as necessary, by utilizing whenever possible, persons residing in the area in which the headquarters of the Organization are located.

SECTION 12. APPLICATION AND AMENDMENT OF STAFF RULES

Rule 12.1

Any doubts concerning the interpretation or application of these Rules shall be resolved by the Executive Secretary unless it applies to the Executive Secretary in which case the General Council shall be consulted. The Executive Secretary shall submit to approval by the General Council at its next meeting any resolution taken previously under the terms of this Rule.

Rule 12.2

All matters not foreseen in these Staff Rules shall be brought to the attention of the Organization by the Executive Secretary.

Rule 12.3

Any changes in these Staff Rules must be approved by the General Council in accordance with its Rules of Procedure, on the advice of STACFAD.

PART III

13TH ANNUAL MEETING - SEPTEMBER 1991Report of the Standing Committee on Fishing Activities
of Non-Contracting Parties in the Regulatory Area (STACFAC)1. Opening of the Meeting

1.1 The Third Meeting of the Standing Committee on Fishing Activities of non-Contracting Parties in the Regulatory Area (STACFAC) was opened in Dartmouth, N.S., Canada on 9 September 1991 under the chairmanship of Mr. C. C. Southgate (European Community).

1.2 The following Contracting Parties were present: Canada, Denmark (in respect of the Faroe Islands and Greenland), European Economic Community, Japan, Norway, Poland and USSR. (Annex 1)

The USA representatives were present as observers.

1.3 The Chairman welcomed the Delegates to the meeting and asked for the nomination of a rapporteur.

2. Appointment of Rapporteur

2.1 Mr. A. Donohue (Canada) was appointed rapporteur.

3. Adoption of Agenda

3.1. The agenda was adopted as presented. (Annex 2)

4. Review of Annual Information (1990 and First Half of 1991) on Activities of Vessels of Non-Contracting Parties in the Regulatory Area

4.1 The Canadian representative noted that Canada had tabled a paper on this subject in June and will make the revised version which will include updated information on 1991 activity available to representatives.

4.2 The representative of the EEC informed that the information would be provided to Representatives.

4.3 The item was adjourned after these reports had been received by representatives. (Annexes 3 and 4)

5. Review of Annual Information (1990 and First Half of 1991) on Landings and Transshipment of Fish Caught in the Regulatory Area by Non-Contracting Parties

5.1 The Canadian representative explained that since the establishment of STACFAC it had been difficult to obtain such information. She stated that Canada's goal under this item was to discuss recommendations for establishing a standardized reporting system. Such a system could, for example, involve distributing the names of vessels of non-Contracting Parties sighted fishing in the Regulatory Area to Contracting Parties with a view to determining whether such vessels regularly call at the ports located in the territories of Contracting Parties. Canada intended to propose a recommendation to this effect under Agenda item 7.

- 5.2 The EEC representative stated that there was no standard procedure for gathering statistical information and that while statistics reveal landings they provide no indication as to the location the landed fish were caught. The EEC did not believe it useful to enter into obligations the Contracting Parties could not fulfil.
- 5.3 The delegates agreed to consider this issue in future, however at this stage they cannot be committed to any fulfilment.

6. Review of Other Effective Measures by Contracting Parties to Reduce the Benefits of any Fishing Contrary to the NAFO Conservation Measures, including Communication through Diplomatic Channels

- 6.1 The EEC representative reported that the EEC had delivered a joint demarche to Panama and Venezuela in the presence of Canada, Denmark (in respect of the Faroes and Greenland) and Norway to underscore the NAFO character of the joint diplomatic approach. He believed that such joint approaches were of greatest benefit since they were completed in the time between bilateral approaches and the Annual Meeting. He reported positive reactions from interlocutors who signified their awareness of the problems. A positive written reply had been received from Venezuela to the EC's bilateral approach. However, vessels of these countries were still being sighted in the Regulatory Area. Panama had responded that it would explore the possibility of introducing legislation similar to that implementing the requirement to comply with NASCO decisions. However, the Panamanian diplomatic representative accredited to the EC had been concerned that the legal situation might be more difficult in respect of NAFO than had been the case in respect of NASCO.
- 6.2 The representative of Canada reported that Canada had agreed to coordinate 3 joint demarches. Canada's Ambassador in Rome (also accredited to Malta) had written to the Maltese authorities and a Canadian representative subsequently met with them. The Maltese authorities informed him that in order to be registered in Malta a vessel application must be accompanied by a "no objection" letter from the Fisheries Ministry and that this requirement constituted a basis for controlling activities of Maltese flag vessels. The Canadian representative reported that despite the name of the vessel having been reported to Maltese authorities, it had continued to operate in the Regulatory Area as recently as July 1991. Canada was expecting a written reply to its demarche. To address the problem of vessels from St. Vincent and the Grenadines, the Canadian Ambassador for Fisheries Conservation had met with a representative for East Caribbean States in the presence of representatives from Cuba, Denmark, Japan, the EC and the USSR. The East Caribbean representative had stated he was not familiar with the issue of flags of convenience but would bring concerns to the attention of the appropriate authorities. The Canadian High Commission in Bridgetown was writing a follow-up letter and the Ambassador would personally contact St. Vincent authorities on his next official call to the island. With respect to the Cayman Islands, the Canadian representative reported that the issue had been raised with the Foreign and Commonwealth Office (FCO) of the UK which reported that the one vessel concerned had been deregistered last year. Canada had subsequently learned the vessel concerned had re-registered in Panama. Canada suggested that it would be useful if the Caymans and other potential flag states of non-Contracting Parties instituted a provision in their system of registration, along the lines of Malta's system, to prevent fishing in the Regulatory Area. With respect to Panama, in bilateral consultations following the EEC demarche, Panamanian authorities had indicated that there may not be

serious legal obstacles to dealing with offending vessels. Follow up with Panama was required.

