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Northwest Atlantic Fisheries Organization



Report of the General Council

15th Annual Meeting, 6-10 September 1993
Dartmouth, N.S., Canada

NAFO
Dartmouth, N.S., Canada
1993

Members of the General Council

Bulgaria

Canada

Cuba

Denmark (in respect of the Faroe Islands and Greenland)

Estonia

European Economic Community

Iceland

Japan

Latvia

Lithuania

Norway

Poland

Romania

Russian Federation

Northwest Atlantic Fisheries Organization




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15th Annual Meeting, 6-10 September 1993
Dartmouth, N.S., Canada

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K. Yonezawa
Chairman
September 1993

**List of Decisions and Actions by
the General Council
(15th Annual Meeting; 6-10 September 1993)**

| Substantive issue (propositions/motions) | Decision/Action (GC Doc. 93/8; item) |
|---|---|
| 1. Report of the 14th Annual Meeting, GC Doc. 92/3 | adopted (item 2.1) |
| 2. New procedure for adoption of General Council Reports | agreed (item 2.2) |
| 3. A new member of the Fisheries Commission - Iceland | determined (item 2.3) |
| 4. Report of STACFAC Meeting held 28-30 April, 1993 (GC Doc. 93/1) | adopted |
| 5. Report of STACFAC at the 15th Annual Meeting | adopted (item 4) |
| - basic text of Aide-Memoire to non- Contracting Parties | adopted |
| - Aide-Memoire to Panama | adopted/signed |
| - Resolution for implementation of a landing declaration scheme | adopted |
| - interim STACFAC meeting in 1994 | agreed in principle |
| 6. Report of STACFAD at the 15th Annual Meeting | adopted (item 5) |
| - Auditors Report | adopted |
| - Accumulated Surplus Account | \$75 000 |
| - Romania's uncollectible debt for 1994 | \$17 473 to write-off |
| 7. Budget for 1994 | \$968 000 Cdn.-adopted (item 5.4) |
| 8. Meeting dates in 1994-1996 | adopted (item 5.2c) |

**Report of the General Council and its Subsidiary
Bodies STACFAD and STACFAC, 15th Annual Meeting
6-10 September 1993
Dartmouth, Nova Scotia, Canada**

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Report of the General Council Meeting

15th Annual Meeting, 6-10 September 1993
Dartmouth, Nova Scotia, Canada

Tuesday, 7 September - 1020-1130 hours

Friday, 10 September - 1020-1120 hours

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

- 1.1 The meeting was opened by the Chairman of the General Council, K. Yonezawa (Japan) at 1020 hours on 7 September 1993.
- 1.2 The representatives of the following Contracting Parties were present: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Economic Community (EEC), Iceland, Japan, Latvia, Lithuania, Norway, Poland, and Russia (Annex 1). Two Contracting Parties, Bulgaria and Romania, were absent.
- 1.3 In the opening address the Chairman welcomed all delegations emphasizing on important issues which NAFO is now facing (Annex 2).

The Chairman stated that the quorum of nine (9) Contracting Parties for decision making was available as twelve (12) Contracting Parties were present.
- 1.4 The meeting **endorsed** the proposal by the Chairman to designate the Executive Secretary as Rapporteur of this Meeting.
- 1.5 The Provisional Agenda was **adopted** without amendments (Annex 3).
- 1.6 Under item 4 of the Agenda "Admission of Observers" the Chairman welcomed the observers from the United States of America and North Atlantic Marine Mammal Commission (NAMMCO) (E. Lemche-Denmark). The observers from the Republic of Korea were admitted to the Meeting following the approval of the Republic of Korea's request for observer status.

The Meeting considered an application from Greenpeace International for observer status in the Organization and **decided not to grant** the requested status. The Executive Secretary was instructed to deliver this decision of the General Council to the Greenpeace International. This instruction was dispatched by the Executive Secretary by telefax to the Greenpeace Headquarters on the same day, September 7, 1993.
- 1.7 It was decided that Publicity (item 5 of the Agenda) is to be handled through a Press Release, which should be prepared and presented to the Heads of Delegations for approval at the final session of the Meeting. The Press Release was **dispatched** as agreed on 10 September 1993 at 1600 by the NAFO Secretariat. (Annex 4)

2. Supervision and Coordination of the Organizational, Administrative and Other Internal Affairs (items 6-10 of the Agenda)

- 2.1 The Report of the 14th Annual Meeting, September 1992 (GC Doc. 92/3 was adopted as circulated (item 6 of Agenda).
- 2.2 The Meeting unanimously agreed on the following procedure regarding the dispatch of General Council Reports:
- the Meeting will formally agree that all current decisions (substantive issues) should be in force according to their legal disposition, which should not be limited by the condition of formal adoption of the Report as a whole;
 - a draft Report shall be dispatched to the Contracting Parties for their review and comments within 10 working days, after the Annual Meeting;
 - the comments of the Heads of Delegation not contradictory to the positions recorded at the meeting should reach the Executive Secretary within one (1) month from the date of dispatch of the report from the NAFO Secretariat;
 - the final report classified as NAFO General Council Document (NAFO GC/Doc...) incorporating all above-noted comments of the Contracting Parties should be dispatched by the Executive Secretary to all Contracting Parties asking them to formally adopt the Report. As the result, this item should not be on the agenda of the following meetings of the General Council.
- 2.3 The Meeting noted with regard to "Review of Membership" (item 7) that:
- a) the membership of the General Council remained unchanged, consisting of 14 Contracting Parties.
- The membership of the Fisheries Commission was determined as increased to 13 Contracting Parties as the representative of Iceland notified in accordance with the provisions of Article XIII of the NAFO Convention the following:
- "Iceland has over the years not participated actively in the work of NAFO except that Icelandic scientists have been working together with their NAFO colleagues during these years. As Icelandic vessels have been fishing for shrimp in the Regulatory Area this year and expect to continue for the coming years, Iceland now wishes to participate more actively in NAFO's work and, therefore, Iceland wishes to become a member of the Fisheries Commission."
- 2.4 Item 8, References from the Scientific Council concerning presentations of the fishery statistics to the Scientific Council from the Contracting Parties in accordance with provisions of Article VI of the NAFO Convention was postponed for later discussions. At the closing session the Chairman referred to the information by the Executive Secretary and stated that the situation with reporting of catches has been approved for 1992-1993. The Chairman noted that the Contracting Parties should do their best to meet deadlines for statistical presentations to the NAFO Secretariat.

