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NORTHWEST ATLANTIC FISHERIES ORGANIZATION



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

28-30 April 1993, Dartmouth, N.S., Canada

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Northwest Atlantic Fisheries Organization



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

Dartmouth, N.S., Canada
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NAFO
192 Wyse Road
Dartmouth, N.S.
Canada

Tel. (902) 469-9105
Fax (902) 469-5729

A handwritten signature in cursive script that reads "C. C. Southgate".

C. C. Southgate
Chairman of STACFAC
April 1993

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

Dartmouth, Canada, 28-30 April 1993

1. Opening of the Meeting

- 1.1 The Standing Committee on Fishing Activities of non-Contracting Parties in the Regulatory Area (STACFAC) met in Dartmouth, N.S., Canada, 28-30 April 1992 under the chairmanship of C.C. Southgate (EEC).
- 1.2 The following Contracting Parties were represented: Canada, Denmark (in respect of the Faroe Islands and Greenland), European Economic Community (EEC), Japan, and Russia (Annex 1).
- 1.3 The Chairman welcomed the delegates and requested the nomination of a rapporteur.

2. Appointment of Rapporteur

- 2.1 S. Duff (Canada) was appointed Rapporteur.

3. Adoption of Agenda

- 3.1 The agenda was adopted as previously circulated (Annex 2).

4. Review of 1992 Information and Available 1993 Information on Activities of non-Contracting Parties Vessels in the Regulatory Area

- 4.1 Canada tabled a paper on the fishing activity of non-Contracting Party vessels in the NAFO Regulatory Area (GC Doc. 93/2). The paper included a report on sightings of non-Contracting Party vessels, and fishing effort, expressed in vessel days, as well as Canadian estimates, by species, of non-Contracting Party catches. The Canadian Representative explained the methodology upon which Canadian catch estimates are based and expressed Canadian confidence in their accuracy.
- 4.2 The Canadian paper indicated that in 1992 the number of non-Contracting Party vessels fishing in the NAFO Area, and the catches of these vessels remained about the same as in 1991. The Canadian representative commented that although sightings of non-Contracting Party vessels in 1993 were at about the same level as during the first quarter of 1992, positive measures taken by several non-Contracting Party Governments in recent months could lead to an overall reduction in the number of non-Contracting Party vessels in 1993. She cautioned that while some vessels have left the area as a result of pressure or sanction by their flag state for fishing activities in the NAFO Area, it would appear that some of these vessels are seeking to re-register in countries which have not previously had a fishing presence in NAFO Area. She reported that two formerly Panamanian vessels have recently registered in Belize and a third Panamanian-flagged, Korean-licensed, vessel re-registered last year in Vanuatu.

- 4.3 The EEC Representative tabled a report on sightings of non-Contracting Party vessels in the NAFO Area by the EEC surveillance vessel, the Ernst Haeckel (GC Doc. 93/2). He explained that the vessel is in the NAFO Area for 10 months of the year. The EEC sightings report supported Canadian conclusions that there had been no significant reduction in non-Contracting Party vessel activity in the NAFO Area over the 1991-1992 period. The EEC representative also expressed the view that while the number of vessels could increase in the remaining months of the year, there could well be an overall reduction in the number of non-Contracting Party vessels in the NAFO Area in 1993.
- 4.4 At the request of the Japanese Representative, the Canadian Representative clarified Canadian surveillance reports relating to "Korean crewed" vessels in the NAFO Area. She outlined the three categories of Korean interest vessels which are reported under that heading in the Canadian paper:
- i) Korean flagged vessels which are licensed by Korea to fish in the NAFO Area;
 - ii) vessels which are licensed to fish in the NAFO Area by Korea but which are flagged in third countries;
 - iii) vessels which are neither flagged nor licensed by Korea but which are crewed by Korean nationals, in some cases under a contract authorized by the Korean Government.
- 4.5 The Canadian representative reported a reduction in the number of Korean crewed vessels since 1990 and informed the Committee that the Korean Government has committed to withdraw the three remaining Korean-licensed fishing vessels from the NAFO Area by April 30, 1993.
- 4.6 The Executive Secretary informed the Committee that statistics on Korean catches in the NAFO Area in 1992 have now been received from Korea. The completed STATLANT forms were circulated.

5. Review of 1992 Information and Available 1993 Information on Landings and Transshipment of Fish Caught in the Regulatory Area by non-Contracting Party Vessels

- 5.1 The Chairman noted that the principal difference between this agenda item and agenda item 6 is the issue of transshipments.
- 5.2 The Japanese Representative reported on the results of a Japanese investigation of transshipment activities involving a Japanese cargo vessel, the DAIKO-MARU, in the NAFO Area. The Japanese Representative informed the Committee that the DAIKO-MARU was operated by a Japanese reefer company which had a contract with a Korean company to transport fish caught by the Korean vessel from the NAFO Area to Pusan, Korea. He explained that as all transshipments were landed in Korea, the activities of the Japanese vessel did not constitute a violation of Japanese law. He advised the Committee that the Japanese Government has contacted the reefer company involved in the operation of the DAIKO-MARU, as well as the Association of reefer companies in Japan, to provide them with background information on this problem. Japanese reefer companies have been urged to refrain from engaging in the transshipment of NAFO regulated species from non-Contracting Party vessels.