- 6.3 The representative for the USSR reported that the USSR had delivered an aide memoire to the US Embassy in Moscow.
- 6.4 The Japanese representative reported that the Japanese Embassy in Seoul had delivered a demarche to Korean authorities during the preceding week but he had not, to date, received a report on the meeting.
- 6.5 The Canadian representative stated that demarches were useful to help non-Contracting Parties coordinate their own actions needed to establish appropriate controls. Canada would follow up with Panama. Cayman Islands authorities should be asked to bring in measures to prevent registration there of vessels fishing in the Regulatory area.
- 6.6 The EEC representative endorsed the statement by the Canadian representative. He believed that the demarches had exceeded expectations and made non-Contracting Parties aware of problems. But no instant or even short term results could be expected and follow up would be needed.
- 6.7 The Chairman indicated that discussion under Item 7 should include concrete suggestions to prevent recurrence as well as for ending the existing problem.

6.a) Certificate of Harvest Origin

- 6.a).1 The Canadian representative noted that there had been extensive discussion of this item at two previous meetings and recognized the complexity of its proposal and the fact that it might impose an excessive administrative burden on some Contracting Parties. Canada was prepared to consider the EEC proposal or an amended version if it was more acceptable. As Canada understood it, under the EEC proposal, a declaration would be required to accompany all landings of fish species regulated by NAFO by non-Contracting Parties whose vessels have been sighted in the Regulatory Area. Canada would be prepared to provide to NAFO a list of vessels of non-Contracting Parties sighted in the NAFO Regulatory Area, and vessels from those countries would be required to provide a mandatory landing declaration. Failure to provide such a document would not prevent imports from entering the market but could trigger other penalties consistent with Article VIII of the GATT. Canada asked committee members to consider this proposal in order to help monitor trade in fish caught in the Regulatory Area.
- 6.a).2 The EEC representative stated that the EEC proposal was strictly limited to the purpose of obtaining statistical information. Under no circumstances, the non-delivery of the Landing Declaration could have the consequence of preventing imports into the Contracting Parties territory or any other trade related measures. This principle was to be agreed by all Contracting Parties. The proposal was seen as being obligatory on all non-Contracting Parties. The EEC was, however, prepared to discuss the Japanese proposal which would not be obligatory. The EEC representative suggested an amendment to the penultimate line of the EEC working paper (STACFAC Working Paper 91/17) as follows:

"...harvest origin from non-Contracting Parties fishing in the NAFO Regulatory Area, as set out in the Annex, to be transferred by the competent authorities of the Contracting Parties to the NAFO Executive Secretary." (New text underlined). The word "fraiche" in Section 3 of the attached draft Statistical Landing Declaration was deleted.

The EEC representative added that if a formal proposal was finally adopted, the decision on the implementation of such measure should be deferred in order to first wait for the results of the various diplomatic demarches and their follow-up.

- 6.a).3 The Chair queried whether the three proposals should be discussed bilaterally.
- 6.a).4 The Canadian representative suggested the decision should become part of the Report under Item 7.
- 6.a).5 The Danish representative supported agreement on the EEC proposal.
- 6.a).6 The Japanese representative spoke against the Canadian proposal but said that the Contracting parties should take all possible domestic steps to collect the necessary statistics. Reply was deferred to Canada's question as to whether Japan had domestic legislation to gather the necessary statistics on fish caught in the NAFO Regulatory Area (as opposed to those caught in other areas).
- 6.a).7 The Chair's suggestion that discussion on the three draft proposals resume under Item 7 was accepted.
- 6.b) Trade Related Measures Concerning Fish Harvested Inconsistent with NAFO Conservation Measures
 - 6.b).1 Canada referred delegates to its paper tabled in January 1991 and asked that the Item be retained on the agenda and that Contracting Parties continue to give it their consideration.
 - 6.b).2 The delegations agreed to further considerations during elaboration of the Report to the General Council and in future meetings.
- 7. Elaboration of the Report, including Concrete Recommendations to the General Council
 - 7.1 The Chair reminded representatives that three items had been carried over for discussion under this Item: follow up action to demarches, proposals for a standardized reporting system on landings and transshipments and documents to accompany landings from non-Contracting Parties.
 - 7.2 The Canadian representative indicated Canada was prepared to provide draft recommendations to the General Council. These would highlight the useful work of the committee and make recommendations for its future work. It was important for STACFAC to continue to meet in order to deal with the issue of flags of convenience and reflagged vessels. The Canadian delegation was working on domestic measures in support of provisions of the United Nations Convention on the Law of the Sea which could be used to require states to prevent their nationals from fishing on vessels of non-Contracting Parties in the

Regulatory Area. It would be useful to continue to work on these issues.