- 2.5 Item 9, Administrative Report, was referred to STACFAD and was adopted by the Meeting following presentation by the Chairperson of STACFAD, D. Gill (Canada) at the closing session.
- 2.6 Item 10, Election of Officers, was postponed to the final session of the General Council. At the conclusion of the Meeting on September 10, E. Lemche (Denmark) was elected the Chairman to serve for a term of two (2) years (1994-1995), and the representative of Russia, A. Rodin, was elected as Vice-Chairman.

3. Coordination of the External Relations

- 3.1 For the United Nations request (on large-scale pelagic driftnet fishing, item 11), the Chairman emphasized that such fishery has not been conducted in the NAFO Convention Area and noted that the appropriate letter was dispatched to the UN Headquarters, by the Executive Secretary on behalf of NAFO. The Executive Secretary was instructed that if and when same request was received from the UN, he should respond in the same manner as in the past with inquiry on the definition of "Large Scale Pelagic Drift Nets".
- 3.2 NAFO Observership at Other International Bodies (item 12) was acknowledged for the two following Organizations:
- a) NAMMCO, which was attended by the Delegate of Norway, and a brief report presented by the representative to NAFO (Annex 5), and
 - b) UN Conference on Straddling Stocks, which was covered by the Delegation of Denmark (Annex 6).

4. Fishing Activities in the Regulatory Area Adverse to the Objectives of the NAFO Convention (Article XIX of the Convention) (items 13 and 14 of Agenda)

- 4.1 The Report of STACFAC Meeting held on 28-30 April 1993 at NAFO Headquarters (GC Doc. 93/1) was adopted by the Meeting.
- 4.2 Item 14, Report of STACFAC at the current Annual Meeting was dealt with at the closing session.
- 4.3 The Chairman of STACFAC, C. C. Southgate (EEC), presented the final report (see Part III) on September 10 emphasizing the following findings and recommendations:
- a) the non-Contracting Party activities in the Regulatory Area showed a continuing threat to the conservation and rational management of the stocks;
 - b) the diplomatic activities by Contracting Parties (joint demarches-Aide Memoire, bi-lateral contacts) have been positive resulting in withdrawal of the Republic of Korea's vessels from the Regulatory Area (in April 1993) and some other countries - Venezuela, Morocco. However, the major activities by Panama have continued regardless of the acknowledgement by this country to cooperate.

- c) Considering the threat to the objectives of NAFO with respect of conservation and rational management of the fishery resources of the Convention Area, STACFAC recommends the following measures:
- to adopt a Resolution for implementation of a landing declaration scheme and proposed means for this purpose (Annex 7);
 - to adopt a basic text of Aide-Memoire (for joint diplomatic demarche) to non-Contracting Parties which do (will) not cooperate with NAFO and would not withdraw their vessels from the Regulatory Area to the end of 1993 (Annex 8);
 - to adopt the Aide-Memoire to Panama, which constitute a major threat to the stocks in the Regulatory Area by its vessels activities;
 - to authorize an intersessional STACFAC meeting to be held some time in 1994 (would be considered between the STACFAC Chairman, Contracting Parties and Executive Secretary), if non-Contracting Parties would not withdraw their vessels from the Regulatory Area.

4.4 The representatives of Canada and the European Economic Community welcomed and supported the recommendations of STACFAC as major important steps to curtail the unregulated activity in the NAFO Regulatory Area noting with appreciation [of] the positive decision of the Republic of Korea, which removed its vessels from the Regulatory Area. They also noted that Korea had indicated its interest in joining NAFO.

4.5 The Chairman acknowledged with satisfaction the cooperative spirit of the Republic of Korea and proposed to adopt the recommendations presented by the Chairman of STACFAC, as well as the Report of STACFAC as a whole. **This proposal was adopted** by the Meeting.

5. Finance (items 15 to 19 of the Agenda)

5.1 Items 15 to 19 were referred to STACFAD for discussion in the Committee and presentation of recommendations to the General Council.

5.2 The Chairperson of STACFAD, D. Gill (Canada), presented the Report (see Part II) on 10 September and emphasized the following issues:

- a) Auditors Report (item 15) was provided to the Contracting Parties in February 1993 and there were no comments to the report received. STACFAD recommended the Report for adoption.
- b) Meeting of the Pension Society (item 16) was held in May 1993 (in Ottawa). There would be no increase of costs for Contracting Parties with respect of pension coverage for the NAFO employees.

- c) Meeting dates for the Annual Meeting (item 17) in 1994-1996 were recommended as follows:

| | | |
|------|------------------------|-----------------|
| 1994 | - Scientific Council | 14-23 September |
| | - Fisheries Commission | 19-23 September |
| | - General Council | 19-23 September |
| 1995 | - Scientific Council | 6-15 September |
| | - Fisheries Commission | 11-15 September |
| | - General Council | 11-15 September |
| 1996 | - Scientific Council | 4-13 September |
| | - Fisheries Commission | 9-13 September |
| | - General Council | 9-13 September |

- d) On the basis of establishment of contributions due from Contracting Parties (item 18), STACFAD recommended that Denmark (in respect of the Faroe Islands and Greenland) should present its concrete proposal for the next Annual Meeting.

- 5.3 The Chairman of the General Council asked the Meeting for comments proposing the adoption of all above recommendations.

The STACFAD recommendations were adopted by consensus.