- 5.3 The Canadian Representative welcomed the action taken by Japan and informed the Committee that there have been no subsequent reports of transshipments involving Japanese vessels in the NAFO Regulatory Area. She stated that some transshipment of Korean catches in the NAFO Area may be occurring in the ports of St. Pierre and Miguelon, and noted that Canadian attempts to obtain data on these transshipments had been unsuccessful. The EEC representative explained that as these islands are not part of EEC territory, the EEC is unable to provide this information.
- 5.4 The Canadian Representative informed the Committee that as a result of Canadian port access policy, there were no landings of NAFO origin groundfish in Canadian ports by non-Contracting Party vessels. She informed the Committee that in Canada imports of fish are accompanied by a declaration of the country of origin and inquired whether other countries require disclosure of country of origin.
- 5.5 The EEC Representative responded that fisheries imports are subject to ordinary customs documentation and that there was no statistical scheme to record harvest origin. He stated that while non-Contracting Party vessels do land fish caught in the NAFO Area in EEC ports, particularly redfish, it is highly unlikely that products from the NAFO Regulatory Area are transhipped before landing. He explained that for products that are transhipped in EEC ports for onward transportation to a non-Community country, no statistics would be retained on the product, as it does not enter the Community markets and is not subject to customs import documentation.
- 5.6 The Chairman noted that while it is believed that there are significant transshipments of NAFO regulated species, the lack of information on this makes it difficult to draw direct comparisons between catches and imports.

6. Review of Information on Imports by Contracting Parties of Groundfish Species Regulated by NAFO from Non-Contracting Parties Whose Vessels Have Fished in the NAFO Regulatory Area

- 6.1 Japan provided statistics on Japanese imports of NAFO regulated species for 1992, and submitted revised statistical information on imports for 1991 (GC Doc. 93/2). The Japanese Representative explained that imports of these species from non-Contracting Parties do not distinguish between catches from the NAFO Regulatory Area and catches of the same species from other areas. He also noted that these statistics represent a small portion of the total imports of these species. For example while total imports of redfish into Japan in 1992 were about 60 000 tons, only 3 769 tons of this was imported from non-Contracting Parties, whose vessels were sighted in the Regulatory Area.
- 6.2 The EEC provided provisional data on imports of NAFO regulated species from non-Contracting Parties for the first 11 months of 1992 (GC Doc. 93/2). He also stated that much of the product covered by the EEC statistics did not originate in the NAFO Regulatory Area, and that these figures did not reflect a large portion of EEC imports of these species.
- 6.3 The Chairman pointed out that while imports of cod and redfish into the Community have declined markedly, Canadian catch estimates indicate that non-Contracting Party catches of these species have not.

- 6.4 The Canadian representative reported that there were no imports into Canada of NAFO regulated species from non-Contracting Parties in 1992.
- 6.5 The Canadian Representative suggested that it might be helpful were Contracting Parties to delete from their import statistics items which are not relevant to the objectives of STACFAC. She noted that while in many cases, the categories in the harmonized tariff system include species which are not exclusively found in the NAFO Area, in some of the categories included in the EEC and Japanese statistics it is clear that the fish imported was not caught in the NAFO Area.
- 6.6 The EEC Representative reaffirmed the usefulness of the harmonized system because it covers all products. He cautioned that to exclude certain categories of imports for the purposes of STACFAC could result in the deletion of relevant statistics. He explained that it is not always possible for customs officials to clearly identify the area of harvest for species imported, in particular where there has been some degree of processing. In most cases, customs officials must accept the declaration of the species unless there are grounds to believe the product should be inspected.
- 6.7 The Japanese delegate concurred that it would be difficult for customs officials to investigate the exact area of harvest of fisheries imports. He stated that while cod imports from Korea were believed to originate almost entirely in the Pacific, due to strong consumer preference for Pacific cod, imports of this species are not designated as Atlantic or Pacific cod under the harmonized standard code system in Japan and customs officials could not be expected to identify the origin of harvest of cod imports.
- 6.8 The Chairman commented that in cases like this, where the statistics clearly do not reflect product which has originated in the NAFO Regulatory Area, it might be useful to delete this information from the import reports submitted to STACFAC. He also pointed out that imports from the USA in the EEC statistics could be deleted as the USA did not fish NAFO regulated species in 1992.

7. Reports by Contracting Parties on Diplomatic Contacts With Non-Contracting Party Governments Concerning Fishing by Their Vessels in the Regulatory Area

- 7.1 The Executive Secretary of NAFO circulated copies of recent correspondence with non-Contracting Parties and drew the attention to inquiries he received from a solicitor representing Panamanian vessels which were seeking fishing opportunities in the NAFO Area, and from the Commissioner of Maritime Affairs of Vanuatu regarding possible fishing opportunities for a Vanuatu flagged vessel. He referred to letters which had been prepared in response and dispatched to authorities in both countries in which he explained the current situation in NAFO and the problem of fishing activities by non-Contracting Parties. He also noted that letters were sent to Korea and Panama requesting 1992 fishing effort statistics in the form of STATLANT 21A and B forms.
- 7.2 The Chairman reported that he had also been contacted by the Solicitor of the Panamanian vessel owners residing in the UK. He advised the Solicitor that it was the U.K position that as Panama is not a member of NAFO and has no quotas for NAFO regulated species, the vessels should not fish in the NAFO Area and that pressure was being applied to Panama to take action against vessels which do fish in the NAFO Area.