- 7.3. In response to the Chair's comment that the issue of reflagging required further discussion, the EEC representative stated that the reflagging issue required work on the basic legal elements. The EEC believed that national measures based upon the United Nations Convention on the Law of the Sea, aiming at implementing international obligations in this respect could be the most promising and should be pursued. At the same time this was a universal problem not limited to NAFO requiring an international approach. He appealed to the Contracting Parties to follow closely international efforts in the United Nations and the FAO to agree on an appropriate framework to resolve the problem.
- 7.4 Canada introduced and explained its amendments to the EEC draft recommendation on the statistical landing declaration (STACFAC WP 91/24).
- 7.5 The Japanese representative said transshipment posed a potential impediment to getting the signature of the Master on the statistical landing declaration.
- 7.6 The Canadian representative explained that it was not necessary to have the signature of the Master that lands the fish, but it would be up to that Master to ensure proper documentation.
- 7.7 The EEC representative provided general comments on STACFAC WP 91/24 stating that it was appropriate to allow for "leeway for national authorities" to implement. However, it was perhaps also appropriate to delay implementation to await the outcome of ongoing initiatives such as the joint diplomatic demarches. He proposed that the landing declaration could be adopted "in principle" to be implemented only if no positive response was received from non-contracting parties to current initiatives.
- 7.8 The representative of Canada opposed a delay on this basis, preferring initiatives proceed in parallel, since there would be start-up delays in any event and modest deadlines could be set.
- 7.9 The Canadian representative proposed that a question could be included for masters of cargo vessels to be filled in as appropriate. She also suggested that the system could be improved if contracting parties would circulate a list of vessels known to them to be engaged in this trade or in transshipment.
- 7.10 The EEC representative suggested that the original document could accompany the shipment to its destination. Non contracting parties could be asked to request their vessels to carry and file forms. In his view these issues demonstrated the complexity and impediments to implementation.
- 7.11 At Canada's request the Chair canvassed the views of representatives on willingness of Contracting Parties to continue work on the statistical landing declaration with implementation within a reasonable time. The EEC, Denmark and Poland signified their agreement.
- 7.12 In response to a question from the US observer as to whether the declaration would be required of vessels of non-Contracting Parties that already provide catch information to NAFO, the Chair indicated that this would require further consideration. He then concluded

that there was agreement in principle to proceed with the recommendation for a landing declaration.

- 7.13 Discussion commenced on the Canadian draft Recommendation to the General Council (STACFAC WP 91/23).
- 7.14 The Canadian representative introduced the paper explaining it was based on the June EEC draft. She considered the issue of reflagging to be particularly important. Canada would undertake to provide the names of vessels of non-Contracting Parties sighted in the NAFO Regulatory Area to the Executive Secretary who would transmit to Contracting Parties who would alert their port authorities to record and document the movements of and activities of such vessels in their ports. This would not impose an onerous burden due to the relatively small number of vessels and ubiquitous computerized record keeping.
- 7.15 The EEC representative commented on the Canadian draft. He considered paragraph 4 unnecessary and reserved views on transshipment. He thought that distinguishing between imports in accordance with paragraph 6 could cause problems of GATT incompatibility. With respect to paragraph 8, he thought vessels had a basic right to reflag and the proposal had in any case not been evaluated by EEC experts. He objected to paragraph 9 as proposing a trade related measure.
- 7.16 The representative of Denmark generally welcomed the Canadian initiative but could not agree to endorse anything that could amount to trade discrimination.
- 7.17 The Canadian representative explained that paragraph 6 was not intended to distinguish in order to control but merely to obtain the statistical breakdown between two categories. The paragraph could be reworded to retain meaning yet delete the word "distinguish". Paragraph 8 was intended merely to encourage Contracting Parties to investigate options and to help them "refine their thinking". Paragraph 9 fell within the express mandate of STACFAC and Canada wished to retain the option.
- 7.18 Discussion moved to STACFAC Working Paper 91/25 -Draft Recommendation to the General Council, prepared by the EEC. The EEC representative introduced its paper explaining it retained all essential elements.
- 7.19 The Danish representative welcomed the paper as a serious step forward and hoped progress could be made by agreement. He said Denmark rejected "overly bureaucratic" or GATT inconsistent measures.
- 7.20 The Japanese representative opposed textual references to UNCLOS, since the instrument was not in force.
- 7.21 The Canadian representative stated that some changes that had been made to the text by the EEC were fundamental issues to Canada. She commented that the Contracting Parties had certain obligations that were reflected in UNCLOS and references to that instrument had precedent in previous Resolutions and in the mandate of STACFAC. Referring to the final paragraph on the first page of WP 91/25, she noted that consistent with the terms of reference and the mandate of STACFAC non-Contracting Parties should withdraw from the Regulatory Area. Commenting on paragraph 6, she stated that Contracting Parties had to ensure that their nationals did nothing to undermine

NAFO. Even if Contracting Parties had no measures available to them at present, the Recommendation should reflect a commitment to explore ways of bringing such measures to bear. She noted the importance to Canada of paragraph 7 of STACFAC WP 91/23. In paragraph 3, Canada preferred "seek to" in place of "endeavour"; in paragraph 4, the addition of "regulated by NAFO" after "groundfish species" at the beginning of the fourth line would help to better define the undertaking; paragraph 5 should be deleted since STACFAC's objective was to persuade non-Contracting Parties to withdraw from the NAFO Regulatory Area rather than to establish a permanent catch reporting mechanism. With those modifications, she believed the basis for an agreed text existed.