- 5.4 The Chairperson presented a brief summary of the STACFAD Report with main emphasis on the budget issues recommending that:

the budget for 1994 would be in the amount of \$ 968 000 Cdn which includes \$10 000 Cdn for the June Scientific Council Meeting (if no other alternatives available) and \$10 000 for termination benefits; the outstanding amounts owing from Romania, \$17 473, be deducted from the Accumulated Surplus Account for 1994; the Accumulated Surplus Account should be maintained at \$75 000 and the balance be used to reduce contributions of Contracting Parties for 1994.

- 5.5 The Chairperson noted that STACFAD recommends to Contracting Parties in question to resolve their discrepancies of the nominal catches for calculation of the billing before the end of 1993.

- 5.6 The Chairperson informed the General Council that a new Chairperson was elected for STACFAD - J. Quintal-McGrath (Canada), and E. Penas (EEC) was elected as Vice-Chairman to serve for the term of two (2) years, 1994-1995.

- 5.7 The Chairman of the General Council proposed the adoption of the budget and STACFAD Report (Part II) and that was agreed by consensus.

6. Closing of the Meeting (items 20 to 23 of the Agenda)

- 6.1 The General Council **agreed** to hold the next Annual Meeting at Dartmouth, Nova Scotia (Canada) through 19-23 September 1994.
- 6.2 There was no other business to discuss under agenda item 21.
- 6.3 The Chairman **ruled** that the Executive Secretary would prepare and release the Press Statement after conclusion of the scheduled Fisheries Commission deliberations.
- 6.4 The Chairman thanked the Contracting Parties for their cooperation during the last two years and this meeting, and extended his appreciation on behalf of the Meeting to the NAFO Secretariat. The representative of Canada on behalf of all Contracting Parties thanked K. Yonezawa for his able and wise chairmanship, which was accepted by the Meeting by acclamation.
- 6.5 The Chairman closed the 15th Annual Meeting of the General Council at 1100 hours on 10 September 1993.

7. Adoption of the Report

The Report of the General Council including proceedings of its Committees - STACFAD and STACFAC - was finalized and adopted in accordance with the procedure agreed by the General Council (please see item 2.2, page 8 of the Report).

Annex 1. List of Participants

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**Annex 2. Opening Statement by K. Yonezawa (Japan),
Chairman of the General Council**

Distinguished Commissioners, Delegates, Guests, Ladies and Gentlemen:

I wish, first of all, extend my warmest welcome to you all. After a refreshing summer vacation perhaps, you all look, at least from this far, in good spirit, fit and ready to start negotiating the usual heavy agenda items before us.

In starting our deliberations this morning, I think I hardly need to remind you of the particular importance of this meeting at this juncture, as we all recognize that this Organization is now going through a very critical stage of life. In fact, even the credibility of this Organization as an effective international resource management has come to be called in question from certain quarters both within and outside. One may argue of course that much of such criticism is disproportionate and unfair in the light of the circumstances we have been in and track records of other major fisheries, both international and within the exclusive jurisdiction of coastal states. In our case, nature too was not so kind to us.

Such being the case, it is obvious that we could not possibly exonerate ourselves from our past failure and responsibility in meeting the pledges we made at the inception of this Organization, 14 years ago. NAFO being one of the world's oldest international fisheries organizations counting from the days of its predecessor ICNAF, we also need to recognize that our performance here is bound to affect future regime of international cooperation in fisheries as a whole, as the world forum is now closely looking into this question.

Fortunately in this context, I happily note a rather remarkable progress in our efforts towards solution of a number of key issues. There are positive signs of further progress in sight at the start of this Annual Meeting. With your wisdom and indulgence, I shall do my best to make this Conference as fruitful as it can be.

Thank you very much.

Annex 3. Agenda

Opening Procedure

1. Opening by Chairman, K. Yonezawa (Japan)
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 the Report of the 14th Annual Meeting, September 1992 (NAFO GC Doc. 92/3)
7. Review of Membership
 - a) General Council
 - b) Fisheries Commission
8. References from the Scientific Council
9. Administrative Report
10. Election of Officers - Chairman and Vice-Chairman

Coordination of the External Relations

11. Request from the United Nations for information on the large-scale pelagic driftnet fishing
12. NAFO Observership at Other International Bodies
 - a) Report of the NAFO Observer at the Second and Third NAMMCO Meetings (delegate of Norway)
 - b) Report of the NAFO Observer at the UN Conference on straddling fish stocks and highly migratory fish stocks (delegate of Denmark)

Fishing Activities in the Regulatory Area Adverse to the Objectives of the NAFO Convention

13. Approval of the Report of the STACFAC Meeting (28-30 April 1993, GC Doc. 93/1)
14. Report of STACFAC at the Annual Meeting

Finance

15. Auditors Report
16. Meeting of the Pension Society
17. Review of Meeting Dates and Dates of Annual Meeting
18. Discussion of the basis of establishment of contributions due from each Contracting Party under the annual budget
19. Report of STACFAD and Adoption of Budget for 1993

Closing Procedure

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

Annex 4. Press Release

1. The Fifteenth Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO) was held in Dartmouth, Nova Scotia, Canada through 6-10 September 1993, under the chairmanship of K. Yonezawa (Japan), President of NAFO. All sessions of the constituent bodies of NAFO - the General Council, Scientific Council, Fisheries Commission, and subsidiary bodies, Standing Committees, for finance (STACFAD), for non-Contracting Parties activities (STACFAC), for international control (STACTIC) convened at the Holiday Inn.
2. The Contracting Parties were represented at the Meeting by delegations from: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Economic Community (EEC), Iceland, Japan, Latvia, Lithuania, Norway, Poland, and Russia. Observers were admitted from the United States of America and the Republic of Korea.
3. The Annual Meeting was preceded by the meeting of the Standing Committee on Fishing Activities of non-Contracting Parties in the Regulatory Area (NAFO Headquarters, April, 1993) and the Regular Meeting of the Scientific Council (NAFO Headquarters, June 1993).
4. The Scientific Council, under the chairmanship of H. Lassen (EEC), considered the state of stocks and scientific basis for the management and conservation of fishery resources in the NAFO Convention Area. The scientific advice was reported to the Fisheries Commission indicating the decrease of stock sizes for all groundfish stocks in the Regulatory Area and continuing decline for all cod stocks and flounders.
5. The Fisheries Commission, under the chairmanship of E. Wiseman (Canada), undertook serious discussions on particular substantial issues pertaining to the management and conservation of the fisheries resources in the Regulatory Area and agreed on a number of important new measures pursuing the prime objective of rebuilding depleted fish stocks.