- 7.3 The EEC Representative noted the necessary formality of the response from the Executive Secretary to the letter from the Vanuatu Commissioner for Maritime Affairs, and suggested that a NAFO joint diplomatic demarche would provide an appropriate opportunity to respond to some of the specific questions raised by the Government of Vanuatu.
- 7.4 The Canadian Representative reported on recent bilateral contacts with Vanuatu on the issue of fishing by the Vanuatu flagged vessel, the MARSOPLA, in the NAFO Area. She explained that initial contacts between the two Governments resulted from the refusal of the Canadian Government to issue a licence to another Vanuatu flagged vessel, to conduct fisheries support activities in Canadian waters. The licence was denied because of the fishing activities of the MARSOPLA in the NAFO Area. As a result of recent bilateral contacts, the Government of Vanuatu has agreed to take prompt action to deregister the MARSOPLA should it continue to fish in the NAFO Area after April 30. The Canadian Representative suggested that a joint diplomatic demarche would be useful if recent developments do not result in the withdrawal of the MARSOPLA from the NAFO Area.
- 7.5 The EEC Representative inquired about another Vanuatu flagged fishing vessel, the KANESHIMA, referred to in the letter by the Executive Secretary. The Executive Secretary responded that a sighting of the KANESHIMA was reported in an EC report in 1991, but that the vessel did not conduct a substantial fishing effort, and has not been sighted since.
- 7.6 The Canadian Representative inquired whether letters requesting catch information had been sent to other non-Contracting Parties. The Executive Secretary responded that on the basis of the information on non-Contracting Party vessel activity tabled at this meeting of STACFAC, letters seeking completed STATLANT forms will be sent to other non-Contracting Parties.
- 7.7 The Chairman invited reports from Contracting Parties on collective and bilateral diplomatic efforts to secure the withdrawal of non-Contracting Party vessels from the NAFO Area.
- 7.8 The Canadian representative presented a paper outlining Canadian diplomatic initiatives in 1992-93 with Panama, Honduras, Morocco, Venezuela, Sierra Leone, Korea, and reported on some of the positive results of these contacts. She commented that several non-Contracting Party Governments have taken measures in recent months to ensure that their flagged vessels comply with NAFO conservation decisions. Panama has deregistered three vessels for fishing in the NAFO Area, and has fined several others, with fines for repeat offenders now amounting to \$7,500. Sierra Leone has deregistered a vessel for NAFO fishing activities. The Government of Venezuela has not renewed the fishing licence of two Venezuelan vessels which refused to cease fishing in the NAFO Area.
- 7.9 The Canadian Representative reported on Canada-Korea fisheries consultations which were held in Ottawa February 8-10, 1993. She informed the Committee that these consultations had resulted in a Korean commitment to withdraw all Korean licensed vessels from the NAFO Area by April 30, 1993. The Korean Government also advised

Canada that the last contract for Korean crews on third party vessels which fish in the NAFO Area had been terminated as of January 1993. She informed the Committee that during these consultations, the Government of Korea indicated its intention to join NAFO, and requested Canada's support for a quota allocation in NAFO. Canada had responded that as NAFO was an open organization, Korea would be free to join, but that given the serious depletion of NAFO resources, and the fact that Korea has taken large sums of NAFO regulated species in recent years, Korea should not expect quotas at this time.

The Canadian Representative pointed out that while the problem persists, progress is being made. She stressed that it would be important to maintain pressure on these countries, particularly Panama and Korea, which have had the most significant fishing presence in the NAFO Area.

- 7.10 The EEC representative expressed appreciation for the initiatives taken by Canada and welcomed the positive results. With respect to the accession of new members to the NAFO Convention, he expressed the Community position that non-Contracting Parties should be encouraged to join NAFO and to participate in the conservation of NAFO resources. He added that new members should share the same rights and obligations of other Contracting Parties, and that current Contracting Parties could not say in advance that no quotas would be available to new members. While he acknowledged that the question of quotas would be difficult, he stressed that it would be important to avoid a situation where denial of a quota to new members would deter accession to the NAFO Convention by new members.
- 7.11 The Canadian Representative responded that while NAFO is an open organization in which new members enjoy rights and obligations as outlined in the NAFO Convention, the issue of quotas, as a practical matter, is difficult to address. She stated that as Canadian quotas for NAFO regulated species have declined significantly in recent years, Canada could not offer a share of its quotas to new members, and she presumed that other Contracting Parties would be in a similar position. She commented that the "others" quotas represented a small quantity of fish, and were, in any case, fully used. While all NAFO members theoretically enjoy the right to a quota allocation, the Canadian Representative pointed out that in the context of declining NAFO resources, other Contracting Parties like Greenland and Iceland receive no quotas or, as in the case of Poland, receive minimal quotas. She questioned whether Contracting Parties who have complied with NAFO conservation decisions should have to contemplate rewarding with future quotas those countries which have fished extensively in the NAFO Area without quotas and thereby contributed to the current resource crisis. She suggested that these countries should wait until stocks have recovered before receiving quota allocations. She noted that notwithstanding the firm position taken by Canada on this issue in bilateral discussions with the Koreans, Korea has indicated its intention to join NAFO this year.
- 7.12 The Chairman acknowledged that the debate regarding quota allocations to non-Contracting Parties should they join NAFO would likely be long and hard. He noted that in bilateral contacts with non-Contracting Parties, Canada had taken the position that non-Contracting Parties should not fish in the NAFO Area, and that while these countries are welcome to join NAFO, no quotas could be guaranteed. He stated that this position was not inconsistent with NAFO policy.