- 7.22 The Japanese representative commented that with the exception of redfish, Japan had no way of distinguishing where fish species were caught.
- 7.23 Discussion ensued on retaining the reference to UNCLOS with the EEC representative commenting that UNCLOS was customary international law on which national legislation could be based. The reference in his view, should therefore be retained.
- 7.24 Discussion shifted to the call in the EEC draft Recommendation for non-Contracting Parties to "participate in NAFO conservation measures". The Chair commented that this implied a desire to encourage non-Contracting Parties to join NAFO. The EEC representative stated that the objective was to end fishing in the NAFO Regulatory Area by non-Contracting Parties but until this occurs, in the interim they should be asked to abide by NAFO conservation measures. The Canadian representative was of the view that "should participate" was too loose a term and that in her view, a call for respect for NAFO conservation measures was implied in the preambular reference to UNCLOS.
- 7.25 Minor amendments to operative paragraphs 1, 3, 4 and 5 of the text in STACFAC Working Paper 91/25 were approved and it was agreed that the preambular paragraph referring to the UNCLOS provisions would be retained. Discussions focused on preambular paragraph 6 and operative paragraphs 6 and 8 of the EEC text and 7, 8 and 9 of the Canadian text. (STACFAC Working Paper 91/23)
- 7.26 Following discussion of various approaches, the language, as reflected in the final text, was agreed, with the following specification:

On operative paragraph 6 of the EEC text the Canadian delegation registered the need to consider specific measures that would prevent these activities of Contracting Party nationals but accepted the proposed amended language as reflected in the final text.

The operative paragraph 7 of the Canadian text would be included subject to an amendment to address the timing of "possible" implementation of a Landing Declaration system.

In response to concerns registered by the EEC and Denmark with respect to consideration of trade measures, and to a Japanese suggestion, the Canadian delegation agreed not to include its operative paragraph 9, subject again to the reference to STACFAC's Terms of Reference in the final operative paragraph.

- 7.27 The Recommendation to report to the General Council was then approved by consensus (Annex 5).

8. Time and Place of the Next Meeting

8.1 The delegations noted that there are many questions left to discuss before the Annual Meeting and it was agreed unanimously to ask the General Council for authorization of an intersessional meeting of STACFAC early in 1992.

8.2 The exact time of the such meeting will be negotiated through the Executive Secretary with the Heads of Delegations.

9. Other Matters

There were no questions raised under this item of the Agenda.

10. Adjournment

The meeting was adjourned at 1130 on 13 September 1991.

13th Annual Meeting of NAFO
Holiday Inn, Dartmouth, Nova Scotia, Canada
9-13 September 1991

Standing Committee on Fishing Activities of non-Contracting Parties
in the Regulatory Area (STACFAC)

List of Heads of Delegations

L. Forand	Canada
B. Garcia Moreno	Cuba
H. Fischer	Denmark (in respect of the Faroe Islands and Greenland)
P. Hillenkamp	EEC
T. Mori	Japan
P. Gullestad	Norway
J. Stremlau	Poland
V. Fedorenko	USSR

Annex 2

13th Annual Meeting of NAFO
Holiday Inn, Dartmouth, Nova Scotia, Canada
9-13 September 1991

Standing Committee on Fishing Activities of Non-Contracting Parties
in the Regulatory Area (STACFAC)

Agenda

1. Opening by the Chairman, C. C. Southgate (EEC)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of annual information (1990 and first half of 1991) on activities of non-Contracting Parties' vessels in the Regulatory Area
5. Review of annual information (1990 and first half of 1991) on landings and transshipment of fish caught in the Regulatory Area by non-Contracting Parties
6. Review of other effective measures by Contracting Parties to reduce the benefits of any fishing contrary to the NAFO Conservation Measures, including communication through diplomatic channels
 - a) Certificate of Harvest Origin (proposals of delegations at Second STACFAC Meeting, 3-4 June 1991, Dartmouth, N.S.)
 - b) Trade related measures concerning fish harvested inconsistent with NAFO conservation measures.
7. Elaboration of the Report, including concrete recommendations, to the General Council
8. Time and Place of Next Meeting
9. Other Matters
10. Adjournment

13TH ANNUAL MEETING - SEPTEMBER 1991

Standing Committee On Fishing Activity by Non-Contracting
Parties in the Regulatory Area (STACFAC)

Non-Member Fishing Activity in the
Regulatory Area - 1990

By

Canadian Delegation

1.0 INTRODUCTION

This report examines the activities of NAFO non-member vessels that fish groundfish species in the NAFO Regulatory Area. The report attempts to distinguish between "non-member vessels", such as those from Korea or the USA and re-flagged vessels, generally crewed by western Europeans.

The information sources for this report are Canadian air surveillance and courtesy boardings¹ conducted by Canadian officials on non-member vessels. Catch reports to NAFO are used in the case of USA vessels.

2.0 FLEET PROFILE

During the 1985-91 period, approximately 200 NAFO member vessels fished groundfish in the Regulatory Area on an annual basis. By comparison, the annual presence of non-member vessels has increased from 11 in 1984 to 35-45 for the 1985-91 period. Table I provides a full summary of groundfish vessels for the 1984-90 period.

TABLE I - GROUNDFISH VESSELS 1985 - 91							
	1985	1986	1987	1988	1989	1990	1991 ²
Member Nations	191	196	182	179	198	231 ³	220 ³
Caymen Islands	1	1	1	1	1	1	0
Honduras	0	0	0	0	0	0	1
Korea	1	1	1	3	5	6 ⁴	4
Mauritania	0	1	0	1	1	0	0
Malta	0	0	0	0	1	1	0
Morocco	0	0	0	0	0	0	1
Panama (Korean-crewed)	4	3	4	5	5	2	2
(European-crewed)	4	5	8	15	19	22	21
St. Vincents	0	0	0	1	1	1	1
USA	14	15	9	11	14	9	0
Mexico/Chile	6	4	6	4	0	0	0
Venezuela	0	0	0	0	0	2	2
Non-Member Nations	30	30	29	41	47	44	32
Total	221	226	211	220	245	275	252

¹ Non-member vessels are not subject to NAFO Conservation and Enforcement Measures and, therefore, are not required to permit NAFO inspectors onboard.