Against this background, Total Allowable Catches and allocations to Contracting Parties in 1994 for all groundfish stocks which are either entirely in the Regulatory Area or associated with the stocks within the 200-mile fishing zones were decreased (attached in the Quota Table).

The following new proposals for international measures of control and enforcement within the Regulatory Area were introduced: no directed fishery for the stocks of American plaice in Divisions 3LNO and 3M, Witch flounder in Divisions 3LNO, and for Yellowtail flounder in Divisions 3LNO as those stocks should be utilized only as by-catch; special measures to prevent the taking of undersize fish in the fishing for Cod in Divisions 3NO were agreed such as a ban on shrimp trawling in this area. Furthermore, the Parties concerned agreed on 50% observer coverage and 100% inspection monitoring. As regards shrimp trawling in Division 3M, a minimum net mesh size of 40mm, sorting grids for fish escapement and deployment of observers on board of fishing vessels were agreed. These conservation measures are directed at drastic reduction of the mortality of juvenile fish and, as the result, a gradual revival of fish stocks.

6. The Fisheries Commission unanimously agreed with a Canadian proposal that taking into account the available scientific advice, directed fisheries for Cod in Division 3L in the Regulatory Area shall not be permitted in 1994, which is consistent with the current moratorium that is being applied by Canada to the fishery of this stock.
7. Following the presentation of the Standing Committee on Finance and Administration (STACFAD), the General Council adopted the Organization's budget and accounts for 1994.
8. The General Council adopted the report of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC), presented by the Chairman C. C. Southgate (EEC), and endorsed the recommendations directed to curtail unregulated fishing activities by non-Contracting Parties vessels in the NAFO Regulatory Area. The General Council strongly emphasized that such activity would be very harmful for depleted resources and against the provisions of the NAFO Convention and the Law of the Sea. In view of the real threat to the major stocks of fish in this area, the General Council adopted Resolution to collect statistics of catches by vessels of non-Contracting Parties for implementation of a Landing Declaration. The Council decided to make further diplomatic demarches to non-Contracting Parties urging them to withdraw their vessels before the beginning of the 1994 fishing season.
9. The General Council considering the UN Resolution 47/443 of 22 December 1992 on large-scale pelagic driftnet fishing confirmed that such fishing is not presently practised by NAFO Contracting Parties in the Convention Area.
10. The following elections took place for the constituent and subsidiary bodies of NAFO:

| | |
|--|---|
| Chairman of the General Council, President of the Organization | - E. Lemche (Denmark in respect of the Faroe Islands and Greenland) |
| Vice-Chairman of the General Council | - A. Rodin (Russian Federation) |
| Chairman of the Fisheries Commission | - H. Koster (EEC) |
| Vice-Chairman of the Fisheries Commission | - P. Gullestad (Norway) |
| Chairman of the Scientific Council | - H. Lassen (EEC) |
| Vice-Chairman of the Scientific Council | - W. R. Bowering (Canada) |
| Chairperson of the Standing Committee on Finance and Administration (STACFAD) | - J. Quintal-McGrath (Canada) |
| Vice-Chairman of the Standing Committee on Finance and Administration (STACFAD) | - E. Penas (EEC) |
| Chairman of the Standing Committee on International Control (STACTIC) | - D. N. Brock (Canada) |

General Council
NAFO
Canada
10 September 1993

NAFO Secretariat
Dartmouth, N.S.,

QUOTA TABLE Total allowable catches (TACs) and quotas (metric tons) for 1994 of particular stocks in Subareas 3 and 4 of the NAFO Convention Area. The values listed include quantities to be taken both inside and outside the 200-mile fishing zone, where applicable.

| Contracting Party | Cod | | Redfish | | American plaice | | Yellowtail | | Witch | | Capelin | | Squid (<i>Illex</i>) ^{1,2} | |
|--|-------------------|------------------|---------------------|--------------------|------------------|------------|------------|------------|--------------------|----------------------|----------|----------|---------------------------------------|--------------|
| | Div. 3M | Div. 3NO | Div. 3M | Div. 3LN | Div. 3M* | Div. 3LNO* | Div. 3LNO* | Div. 3LNO* | Div. 3NO* | Div. 3NO* | Div. 3NO | Div. 3NO | Subareas 3+4 | Subareas 3+4 |
| 1. Bulgaria | - | - | 390 | - | - | - | - | - | - | - | - | - | 500 | - |
| 2. Canada | 85 | 2 861 | 650 | 5 964 | 75 | 4 730 | 6 825 | 1 800 | - | - | 0 | - | N.S. ³ | 0 |
| 3. Cuba | 407 | - | 2 275 | 1 372 | - | - | - | - | - | - | 0 | - | 2 250 | 0 |
| 4. Denmark (Faroe Islands and Greenland) | 2461 | - | - | - | - | - | - | - | - | - | - | - | - | - |
| 5. European Economic Community | 5485 | 2 213 | 4 030 | 476 | 175 | 61 | 140 | - | - | - | 0 | - | N.S. ⁴ | 0 |
| 6. Japan | - | - | 520 | - | - | - | - | - | - | - | 0 | - | 2 250 | 0 |
| 7. Norway | 1018 | - | - | - | - | - | - | - | - | - | 0 | - | - | 0 |
| 8. Poland | 424 | - | - | - | - | - | - | - | - | - | 0 | - | 1 000 | 0 |
| 9. Estonia | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| 10. Latvia | 1078 ¹ | 716 ¹ | 18 005 ¹ | 6 104 ¹ | 500 ¹ | - | - | - | 1 170 ¹ | - | 0 | - | 5 000 ¹ | 0 |
| 11. Lithuania | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| 12. Russia | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| 13. Others | 42 | 210 | 130 | 84 | 250 | 9 | 35 | 30 | - | - | - | - | 5 000 | - |
| Total Allowable Catch | 11,000 | 6 000 | 26 000 | 14 000 | 1 000* | 4 800* | 7 000* | 3 000* | no fishing | 150 000 ⁵ | - | - | - | - |

¹ Quotas to be fished by vessels from Estonia, Latvia, Lithuania and the Russian Federation. The provisions of Part I, Section A.3 of the NAFO Conservation and Enforcement Measures shall apply.