- 7.13 With respect to the new fishing presence of Belize flagged vessels in the NAFO area, the EEC Representative suggested that a NAFO joint diplomatic demarche should be considered to request the cooperation of the Government of Belize in ending the fishing activities of their vessels in the NAFO Area. The Canadian Representative informed the Committee that the Canadian High Commissioner to Jamaica was currently in Belize and would be calling on the Foreign Minister to discuss this problem. The EEC Representative stated that it is important to approach non-Contracting Parties from all angles to urge their cooperation with NAFO. It was agreed that a NAFO joint diplomatic demarche should be coordinated by STACFAC during this meeting.

**8. Consideration of Statistical Measures to Document Catches,
Transshipments and Landings of Groundfish Caught in the
Regulatory Area by non-Contracting Party Vessels**

- 8.1 The Chairman opened discussion on the item by noting that the NAFO Landing Declaration had been on the STACFAC agenda for some time, and that several proposals had been considered by the Committee. He recalled the decision of the Committee at the last STACFAC meeting to determine whether it was feasible to proceed with this initiative.
- 8.2 The Canadian Representative introduced a Canadian paper (STACFAC W.P. 93/2) outlining a Landing Declaration scheme for catches of NAFO regulated species that are landed in the ports of NAFO Contracting Parties and explained that the paper was based on proposals for a Landing Declaration that have been discussed in previous STACFAC meetings. The Executive Secretary circulated copies of earlier proposals as STACFAC WP 93/11.)

The principal elements of the Canadian proposal were summarized as follows:

- Landings of NAFO Regulated Species in Contracting Party ports, by non-Contracting Party fishing vessels, should be accompanied by a Landing Declaration form. The product subject to this requirement would range from raw fish to processed fish up to the frozen fillet state;
- The data requested would include: the name of the vessel and master; the date and port of landing; the nature and quantity of the catch, and the dates vessel fished in NAFO divisions;
- Given the often tenuous link between non-Contracting Party authorities and their fishing vessels, the Landing Declaration forms would be distributed by the Contracting Party in whose port the fish is being landed;
- Landing declarations accompanying product landed by non-Contracting Party vessels would be subject to verification by competent Contracting Party authorities;
- Failure to submit a Landing Declaration or false declaration would not result in denial of entry but would result in the application of an administrative penalty.

- 8.3 The Chairman invited general comments on the Canadian paper.
- 8.4 The Danish Representative expressed the view that before proceeding, the Committee should clearly define the objectives of the Landing Declaration. He stated that the Committee would have to decide whether the primary purpose of the scheme would be to further statistical objectives or whether it would be intended to advance the broader objective of ending fishing by non-Contracting Parties in the NAFO Area. He questioned whether the implementation of a Landing Declaration would create the perception in non-Contracting Parties that compliance with the scheme would somehow legitimize the fishing activities of their vessels in the NAFO Area.
- 8.5 The EEC Representative welcomed Canada's proposal and noted that part of the reason the proposal has been on the table for a long period is the complexity of the issue. He advised the Committee that within the Community, the purpose and utility of a Landing Declaration with purely statistical objectives has been questioned. As the information which could be obtained through the implementation of a Landing Declaration would be incomplete, it is not clear how much the system would assist in the scientific assessment of stocks. He shared the concerns of the Danish Representative that a Landing Declaration scheme with a purely statistical objective, without thought of pressure on the non-Contracting Parties to cease fishing activities, would give the impression that pure compliance with the Landing Declaration would legitimize their fishing activity. He added that participation in a Landing Declaration scheme should not enable non-Contracting Parties to avoid their international obligations to report the catches of their flag vessels, as this would be contrary to the mandate of STACFAC. He stated that it would be important to engage the cooperation of non-Contracting Parties to fulfill their obligation to report their catches.
- 8.6 The Japanese Representative noted the general understandings formed during the course of previous discussions and expressed the view that at least Japan could not implement the mandatory Landing Declaration system in which the fishermen of non-Contracting Parties would fill out the forms voluntarily. He stated that imposition of administrative penalty on the cooperative non-Contracting Parties' fishermen would result in providing disincentive for them to cooperate the system. He questioned the feasibility of verification of harvest origin at the custom offices unless an effective technology was developed for easy identification of whether the fish originated inside or outside the NAFO Regulatory Area. He emphasized the necessity of wide distribution of the forms for the effective implementation of the system. He pointed out that explanatory notes would be necessary on the reverse side of the form to assist those who filled out the form.
- 8.7 The Chairman summarized three possible objectives of the Landing Declaration that have been identified to date in discussions of this issue in STACFAC:
- i) to obtain more comprehensive statistical information on the catches of NAFO regulated species thereby permitting more accurate scientific assessment of the stocks, and determination of TAC;
 - ii) to enable Contracting Parties to assist non-Contracting Parties in discharging their duty to report the catches of their fishing vessels;

iii) to provide an opportunity for increased non-Contracting Party cooperation in the conservation of fisheries resources, and to establish a framework in which to exert pressure upon non-Contracting Parties until their vessels cease fishing in the NAFO Area, thereby making it less convenient to be a flag of convenience.