² Preliminary data to August 31, 1991

³ Thirteen (13) and nine (9) Norwegian vessels fished exclusively for capelin in 1990 and 1991 respectively.

⁴ May include a squid fishing vessel registered in Taiwan (Hes Wen No. I).

To August 31, the 1991 non-member fleets includes 23 crewed by Western Europeans (6 pair trawlers, 11 single trawlers), 8 crewed by Koreans and 1 Moroccan-registered vessel whose crew nationality is unknown. No American groundfish vessels⁵ have been sighted to date in the NAFO Regulatory Area.

Table II provides a list of non-member vessels and crew nationalities that have fished in the NAFO Regulatory Area in 1991 (to August 31):

Table II - Non-Member Vessels 1991		
Western European	Korean	American
Columbo III - Panama Columbo IV - Panama	Marsopla - Panama Hao Quang #3 - Korea Golden Venture - Korea	
Columbo V - Panama Columbo VI - Panama	Puk Yang II - Korea Sam Won Ho - Korea	
Columbo VII - Panama Columbo VIII - Panama	Peonia #9 - Panama	UNKNOWN
Anita I - Panama Elly I - Panama	Great Splendor - St. Vincent's	
Pescamex III - Panama Pescamex IV - Panama	Danica - Honduras	Morocco Ain Chanach - Morocco
Pescagel - Venezuela Bacanova - Venezuela		
Alpes II - Panama Leone - Panama Santa Joana - Panama Cidade de Aveiro - Panama Espadarte - Panama Porto Santo - Panama Amazones - Panama Classic Belair - Panama Rio Gabriel - Panama Leone III - Panama Izarra - Panama		

⁵ Prior to 1985, there were no observations of USA groundfish vessels in the NAFO Regulatory Area. Since 1985, an average of 12 USA vessels have frequented the NRA annually. This average is believed accurate. However, due to the nature of fishing trips (4-6 days in the NRA) and air surveillance deployment strategies, it is conceivable that the average could be higher.

3.0 CATCH STATISTICS

3.1 Method of Determining Catch Statistics

In the absence of catch reports to NAFO, the catch statistics for each non-member nation are obtained primarily from logbooks/verbal conversations with masters during courtesy boardings combined with an estimate for non-boarded periods. Estimated statistics represent a "best estimate" of vessel activity and catches. A brief step by step method to determine catches for non-member vessels follows:

1. Courtesy boarding and sighting data are obtained.
2. Sighting information which is covered by courtesy boardings is omitted.
3. Days on ground are counted between sightings that are less than 30 days apart and totalled. Where a vessel is sighted greater than 30 days apart, seven days is attributed to the vessel for each sighting.
4. The known days when vessels are not in the Regulatory Area (e.g. port visits, etc.) are counted and subtracted from days on ground.
5. The final figure obtained is then reduced by 15% to account for bad weather, steaming, mechanical breakdown, etc.
6. The final days on ground are totalled for each nation.
7. Courtesy boarding data for each nation is analyzed to determine the major fisheries engaged in, as well as to determine catch rates.
8. The percentage of time (based on courtesy boarding) spent engaging in each fishery is applied to the total estimated days for each nation.
9. As a result, an estimate of catch by species for each nation is obtained.
10. This estimated catch and effort is added to the courtesy boarding data to obtain a combined total catch for each nation/fishery.

3.2 Overview - 1990

During 1990, 275 groundfish vessels from fifteen nations fished in the NAFO Regulatory Area⁶. Eight of these nations are NAFO members and accounted for 231 vessels. Seven (7) non-member nations accounted for the remaining 44 groundfish vessels.

In 1990, it is estimated that non-member nations caught 46,800 mts of groundfish consisting of 15,400 mts of cod, 19,400 mts of redfish, 5,300 mts of flounder, 3,300 mts of Greenland Halibut and 3,400 mts of various other species. Table 3 and 4 gives a breakdown of catch for each non-member nation which fished in the NAFO Regulatory Area in 1990.

Table 3: Breakdown by Nation of the 1990 NAFO Regulatory Area Groundfish Catches				
NATION	Vessels	Effort	Catch	C/R
Caymen Is.	1	250	2,500	10.0
Korea	6	1,000	17,200	17.1
Malta	1	200	1,500	7.5
Panama	24	2,700	21,700	8.0
St. Vincents	1	200	3,300	16.5
Venezuela	2	50	600	12.0
USA	9	20	0 ⁷	
Total	44	4,420	46,800	10.6

⁶ Thirteen (13) Norwegian vessels fished exclusively for capelin.

⁷ 27 t reported to NAFO.

Table 4: Breakdown of the 1990 Groundfish Catches For Each Nation

NATION	Estimated Catch (Mts)					Total
	Cod	Redfish	Flounder	Greenland Halibut	Other	
Caymen Is.		600	1,900			2,500
Korea	5,900	7,700	3,400		200	17,200
Malta		1,500				1,500
Panama	8,900	6,300		3,300	3,200	21,700
St. Vincent's		3,300				3,300
Venezuela	600					600
USA						0 ^a
TOTAL	15,400	19,400	5,300	3,300	3,400	46,800

^a 27 T reported to NAFO.