² The opening date for the Squid (*Illex*) fishery is 1 July.

³ Any quota listed for squid may be increased by a transfer from any "coastal state" as defined in Article 1, paragraph 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.

⁴ Not specified because the allocation to these Contracting Parties are as yet undetermined, although their sum shall not exceed the difference between the total of allocations to other Contracting Parties and the TAC.

⁵ The TAC would remain at 150 000 tonnes subject to adjustment where warranted by scientific advice.

*Considering the advice contained in the Report of the Scientific Council and having regard to the poor state of the stock of American plaice in Divisions 3LNO and 3M; Witch flounder in Division 3NO and Yellowtail flounder in 3LNO, no directed fishery shall be carried out under the TACs agreed for each of these stocks in 1994, which are suspended. The provisions of Part I, Section A.4b) of NAFO Conservation and Enforcement Measures shall apply.

Annex 5. Report of the Second and Third Meeting of the Council of the North Atlantic Marine Mammal Commission (NAMMCO)

(by the Delegate of Norway)

NAFO was represented by Mr. Hallstein Rasmussen, Norway as observer at the second and third meeting of NAMMCO. Copies of the official proceedings from the two meetings will be available at the NAFO Secretariat. In this presentation the focus will be on the proceedings from the most recent NAMMCO meeting.

The third meeting of the Council of NAMMCO was held in Reykjavik on July 1 and 2, 1993. The meeting which was chaired by Mr. Kjarten Hoydal, Chairman of the Council, was attended by delegations from the member countries: the Faroe Islands, Greenland, Iceland and Norway. Observers were present from the Governments of Canada, Denmark, Japan and the Russian Federation. Observers from the International Whaling Commission (IWC), the International Council for the Exploration of the Sea (ICES), and the Northwest Atlantic Fisheries Organization (NAFO) attending the meeting, as well as observers from a number of non-governmental organizations.

The Council established the NAMMCO Fund, the aim of which is to support projects which will contribute to the increase of knowledge and understanding of rational and sustainable utilization of marine mammals.

The Council asked its Scientific Committee to co-ordinate a North Atlantic Sighting Survey of marine mammals in 1994 or 1995. The survey will provide valuable data on the status of a number of marine mammal species and stocks in the North Atlantic area. The survey will furthermore provide an update of information derived from the North Atlantic Sighting Survey in 1987 and 1989.

The Council reaffirmed the view that the concept of sustainable use should provide the basis of its future work related to the management of marine mammals and agreed to participate in the elaboration of this concept in other international fora.

The Council established a working group to consider inspection and observation schemes, in order to harmonize national regulations and thereby inter alia ensure compatibility of the data collected.

The Council agreed to convene an international conference on the impact of marine pollution on marine mammals in the North Atlantic. The conference is to be held in 1994, and experts on the topic will be invited to address the conference.

A meeting of the Scientific Committee will be held in November 1993. The next meeting of NAMMCO will be held in January or February 1994.

**Annex 6. Executive Summary of the First Session of the UN Conference
on Straddling Stocks and Highly Migratory Fish Stocks in 1993**
(by the Delegation of Denmark)

The Resolution (No. 47/192) establishing the Conference on Straddling and Highly Migratory Fish Stocks was adopted by the UN General Assembly on 22 December 1992. The Resolution mandates the Conference, drawing on scientific and technical studies by FAO, to identify and assess existing problems relating to the conservation and management of highly migratory and straddling fish stocks, to consider means of improving fisheries cooperation among States and to formulate appropriate recommendations.

The Conference should take into account relevant activities at the subregional, regional and global levels with a view to promoting effective implementation of the provisions of the UN Convention on the Law of the Sea on straddling and highly migratory fish stocks. The Conference should complete its work as early as possible in advance of the 49th session (in 1994) of the General Assembly.

The organizational session of the Conference was held in New York 19-23 April 1993. The conference adopted the Rules of Procedure and the Agenda, elected all but one officer, and agreed how its substantive work would be carried out. Ambassador Nandan of Fiji was elected Chairman. He was asked to prepare a paper containing a list of substantive issues as a Guide for the Conference, and delegations were asked to submit proposals to the Secretariat.

The first substantive session in New York 12-30 July 1993 addressed itself to the Guide of Issues prepared by the Chairman.

These issues included:

- the nature of conservation and management measures to be established through cooperation;
- the mechanisms for cooperation, responsibilities for regional fisheries organizations or arrangements;
- compliance with conservation and management measures;
- enforcement of high seas fisheries, conservation and management measures;
- non-parties to a regional agreement or arrangement;
- settlement of disputes on matters of a technical nature; and
- compatibility and coherence between national and international conservation measures for the same stocks.

After the opening statements and plenary discussions, the Chairman drafted working papers on each issue, which were discussed in informal sessions.

On the basis of these discussions, the Chairman distributed a "Negotiating Text" which was presented on the last day of the session. To the issues mentioned in the Guide was added:

- flag state responsibilities;
- port states;
- special requirements of developing countries; and
- review of the implementation of conservation and management measures.

The Chairman made it clear that this text was neither a negotiated text or a consensus document, but that he hoped that this text could serve as a basis for negotiations at the next session of the Conference.

The FAO was asked to prepare two technical papers in advance of the next session, one dealing with the "Precautionary approach principle", the other with Maximum sustainable yield (MSY) and other reference points for conservation and management of marine living resources.

It was hoped, that FAO would progress quickly with its work on a "Code of Conduct on Responsible Fishing", which should apply to all fisheries around the World, and which could be an important point of reference for the Conference. In this context, the Conference was informed, that great progress had been made during informal consultations towards a consensus-text of a FAO draft agreement to "Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas."