- 8.8 The Representative of Canada agreed that the Landing Declaration should further three objectives outlined by the Chairman in his helpful summary. She suggested that the purpose of the proposal should be considered in light of the mandate of STACFAC, in particular, the responsibility of the Committee to obtain and compile all information on landings and transshipments of non-Contracting Party catches, and to consider measures to control imports of this fish. She stated that while Canada supports measures designed to enhance the statistical information available to NAFO, Canada also seeks to end non-Contracting Party fishing in the NAFO Area and to prevent imports of NAFO origin groundfish from non-Contracting Parties. She expressed the view that the Landing Declaration is only one means of moving closer to these objectives, and that it is important to use every available instrument.
- 8.9 The EEC Representative agreed that each of the objectives outlined by the Chairman was important. He stated that the EEC would support the implementation of a Landing Declaration scheme designed not only to supplement NAFO statistics on non-Contracting Party catches, but also to assist these countries in complying with their obligations in international law to provide statistical data on the catches of their fishing vessels. He stressed that it would not be the intent of the EEC that the Landing Declaration be used as a trade measure, and that trade measures should only be considered when all other options had been exhausted.
- 8.10 The Japanese Representative noted the discussions at the past STACFAC meetings and stated that Japan's understanding of the objectives was i) of the Chairman's summary above in paragraph 8.7. He then supported the statement made by the EEC.
- 8.11 With respect to the compulsory nature of the scheme, the Chairman identified two proposals for a Landing Declaration; one which would envisage the implementation by Contracting Parties of a scheme with mandatory obligations for non-Contracting Parties; the other, which would involve an offer of assistance by Contracting Parties to non-Contracting Parties in the collection of catch data, through voluntary participation by non-Contracting Parties in the Landing Declaration scheme. He suggested that the NAFO Landing Declaration would probably fall somewhere between these extremes, noting that in a more compulsory scheme the role of Contracting Party authorities would be greater and more complicated.
- 8.12 The Representatives from Denmark and the EEC stated that only non-Contracting Parties can make compliance by their vessels compulsory. Contracting Parties can only make obligatory the collection of Landing Declarations by domestic customs officials.
- 8.13 The Canadian representative stated that a system in which compliance by vessel masters was strictly voluntary would be less effective, and that some mechanism would be required to ensure compliance. Non-Contracting Parties have a duty to report their catches. Some countries, particularly flags of convenience have attempted to provide the information but have had difficulty monitoring the activities of their fishing vessels. The Canadian Representative also pointed out a possible loophole in the system which could

arise if one country decided not to participate in the scheme. It is conceivable that non-Contracting Party vessels would then seek registry in the country which has opted out, to avoid the application of the Landing Declaration.

- 8.14 The Representatives from the EEC and Japan stated most non-Contracting Party governments have expressed their willingness to cooperate with NAFO to address the problem of non-member fishing. On the basis of the positive response received to date in diplomatic demarches, it would be reasonable to presume that non-Contracting Parties would agree to participate in the scheme, and to take domestic measures to promote compliance by their vessel masters. The Canadian Representative expressed doubt on this point.
- 8.15 The Chairman pointed out that the implementation of the Landing Declaration scheme in Contracting Parties and the role of Contracting Party customs officials would be greatly simplified in a scheme which places primary responsibility for ensuring compliance by vessel masters upon the relevant non-Contracting Party authorities.
- 8.16 With respect to the role of customs authorities in the implementation of the scheme, the Danish Representative commented that much of the information in the Landing Declaration will be required by customs authorities in ordinary customs declarations. Only the information on the area of harvest would not ordinarily be requested.
- 8.17 The Chairman added that with the exception of the information on area of harvest, all elements of the Landing Declaration would be subject to verification under ordinary customs inspection procedures. As the Committee has agreed that verification of area of harvest by customs officials is not feasible, the additional responsibilities of customs officials in the administration of the scheme would be minimal. Contracting Party authorities would collect the completed Landing Declaration form and forward this to the appropriate non-Contracting Party, and the NAFO Secretariat. They would also notify non-Contracting Parties of failure to complete the Landing Declaration form, and would provide the information on the nature and quantity of the catch as contained in the customs declaration.
- 8.18 The Committee agreed that while the declaration of area of harvest would not be verified by customs officials, NAFO Contracting Parties would receive the Landing Declaration information from the NAFO Secretariat, and could compare this aspect of the form with surveillance reports of the fishing activity of the vessels in the NAFO Area and estimated catches by these vessels.
- 8.19 With respect to the implementation of the scheme and the possible trade implications, the Danish Representative suggested that it would be useful for the Committee to consider the deliberations of the ICCAT Working Group and other international organizations which have implemented similar schemes. He also inquired how the prohibition on landings of salmon in EEC ports had been implemented.
- 8.20 The Executive Secretary brought to the attention of the Committee documents submitted to the NAFO Secretariat by ICCAT and NASCO relating to the activities of non-Contracting Party vessels in the NAFO Area, and the reflagging of fishing vessels. He noted that the paper had been circulated pursuant to an EEC proposal, for discussion under Agenda item 9.