Explanatory Notes:

Catch information is generally provided verbally by master(s) and, therefore, the separation of catches on a divisional basis cannot be completed accurately. In 1990, it is believed that all (95%) flounder catches were taken in 3NO, cod catches were primarily (60 - 70%) from 3NO/3M, Greenland Halibut catches were primarily (90%) from Division 3L and redfish catches were split between 3O/3N/3M.

The catch estimate procedure is completed on the basis of registered nation/vessels not crew nationality; therefore, the division of catches by crew nationality cannot be completed accurately. In 1990, it is believed that most cod (60%) catches, all Greenland Halibut catches and a portion (33%) of redfish catches were taken by vessels crewed from Western Europe with the remaining catches taken by vessels crewed from Korea or USA.

3.3 Catch Overview - 1984-1990

Since 1984, there has been an increase in the amount of effort by all nations fishing in the NAFO Regulatory Area. In 1984, the total effort by all nations was 8,820 days, whereas the seven year average (1984 - 1990) stands at 16,809 days per year.

Non-member activity has increased dramatically from 840 days in 1984 to 4,420 days in 1990. This is reflected by an increase in Korean-crewed vessels and registry transfers by Western European vessels.

The average yearly total of groundfish catch of all species by all nations fishing in the NAFO Regulatory Area during the 1984 - 90 period was approximately 187,500⁹.

Non-member catches have increased dramatically from 12,000 tonnes in 1984 to 30,000 tonnes in 1987 and 46,800 tonnes in 1990.

From 1984 to 1990 Non-members used an average of 33 fishing vessels per year in the NAFO Regulatory Area. These vessels fished for an average of 2,582 days catching approximately 29,000t of groundfish, an average catch per day of 11 mts (Table 5). The fishing effort for non-members has increased significantly in every year since 1984. Except for 1986 the estimated groundfish catches have also increased.

The yearly average of 28,800 mts of groundfish caught by non-members consisted of a yearly average of 7,129 mts of cod, 12,624 mts of redfish, 7,714 mts of flounder, 472 mts of Greenland Halibut, 871 mts of various "other" species. Cod and redfish catches for non-members have increased since 1986. Estimated catches of flounder have decreased since 1986. Greenland Halibut was taken in significant quantities for the first time in 1990.

⁹ Excludes 27,300t of capelin taken in 1990.

**Table 5 - Non-Member Nations Fishing Activity in
The NAFO Regulatory Area for 1984 to 1990**

Year	# of Different Vessels	Estimated Effort (Days)	Estimated Catch (Mts)
1984	11	840	12,000
1985	30	1,730	23,500
1986	30	2,030	19,300
1987	29	2,640	29,400
1988	41	3,130	35,200
1989	47	3,290	35,400
1990	44	4,420	46,800

**Table 6 - Breakdown of Non-Member Nations
Groundfish Catches for 1984 to 1990**

Year	Estimated Catch (Mts)					
	Cod	Redfish	Flounder	Greenland halibut	Other	Total
1984	3,800	0	8,200	-	0	12,000
1985	7,100	500	15,300	-	600	23,500
1986	4,500	0	14,600	-	200	19,300
1987	5,400	20,900	3,100	-	0	29,400
1988	7,800	23,500	3,000	-	900	35,200
1989	5,900	24,000	4,500	-	1000	35,400
1990	15,400	19,400	5,300	3,300	3,400	46,800

3.3.1 St. Vincents (Korean crew)

A St. Vincent's registered fishing vessel fished in the NAFO Regulatory Area in 1988, 1989, 1990 catching 400 tonnes (16 days), 3,525 tonnes (187 days) and 3,300 tonnes (200 days) of groundfish respectively.

3.3.2 USA

From 1984 to 1990 an average of ten USA vessels per year fished in the Regulatory Area. These vessels averaged 320 fishing days and 2,785 tonnes of groundfish (primarily flounder species) per year over the seven years. Appendix I outlines USA fishing activity for 1984 - 1990.

3.3.3 Mauritania (European crew)

One Mauritanian vessel operated in the NAFO Regulatory Area during 1986, 1988 and 1989. Appendix II outlines Mauritanian fishing activity since 1984.

3.3.4 Cayman Islands (Korean crew)

From 1984 to 1990 one vessel (Marsopla) fished in the Regulatory Area. Appendix III outlines Caymen Islands fishing activity for the 1984 to 1990 period.

3.3.5 Korea

During the years 1984 to 1987 one Korean vessel fished the NAFO Regulatory Area while in 1988 three vessels participated and in 1989 and 1990 Korean activity increased to 5 and 6 vessels respectively. Appendix IV outlines the Korean fishing activity for 1984 to 1990.

3.3.6 Panama (West European and Korean crews)

During the years 1984 to 1990 an average of eighteen Panamanian registered vessels per year fished in the NAFO Regulatory Area. The number of vessels has risen from a low of ten in 1984 to a high of twenty-four in 1988, 1989 and 1990. Panamanian flag vessels averaged 16,342 tonnes of groundfish in almost 1600 fishing days for each of the past seven years. Appendix V outlines Panamanian fishing activity for 1984 to 1990.

3.3.7 Malta (Korean Crew)

In 1989 and 1990, one Maltese vessel was observed fishing in the NAFO Regulatory Area. It is estimated that this vessel caught 711 tonnes of groundfish in 45 days during 1989 and 1,500 tonnes of groundfish during 200 days in 1990.