It is for the 48th UN General Assembly to decide, if and when the next session of the Conference is to take place, but the Chairman indicated March and August 1994 as probable meeting dates.

Annex 7. General Council Resolution 93/1

15th Annual NAFO Meeting
6-10 September 1993

Resolution adopted by the General Council (on the report of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area, STACFAC)

93/1. Non-Contracting Parties Fishing Activities in the NAFO Regulatory Area

The General Council,

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 for the Standing Committee, established by the General Council, resolving i.a. that the Committee will

- 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;
- 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;
- examine and assess all such options open to NAFO Contracting Parties including measures to monitor landings of fish caught by non-Contracting Party vessels in the Regulatory Area;

Recalling that with respect to the relevant provision of the United Nations Convention on the Law of the Sea, available catch and fishing effort statistics, and other data relevant to the conservation of fish stocks shall be contributed by flag states and exchanged on a regular basis through competent international organizations, whether subregional, regional or global, where appropriate and with participation of all States concerned;

- Considering that the Northwest Atlantic Fisheries Organization is the competent regional fisheries organization for the conservation and rational management of fish resources in the NAFO Regulatory Area,
- Considering the need for all states exploiting these living marine resources to cooperate fully in conservation and management,
- Recalling that in conformity with Article XIX of the Convention States party to the NAFO Convention have drawn the attention of states not party to the NAFO Convention of their fishing activities undermining the effectiveness of NAFO conservation and management measures and that some of these states have withdrawn their vessels from the NAFO Regulatory Area, while vessels from other such States remain,
- Bearing in mind the statistical reports on catches of fish stocks in the NAFO Regulatory Area which are currently provided to NAFO by the Contracting Parties,
- Considering that certain states not party to the NAFO Convention have not provided statistical reports on catches by their vessels in the Regulatory Area,
- Having regard also to the adverse implications of high levels of unreported catches by non-Contracting Parties for the assessment of management advice and the critical state of many of the NAFO-regulated stocks, especially bearing in mind the substantial proportion of the total catches taken by vessels of states not party to the NAFO Convention,
- Considering the desirability of providing administrative arrangements to facilitate in an interim period the gathering of statistical information on landings by vessels flying the flag of these states and therefore Contracting Parties undertake to collect landing declarations,
- Recalling the GATT principles of non-discrimination, transparency and proportionality,

herewith, therefore, the General Council adopts, in principle, the proposed landing declaration scheme and notes the proposed means of implementation (Addendum) which will also take into account specific national legislation of the Contracting Parties to NAFO and the precise assistance required by the non-Contracting Parties.

The General Council requests that STACFAC review and monitor the implementation of this programme and if appropriate consider further means to achieve the withdrawal of all Non-Contracting Party vessels from the NAFO Regulatory Area at the earliest possible date.

The General Council decided to make further diplomatic demarches to Non-Contracting Parties urging them to withdraw their vessels from the NAFO Regulatory Area and to this end the General Council authorizes Canada, the EEC, Japan and Russia to represent NAFO in a coordinated delegation, which where possible should include senior fisheries officials, to visit the capitals of the non-Contracting Parties concerned. This joint demarche should take place as soon as possible in order to effect the withdrawal of these vessels before the beginning of the 1994 fishing season.

Implementation of the Landing Declaration Scheme

1. The Landing Declaration is an interim measure pending withdrawal of non-Contracting Party vessels, designed to help non-Contracting Parties collect statistics of catches by their vessels in the NAFO Regulatory Area.
2. The Landing Declaration records catches of NAFO-regulated groundfish in the NAFO Regulatory Area and, when a non-Contracting Party vessel lands such species into a Contracting Party port, records whether and what quantity was caught in the NAFO Regulatory Area. The Landing Declarations are collected by the Contracting Party authorities on behalf of the non-Contracting Party in accordance with international obligations on the collection of statistics. In the event of non-delivery of a Landing Declaration, the non-Contracting Party is informed of such non-delivery and of the quantities of groundfish products landed by the vessel.
3. The Landing Declaration records the weight of each product landed as in the example attached. One copy is forwarded to the non-Contracting Party and one to the NAFO Secretariat. The main additional information provided by the Declaration is the area of harvest (NAFO Regulatory Area or not).
4. The non-Contracting Party is periodically informed of the results of NAFO surveillance of its vessels. If it appears that a vessel has been fishing in the Regulatory Area but has recorded its landings into a Contracting Party as not having originated in the Regulatory Area, the non-Contracting Party is informed of the apparent discrepancy with a view to investigation by the non-Contracting Party.
5. Landing Declaration forms are in principle made available to vessels by the non-Contracting Party but are freely available at Contracting Party ports.

Landing Declaration/Declaration de Debarquement(1)