- 8.21 The Chairman pointed out that the situation covered by the ICCATT Scheme was exceptional in that the product covered was limited to one species, bluefin tuna, and that there is only one world market for this product, Japan. For these reasons the implementation of a Landing Declaration scheme was simplified and the information collected could be more comprehensive. The Japanese Representative pointed out that the ICATT scheme was a purely statistical scheme that was not trade restrictive.
- 8.22 The EEC Representative stated that the implementation by Contracting Parties of NASCO of a landing prohibition for salmon caught on the high seas was also different in that the fishing of salmon on the high seas is expressly prohibited by UNCLOS. While solutions in other fora can be useful to consider, and in some respects the initiatives in NAFO can build on the experience of other regional organizations, it is not possible to transfer all aspects of these initiatives.
- 8.23 The Committee agreed that the customs and trade officials of Contracting Parties would have to be consulted before a decision could be made on the implementation of the Landing Proposal.
- 8.24 The Committee also agreed that the final proposal for a Landing Declaration would have to reflect the results of discussions in other international fora which are considering this problem, particularly the UN Conference on Straddling Stocks and Highly Migratory Fish Stocks, and the work on the flagging of fishing vessels undertaken in the FAO. The Representative of Denmark expressed the view that in light of the ongoing international initiatives in this area, consideration of the details of a Landing Declaration before the NAFO Annual Meeting in September would be premature.
- 8.25 The Chairman agreed that while the work of the UN and FAO on high seas fisheries conservation would have to be considered before the Landing Declaration scheme could be implemented, setting down the elements of the scheme would be useful at this stage so that progress can be made when it is revisited in September. The Committee agreed with the Chairman's suggestion to review the Canadian proposal in detail to identify problematic areas and to develop a STACFAC proposal which could form the basis of a recommendation to the General Council.
- 8.26 Consensus was reached on Landing Declaration as follows:
- The Landing Declaration would require the following information:
 - name of vessel and master;
 - nature and quantity of product;
 - area of harvest - days fished in NAFO divisions
 - Product coverage should be as comprehensive as possible, including fresh, frozen and salted product to the level of processing capacity on non-Contracting Party vessel capacity before landing.
 - While it was recognized that report of catch weight would be more useful to NAFO, in a case where there has been some processing of the catch, it was agreed that it would be best to require a report of the product weight, as required in an ordinary customs declaration, which would then be converted to roundweight.

- Participation in the scheme by non-Contracting Parties would be voluntary. Non-Contracting Parties which do participate would take measures to ensure compliance by their vessels. Contracting Parties will implement the scheme through domestic law, as appropriate.

- Only those vessels from non-Contracting Parties which do not report catches to NAFO, and have accepted to participate in the scheme would be required to complete a Landing Declaration.

While the EEC and Japan expressed the view that the Landing Declaration should apply to transhipped products, Danish representative said that the scheme should be kept as simple as possible and that the requirement should apply only to non-Contracting Party fishing vessels. This issue remains to be resolved.

- Forms should be widely available. While forms could be obtained in Contracting Party ports, it was agreed that notwithstanding the often tenuous link between non-Contracting Parties and their flag vessels, non-Contracting Party authorities should also be responsible for distributing these forms to their flag vessels. In this way the scheme would reinforce, not replace, the responsibility of non-Contracting Parties to provide catch information, and would engage non-Contracting Parties in the implementation of the scheme.

- Failure to submit a Landing Declaration would not result in denial of entry, or an administrative penalty, but would be reported to the appropriate non-Contracting Party authorities, with the information in the regular customs declaration relating to the nature and quantity of catch. This would provide a basis for follow up by non-Contracting Party authorities, and for Contracting Parties in subsequent contacts with these countries.

- Contracting Party officials would not be responsible for verification of the Landing Declaration. They would collect completed Landing Declaration forms and forward this information to the non-Contracting Parties in which the vessels are flagged. The information would also be provided to NAFO. Contracting Party officials would also notify non-Contracting Parties of failure to complete the Landing Declaration, and would provide information on the nature and quantity of the catch as provided in the customs declaration.

- The NAFO Secretariat would receive the information in the Landing Declaration and would summarize the information. The NAFO Secretariat would circulate the information to Contracting Parties for comparison with vessel sighting reports and catch estimates.

8.27 The Committee agreed that non-Contracting Parties should be notified of the implementation of the Landing Declaration by Contracting Parties through a NAFO joint diplomatic Demarche. The Chairman stated that the text for the demarche would be worded carefully so that refusal to participate in the scheme would constitute an open admission of unwillingness to cooperate. Non-Contracting Parties would be encouraged to make completion of Landing Declaration obligatory for the masters of their vessels which fish in the NAFO Area. The wording of the coordination of the demarche and the wording of the Aide-Memoire will be considered at the next meeting of STACFAC during the NAFO Annual Meeting in September 6-10, 1993.

**9. Consideration of Steps to Deter Re-Flagging of Contracting
Party Vessels for the Purpose of Fishing Contrary to NAFO
Conservation and Management Decisions**

- 9.1 The Chairman noted that the problem of the use of flags of convenience by fishing vessels to circumvent international conservation measures, is being addressed by the FAO, which is currently considering the rights and obligations of flag states, and has begun to develop a Convention on the flagging of fishing vessels. He stated that the issue would also be addressed in the UN Conference and that the work in the two fora may be merged. He sought the advice of Contracting Parties on how STACFAC should proceed with this agenda item.
- 9.2 The Representative of Denmark expressed the view that as the item is being dealt with extensively in the FAO, and will be addressed in the UN process, substantial discussion of the issue in STACFAC should be delayed until the work in these other fora has been finalized. The Canadian Representative agreed that discussion of the issue in STACFAC should be postponed, pending the outcome of the FAO discussions. The Chairman concurred with the approach recommended by the Representatives from Denmark and Canada.