3.3.8 Venezuela (Western European)

In 1990, one Venezuelan pair trawler (Bascanova/Pescagel) was observed fishing in the NAFO Regulatory Area. It is estimated that this vessel caught 600 tonnes of cod in 50 days.

APPENDIX I

USA Fishing Activity For 1984 - 1990			
Year	# of Different Vessels	Estimated Effort (Days)	Catch Reported to NAFO (Mts.)
1984	0	0	0
1985	14	370	5,531
1986	15	380	5,770
1987	9	580	3,345
1988	11	560	2,868
1989	14	330	1,956
1990	9	20	27

Breakdown of Reported USA Groundfish					
Year	Reported Catch (Mts.)				
	Cod	Redfish	Flounder	Other	Total
1984	0	0	0	0	
1985	84	85	5,362	0	5,531
1986	315	4	5,451	0	5,770
1987	217	0	3,128	0	3,345
1988	266	0	2,602	0	2,868
1989	111	-	1,749	96	1,956
1990	---	---	-	0	27

APPENDIX II

Mauritania Fishing Activity for 1984 - 1990			
Year	# of Different Vessels	Estimated Effort (Days)	Estimated Catch (Mts.)
1984	0	0	0
1985	0	0	0
1986	1	10	0 ¹⁰
1987	0	0	0
1988	1	60	200
1989	1	50	212
1990	0	0	0

¹⁰ Estimated catch was 44 mts.

Breakdown of Estimated Mauritania Groundfish Catches for 1984 - 1990					
Year	Estimated Catch (Mts)				
	Cod	Redfish	Flounder	Other	Total
1984	0	0	0	0	0
1985	0	0	0	0	0
1986	0	0	0 ¹¹	0	0
1987	0	0	0	0	0
1988	0	0	200	0	200
1989	0	0	212	0	212
1990	0	0	0	0	0

¹¹ Estimated catch was 44 mts.

APPENDIX III

Caymen Islands Fishing Activity For 1984 - 1990			
Year	# of Different Vessels	Estimated Effort (Days)	Estimated Catch (Mts.)
1984	0	0	0
1985	1	90	2,000
1986	1	200	2,400
1987	1	270	5,300
1988	1	170	3,500
1989	1	210	3,000
1990	1	250	2,500

Breakdown of Estimated Caymen Islands Groundfish Catches for 1984 - 1990					
Year	Estimated Catch (Mts.)				
	Cod	Redfish	Flounder	Other	Total
1984	0	0	0	0	0
1985	100	0	1,600	300	2,000
1986	100	0	2,300	0	2,400
1987	0	5,300	0	0	5,300
1988	0	3,500	0	0	3,500
1989	0	2,500	500	0	3,000
1990	0	600	1,900	0	2,500

APPENDIX IV

Korean Fishing Activity For 1984 - 1990			
Year	# of Different Vessels	Estimated Effort (Days)	Estimated Catch (Mts.)
1984	1	240	4,900
1985	1	220	3,400
1986	1	210	3,200
1987	1	220	3,000
1988	3	130	2,100
1989	5	620	11,800
1990	6	1,000	17,200

Breakdown of Estimated Korean Groundfish Catches for 1984 - 1990					
Year	Estimated Catch (Mts.)				
	Cod	Redfish	Flounder	Other	Total
1984	300	0	4,600	0	4,900
1985	0	0	3,300	100	3,400
1986	100	0	3,100	0	3,200
1987	0	2,000	1,000	0	3,000
1988	0	1,800	200	0	2,000
1989	0	10,800	1,000	0	11,800
1990	5,900	7,700	3,400	200	17,200

APPENDIX V

Panamanian Fishing Activity For 1984 - 1990 ¹²			
Year	# of Different Vessels	Estimated Effort (Days)	Estimated Catch (Mts.)
1984	10	600	7,100
1985	14	1,050	15,700
1986	12	1,230	12,000
1987	16	1,570	18,900
1988	24	2,150	24,500
1989	24	1,850	14,500
1990	24	2,700	21,700

¹² Includes four (4) trawler vessels formerly registered in Mexico/Chile.

Breakdown of Estimated Panamanian Groundfish Catches for 1984 - 1990 ¹³						
Year	Estimated Catch (Mts.)					
	Cod	Redfish	Flounder	Greenland Halibut	Other	Total
1984	3,500	0	3,600		0	7,100
1985	7,000	400	8,100		200	15,700
1986	4,200	0	7,800		0	12,000
1987	5,300	13,600	0		0	18,900
1988	7,500	16,100	0		900	24,500
1989	5,700	6,500	1,400		900	14,500
1990	8,900	6,300	0	3,300	3,200	21,700

¹³ Includes estimated catches of four (4) pair trawler vessels formerly registered in Mexico/Chile.