| | | | | |
|--|--|--|-----|----|
| 1. Exporter (Name, full address, country) Exportateur (Nom, adresse complète, pays) | 2. Number 000 Numéro | | | |
| | DECLARATION IN REGARD TO Atlantic Cod (Gadus Morhua) Atlantic Redfish (Sebastes spp) American Plaice (Hippoglossoides platessoides) Yellowtail Flounder (Limanda Ferruginea) Witch Flounder (Glyptocephalus cynoglossus) (2) Issued with a view to obtaining statistical information on harvest origin (1) DECLARATION CONCERNANT Morue (Atlantique) (Gadus Morhua) Sébaste (Atlantique Nord) (Sebastes spp) Plie canadienne (Hippoglossoides platessoides) Limande à queue jaune (Limanda ferruginea) Plie grise (Glyptocephalus cynoglossus) (2) Délivrée en vue de l'obtention d'information statistique concernant l'origine de pêche (1) | | | |
| | 4. Country of origin Pays d'origine | 5. Country of destination Pays de destination | | |
| 3. Consignee (Name, full address, country) Destinataire (Nom, adresse complète, pays) | | | | |
| 6. Place and date of catch/shipment/transshipment/ - name and flag of catch-/transport vessel(s) lieu et date de pêche/d'embarquement/-de transbordement/ - nom et pavillon du (des) navire(s) de pêche/de transport | | | | |
| 7. Marks and numbers-Number and kind of packages-DETAILED DESCRIPTION OF GOODS (3) Marques et numéros-nombre et nature des colis-DESIGNATION DETAILIEE DES MARCHANDISES (3) | | 8. Quantity in tonnes Quantité en tonnes | | |
| | | Total | | |
| | | From NAFO Reg. Area | | |
| 9. DECLARATION BY THE CAPTAIN I the undersigned, declare that in accordance with the entries in the logbook the consignment described above contains Atlantic Cod (Gadus Morhua), Atlantic Redfish (Sebastes spp), American Plaice (Hippoglossoides Platessoides), Yellowtail Flounder (Limanda Ferruginea), Witch Flounder (Glyptocephalus cynoglossus) from the stocks of the Northwest Atlantic Ocean fished in the Regulatory Area of the Northwest Atlantic Fisheries Organization - NAFO. (2) DECLARATION DU CAPITAINE <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td>Yes</td><td>No</td></tr></table> Je soussigné déclare qu'en accord avec les inscriptions dans le livre de bord l'envoi décrit ci-dessus contient de la Morue Fraiche (Atlantique) (Gadus Morhua), Sébaste (Atlantique Nord) (Sebastes spp), Plie canadienne (Hippoglossoides platessoides), Limande à queue jaune (Limanda ferruginea), Plie grise (Glyptocephalus cynoglossus) provenant des stocks de l'océan de l'Atlantique Nord-Ouest et capturée dans la Zone de Réglementation de l'Organisation de Pêche de l'Atlantique du nord-Ouest - OPANO. (3) | | | Yes | No |
| Yes | No | | | |
| 10. CAPTAIN (Name, full address, country) CAPITAINE (Nom, adresse complète, pays) | At/A..... on le..... (Signature) | | | |

(1) This Landing Declaration for statistical purposes has to be presented to the competent authorities upon landing
Cette Déclaration Débarquement pour de statistique doit être présentée aux autorités compétentes lors du débarquement

(2) Delete as appropriate

Biffer la mention inutile

(3) - Fresh/Frozen (Harmonized System 0302-0303) Frais/Congelé (Système harmonisé 0302-0303)

- Fillets/Filets

- Meat/Chair

- Salted/Salé

Annex 8. Aide Memoire (for Joint Diplomatic Demarche)

The Northwest Atlantic Fisheries Organization (NAFO) was established in 1979 *inter alia* to implement the obligations of states under international law regarding conservation and management of fishery resources in the Northwest Atlantic beyond the areas in which coastal states exercise fisheries jurisdiction, referred to as the "Regulatory Area" of NAFO.

Eleven states and regional economic integration organizations with long histories of fishing in the Regulatory Area are currently Contracting Parties to NAFO and exercise their duties under the relevant provisions of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) to co-operate with each other in the conservation and management of living resources in the areas of the high seas.

The Contracting Parties of NAFO have made very substantial reductions in their permitted catches and are deeply concerned at the fact that vessels flying the flags of states which do not comply with their obligations to cooperate with other states in conservation and management are taking a substantial share of the living marine resources of the NAFO Regulatory Area when those resources are at historically depleted levels. The Government of _____ has stated that it does not wish to join NAFO nor to undermine the effectiveness of NAFO's conservation and management regime. The Contracting Parties of NAFO have collectively and individually taken diplomatic initiatives to urge states which do not cooperate with NAFO to withdraw their vessels from the Regulatory Area. Several states have already complied. NAFO again urges the Government of _____ to withdraw its vessels forthwith. There is now a real urgency for the immediate withdrawal of these vessels given the critical state of many of the NAFO-managed fish stocks.

The Contracting Parties of NAFO are prepared to offer any assistance needed by the Government of _____ to effect the withdrawal of its vessels from the NAFO Regulatory Area and in the interim meeting its other obligations of cooperation with NAFO. In particular NAFO is convinced that a minimum degree of interim cooperation is the provision of statistical data concerning catches of fish in the Regulatory Area, since such data are essential to rational decision-taking on conservation and management measures.

The Government of _____ has not responded to previous NAFO requests to provide statistical data. The Contracting Parties to NAFO have, however, agreed in the attached Resolution that for fish landed directly by _____ vessels into their ports, they are prepared on an interim basis to assist the Government of _____ by collecting landing declaration forms and forwarding them to the Government of _____ for verification and discharge of all relevant obligations. These statistical data are essential for the NAFO Scientific Council to give appropriate advice on the conservation and management of the living marine resources of the NAFO Regulatory Area. Such willingness by the Contracting Parties to assist in the collection of statistics does not, however, supercede the urgent request of NAFO that the Government of _____ withdraw its vessels from the Regulatory Area forthwith.

PART II

Report of the Standing Committee on Finance and Administration (STACFAD)

Monday, 6 September 1993 (1300-1400 hours)
Tuesday, 7 September 1993 (0900-1000 hours)
Tuesday, 7 September 1993 (1700-1800 hours)
Wednesday, 8 September 1993 (0900-1000 hours)
Wednesday, 8 September 1993 (1500-1630 hours)
Thursday, 9 September 1993 (0900-1000 hours)
Thursday, 9 September 1993 (1500-1600 hours)

1. Opening

The Chairperson, D. Gill (Canada), opened the meeting and welcomed the participants (Annex 1).

2. Appointment of Rapporteur

H. Champion of the NAFO Secretariat was appointed Rapporteur.

3. Adoption of Agenda

The provisional agenda was adopted as circulated to Contracting Parties (Annex 2).

4. Auditors Report for 1992

The Executive Secretary informed STACFAD that the Auditors Report had been circulated to the Heads of Delegations and no comments had been received on the Report.

STACFAD recommended to the General Council that the Auditors Report for 1992 be adopted.

5. Meeting of the Pension Society

The Chairperson provided a brief summary of the role of the International Fisheries Commission Pension Society.