10. Report and Recommendations to the General Council

- 10.1 The Committee agreed that, besides the present report, further discussions will be pursued at the 15th Annual Meeting for the purpose of elaboration of practical recommendations to the General Council.

11. Other Matters and Adjournment

- 11.1 The Committee decided that a joint NAFO diplomatic demarche with Belize should be conducted in the near future, to seek the cooperation of the Government of Belize to ensure that Belize in ensuring that its fishing vessels respect NAFO conservation decisions. It was agreed that the Aide-Memoire which was prepared for the joint Diplomatic demarche with Honduras in 1992 was an appropriate model as it provided background material on NAFO, and was suitable for a country which had not previously been involved in NAFO fishing. The Japanese Representative suggested that the list of depleted stocks in the demarche should include 3M redfish. It was agreed that the details of the text could be adapted to Belize and that no other substantive changes would be required. The Representative from the EEC undertook to coordinate the diplomatic demarche and to prepare a draft Aide-Memoire for the demarche which would be circulated to Contracting Parties through the NAFO Secretariat for a mail vote.
- 11.2 The meeting was adjourned at 11:15 Friday April 30, 1993.

List of ParticipantsStanding Committee on Fishing Activities by Non-Contracting
Parties in the Regulatory Area (STACFAC)28-30 April 1993
NAFO Headquarters, Dartmouth, N.S., Canada

CANADA

Head of Delegation:E. Mundell, International Fisheries Directorate, Fisheries and Oceans, 200 Kent Street, Ottawa,
Ontario K1A 0E6S. Duff, Office of Ambassador for Fisheries Conservation, External Affairs, 125 Sussex Dr.,
Ottawa, Ontario K1A 0ZGW. Sanford, Deputy Coordinator, Office of Ambassador for Fisheries Conservation, External
Affairs, 125 Sussex Dr., Ottawa, Ontario K1A 0ZG

L. Strowbridge, Fisheries and Oceans, P. O Box 5667, St. John's, Newfoundland A1C 5X1

DENMARK (in respect of the Faroe Islands and Greenland)

Head of Delegation:

O. Loewe, Danish Embassy, 85 Range Rd., Apt. 702, Ottawa, Ontario K1N 8J6

EUROPEAN ECONOMIC COMMUNITY (EEC)

Head of Delegation:H. Koster, Commission of the European Communities, Rue de la Loi 200, B-1049 Brussels,
BelgiumT. Abadia, Commission of the European Communities, Directorate General of External Relations,
Rue Belliard 28, 5/22, 1049 BrusselsG. F. Kingston, Delegation of the Commission of the European Communities, 350 Sparks St.,
Suite 1110, Ottawa, Ontario, Canada K1R 7S8

G. Stodtmeister, Council of the European Communities, Rue de la Loi 170, 1040 Brussels

J. M. O. VanMullem, Embassy of Belgium, 3330 Garfield St. NW, Washington, D.C.
20007 USA

B. Buch, Danish Permanent Representation to the EEC, Rue d'Arlon 73, 1040 Brussels

D. Silvestre, Ministere de l'Agriculture et de la Peche, 3 Place de Fontenoy, 75007 Paris, France

A. Jakobs de Padua, Bundesministerium fur Ernährung, Landwirtschaft und Forsten, Rochusstr.
1, 5300 Bonn 1, Germany

M. H. Figueiredo, Direcçao-Geral das Pescas, Av. Brasilia, 1400 Lisboa, Portugal
C. R. Gomes, Direcçao-Geral das Comunidades Europeias, 76 Av. Visconde Valmor 4°DTO,
Lisboa, Portugal
C. Asencio, Secretaria General de Pesca Maritima, c/ Ortega y Gasset 57, 28006 Madrid, Spain
M. I. Aragon, Secrétaria General de Pesca Maritima, c/ Ortega y Gasset 57, 28006 Madrid, Spain
C. C. Southgate, Ministry of Agriculture, Fisheries and Food, Room 428, 17 Smith Square,
London SW1P 3HX

JAPAN

Head of Delegation:

K. Hanafusa, Deputy Director, International Affairs Div., Fisheries Agency, Government of Japan,
1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo
K. Yamakawa, Trade and Marketing Division, Fisheries Agency, Government of Japan, 1-2-1
Kasumigaseki, Chiyoda-ku, Tokyo
H. Inoue, Japan Fisheries Association, Suite 1408, Duke Tower, 5251 Duke St., Halifax, Nova
Scotia, Canada
M. Yoshida, Japan Deep See Trawlers Association, 601 Yasuda Bldg., 3-6 Kanda, Ogawa-cho,
Chiyoda-ku, Tokyo