13TH ANNUAL MEETING - SEPTEMBER 1991EEC Information on Non-Contracting Party fishing: sightings

<u>PANAMA</u>	<u>3M</u>	<u>3L</u>	<u>3NO</u>	<u>Times sighted</u>
Colombo V		8/5	1/7	2
Colombo VI	23/5-26/5	8/6-5/6		4
Espadarte	23/6-26/6			2
Cidade de Aveiro	26/5	28/5-17/6	28/6-31/7	5
Elly	26/5-18/6-20/6	16/6-5/6-6/7-20/7		7
Alpes II	23/8	8/6-16/6		3
Classic Bell Air	23/7-19/8	8/6	11/8	4
Anita	18/6-20/6	5/6-6/7		4
Pescamex IV	18/6-20/6-7/7 20/8-23/8	20/7-8/8		7
Pescamex III	20/6-7/7 20/8-23/8	20/7-8/8		6
Santa Joana	23/7		26/7-1/8-10/8	4
<u>KOREA</u>				
Great Splendor (Korea/Bahama ?)	22/8		27/7-28/7- 29/7-3/7	5
San Wan Ho			8/6-2/7	2
Golden Venture			8/6-2/7-4/7	3
Marsopla			8/6-2/7	2
Pun Yang			27/7	1
Ha Quang			28/7	1
Ha Quang 3	22/8			1
<u>MORROCO</u>				
Ain Chanek			2/7	1
<u>VENEZUELA</u>				
Bacanova	26/5-26/7	10/6-5/6- 13/7-20/7	12/8-14/8- 16/8	9
Pescagel	26/7	5/6-10/6- 13/7-20/7	12/8-14/8- 16/8	8
<u>HONDURAS</u>				
Danica	11/6-18/6		26/7	3

	<u>3M</u>	<u>3L</u>	<u>3NO</u>	<u>Times sighted</u>
<u>VANUATU</u>				
Kaneshima			4/7	1
Non-Contracting Party vessels observed in the NAFO Regulatory Area by "Ernst Haeckel" and "Firthjof": 4/5-25/8-1991.				
Total				
Panama	12			
Korea	7			
Morocco	1			
Venezuela	2			
Honduras	1			
Vanuatu	1			
TOTAL	<u>24</u>			

NORTHWEST ATLANTIC FISHERIES ORGANIZATION**Recommendation to the General Council****13th Annual NAFO Meeting****9-13 September 1991**

THE STANDING COMMITTEE ON FISHING ACTIVITIES OF NON-CONTRACTING PARTIES IN THE NAFO REGULATORY AREA - STACFAC

Recalling the Resolution on Non-NAFO Fishing Activities adopted by the General Council at the 12th Annual Meeting of the Northwest Atlantic Fisheries Organization, resolving i.a. that

- 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;

Recalling the Terms of Reference of the Standing Committee (STACFAC), established by the General Council "to examine options to cause non-Contracting Parties to withdraw from fishing activities contrary to NAFO Conservation Measures";

Recalling the relevant provisions of the United Nations Convention on the Law of the Sea (UNCLOS) on the obligations of states with respect to conservation of the living resources of the high seas;

Recalling the provisions of the General Agreement on Tariffs and Trade (GATT), in particular the principles of non-discrimination, proportionality and transparency;

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

Expressing concern at the serious threat to conservation and rational stock management posed by increasing fishing activities of vessels flying the flag of countries that are not Contracting Parties of NAFO and to whom quotas in the NAFO Regulatory Area have not been assigned, and convinced that such non-Contracting Parties should cooperate in accordance with the principles contained in UNCLOS;

Bearing in mind the adverse effect of high levels of unreported catches by non-Contracting Parties for the assessment of stocks and the provision of management advice;

Noting with satisfaction the individual and joint diplomatic demarches to the aforementioned non-Contracting Parties engaged in fishing activities in the NAFO Regulatory Area undertaken by NAFO Contracting Parties and bearing in mind the positive responses received to date;

Taking into account the views expressed in STACFAC discussions;

Recommends to the General Council at its 13th Annual Meeting that:

1. Contracting Parties follow-up on the successive diplomatic initiatives undertaken individually and jointly with non-Contracting Parties seeking the necessary measures to prevent fishing contrary to NAFO Conservation Measures and shall report the results to STACFAC for consideration of possible further action;

2. The Executive Secretary shall continue his efforts to draw to the attention of non-Contracting Parties the negative impact of the fishing activities of their vessels in the Regulatory Area and the importance of providing NAFO with complete and accurate statistical catch reports;
3. Contracting Parties seek to collect data on fishing activities of vessels flying the flags of non-Contracting Parties in the NAFO Regulatory Area including catches and landings;

Contracting Parties provide regular reports of these activities to the NAFO Executive Secretary; and

The Executive Secretary shall distribute these reports to all Contracting Parties.

- 4*. Contracting Parties provide the NAFO Executive Secretary as soon as possible but not later than January 1, 1992, and thereafter on a yearly basis, statistics on their imports of groundfish species regulated by NAFO from non-Contracting Parties whose vessels fish in the NAFO Regulatory Area;
5. STACFAC shall examine where possible methods of improving the reporting of catches and landings from the NAFO Regulatory Area by non-Contracting Parties.
- 6*. Pursuant to the relevant provisions of UNCLOS, Contracting Parties shall investigate options open to them, in accordance with their legislation, to dissuade their nationals from engaging in fishing activities, in contravention of NAFO conservation decisions, in the NAFO Regulatory Area under non-Contracting Party flags and to discourage such activities where they are presently taking place.
7. STACFAC shall continue examination of a Landing Declaration system to collect data on landings of catches by non-Contracting Party vessels in the NAFO Regulatory Area and provide a report on possible implementation to the General Council in 1992.
8. STACFAC shall submit a comprehensive report to the General Council at the 14th Annual Meeting on the above provisions and on possible additional measures consistent with STACFAC's Terms of Reference for consideration.

*Note: These recommendations were modified in accordance with decision of the General Council (paragraph 4.6 of the General Council Report)