RUSSIA

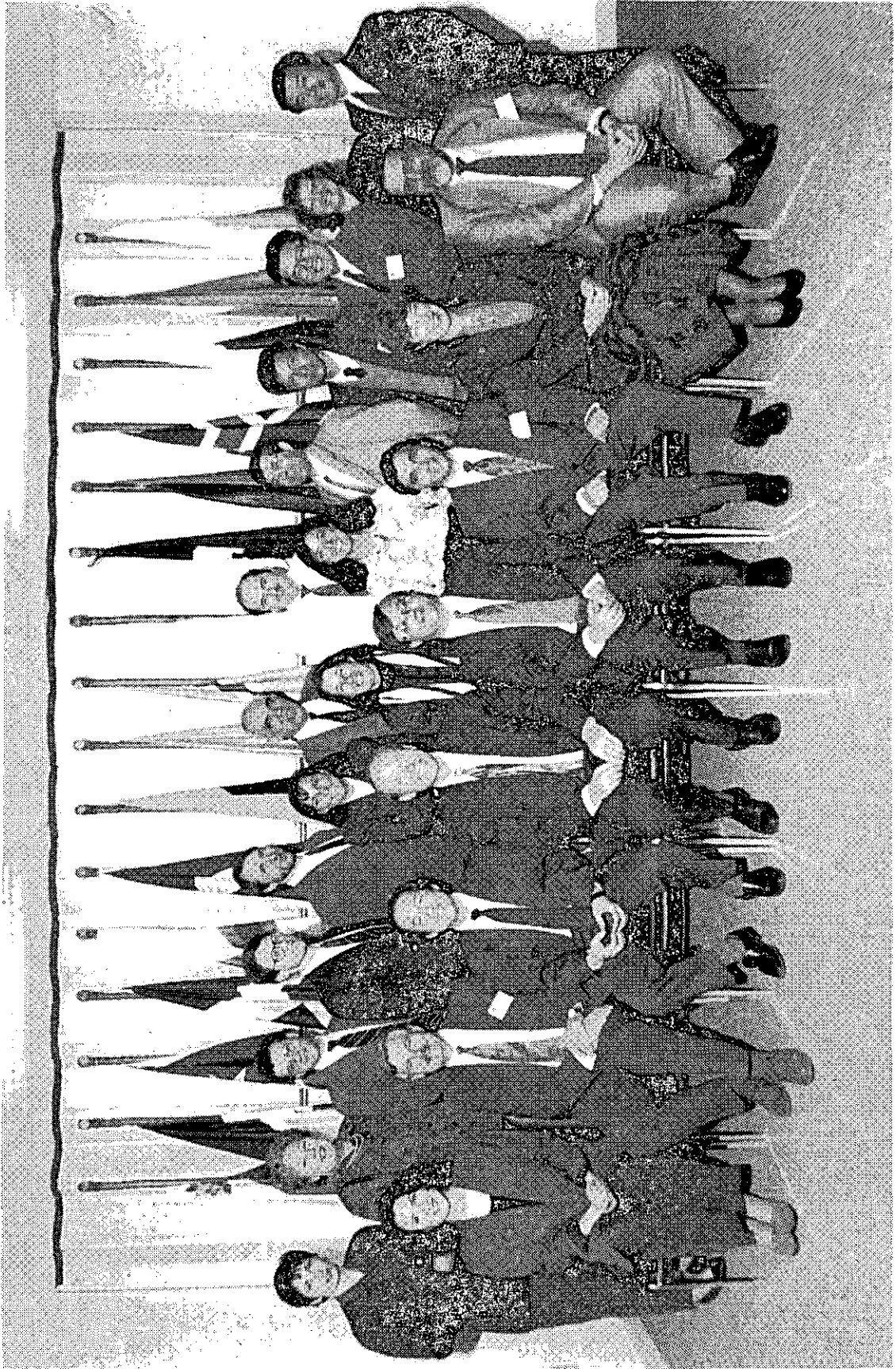
Head of Delegation:

A. Mikhailov, Representative of the Russian Federation on Fisheries in Canada, 2074 Robie St.,
Apt. 2202, Halifax, Nova Scotia, Canada

NAFO SECRETARIAT

L. I. Chepel, Executive Secretary
T. Amaratunga, Assistant Executive Secretary
B. Cruikshank, Senior Secretary

Seated (Left to Right): S. Duff, A. Mikhailov, H. Hanafusa, H. Koster, C. Southgate, L. Chepel, E. Mundell, O. Loewe
Standing: C. R. Gomes, G. Stodtmeister, F. Kingston, B. Buch, D. Silvestre, M. Figueiredo, J. VanMulleem, M. Aragon, L. Strowbridge, C. Asencio, T. Abadia, K. Yamakawa, H. Inoue, A. Jakobs de Padua, M. Yoshida



Annex 2

Meeting of the Standing Committee on Fishing Activities by
non-Contracting Parties in the Regulatory Area (STACFAC)NAFO Headquarters, Dartmouth, N.S., Canada
28-30 April 1993

Provisional Agenda

1. Opening by the Chairman, C.C. Southgate (EEC)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of 1992 information and available 1993 information on activities of non-Contracting Party vessels in the Regulatory Area
5. Review of 1992 information and available 1993 information on landings and transshipment of fish caught in the Regulatory Area by non-Contracting Party vessels
6. Review of information on imports by Contracting Parties of groundfish species regulated by NAFO from non-Contracting Parties whose vessels have fished in the Regulatory Area
7. Reports by Contracting Parties on diplomatic contacts with non-Contracting Party governments concerning fishing by their vessels in the Regulatory Area
8. Consideration of statistical measures to document catches, transshipments and landings of groundfish caught in the Regulatory Area by non-Contracting Party vessels
9. Consideration of steps to deter re-flagging of Contracting Parties vessels for the purpose of fishing contrary to NAFO conservation and management decisions
10. Report and recommendations to the General Council
11. Other matters
12. Adjournment