The Executive Secretary presented STACFAD Working Paper 93/3 and explained the Actuarial Evaluation of the Pension Plan showing the Unfunded Accrued Liability prepared by Sun Life Assurance Company of Canada covering the period 1 October 1989 to 1 January 1993 and noted that there would be no increase in costs to fund the liability for Contracting Parties in 1994.

6. Review of Accumulated Surplus Account

The Executive Secretary advised STACFAD that the estimated Accumulated Surplus at the end of 1993 would be \$298 536 (NAFO/GC Doc. 93/4, Statement IV, page 8). The Executive Secretary pointed out that a more detailed analysis of the Accumulated Surplus was presented in STACFAD Working Paper 93/5.

The representative of Russia requested an explanation of the Province of Nova Scotia *ex gratia* grant and why this amount (\$87 394) was for the 1991 and 1992 taxation years.

The Executive Secretary explained that employees encountered difficulties in finalizing their Income Tax with Revenue Canada during the 1991 taxation year. These difficulties were not resolved until early in 1993.

The Executive Secretary cautioned STACFAD that this amount (\$87 394) may not be refunded to NAFO.

The representative of Canada agreed to contact appropriate authorities in the Nova Scotia government to ascertain whether this money would be refunded to NAFO during 1993.

The representative of Japan reported that the President of NAFO had advised Romania of their outstanding debt to NAFO but no response has been received.

In the absence of any solution to the outstanding amounts owing from Romania STACFAD recommended that the Romanian contribution (\$17 473) be deducted from the Accumulated Surplus Account as has been the past practice.

STACFAD recommended that the Accumulated Surplus should be maintained at \$ 75 000 and the balance used to reduce contributions of Contracting Parties for 1994.

7. Review of Cost Implications for the NAFO Secretariat of New Measures for International Control and the Hail System in the Regulatory Area

The Chairperson referred to Note 1 of the STACFAD Agenda (Circular Letter 93/64, p. 11) and also to STACFAD Working Paper 93/1 prepared by the Executive Secretary. The Executive Secretary explained that Note 1 and STACFAD Working Paper 93/1 were prepared to advise STACFAD of what the estimated cost was for the administration of the Hail System in 1993 and that this was not a budget item.

The Executive Secretary also drew the attention of STACFAD to a decision endorsed by the Fisheries Commission regarding the dispatch of Hail System Reports to and from the Secretariat.

Fisheries Commission Report of the 15th Annual Meeting, item 3.2

"Part III.E.1. A Contracting Party shall ensure that vessels of that Party to which the Scheme of Joint International Inspection applies shall report to their competent authorities or to the NAFO Secretariat if the Contracting Party so desires".

Although this will not have an immediate impact on the 1994 budget the Executive Secretary pointed out that it could have a substantial impact on the workload of the Secretariat and could result in the need for larger appropriations in the future. The representative from Norway stated that he did not expect Norway would alter its method of reporting to its competent authority and that, in the short term, there would not likely be a substantial increase in direct hails to the NAFO Secretariat.

8. Administrative Report and Financial Statements for 1993 (to July)

The Chairperson reviewed the Administrative Report (GC Doc. 93/4) and drew attention to the amount of unpaid member contributions (Statement III, p. 7). The Executive Secretary pointed out that the amount shown of \$122 332 had been reduced to \$99 110 as one Contracting Party's contribution was received after the Statement was prepared by the Secretariat. He also advised STACFAD that the figure (\$15 524.23) shown for the EEC under the heading Amount Billed on Statement V was an error and should be changed to \$48 298.98. All other figures on Statement V were correct and a revised statement was circulated to STACFAD.

The representative of EEC stated that the outstanding amount of \$ 2 378.24, shown in the footnote to Statement III for EEC, will be forwarded in the near future and also requested an explanation of the amount (\$5 000) for External Expertise (Statement I) estimated to be dispersed before the end of 1993.

The Executive Secretary explained that the \$5 000 would be used to finance the pilot project for the NAFO Hail System as endorsed by the General Council (1992).

The representative of Russia questioned the nominal catches used by the Secretariat when calculating the preliminary billing (Statement V).

The representative of Cuba expressed the same concern about the nominal catches shown for Cuba.

The Executive Secretary explained that the figures used are the figures reported to the Secretariat by Contracting Parties in official STATLANT statistical forms.

The Chairperson stated that it was not possible to resolve this problem without further consultations between the Contracting Parties and requested that this matter be reviewed after the meeting and that the adjusted figures be presented to the Secretariat before the end of 1993.

9. Termination Benefits

The Chairperson reviewed this item and referred to Statements V and VI of the Administrative Report (GC Doc. 93/4). It was pointed out that no amount for termination benefits had been allocated from the Accumulated Surplus in Statement V. Statement VI showed an amount of \$120,000 allocated from the Accumulated Surplus for the termination benefits.

The representative of Canada suggested that the liability for termination benefits (\$120 000) be paid over a period of years, thus reducing the liability for Contracting Parties.

STACFAD reviewed revised calculations provided by the Executive Secretary and recommended that an amount of \$10 000 be allocated from the Accumulated Surplus Account in 1994 to reduce the unfunded liability for termination benefits to approximately \$110 000.

10. Preliminary Budget Estimate for the Fiscal Year Ending 31 December 1994

The Chairperson introduced a revised Preliminary Budget Estimate submitted by the Executive Secretary and advised STACFAD that the budget estimate had been reduced by \$10,000 to \$948 000 an increase of 0.54% over the 1993 budget. However, this figure does not include possible expenses for the June Meeting of the Scientific Council or for any other Meetings that might be required during 1994.

Representatives expressed concern about the amount being spent for Communications. It was suggested that the mailing list for NAFO documents, Circular Letters, etc., be reviewed in an attempt to reduce the number of copies mailed.

The Executive Secretary explained that attempts were made during 1993 to obtain official mailing lists from Contracting Parties and he will continue his work to rationalize mailing lists.

The Executive Secretary also explained that the Hail System has added significantly to the Communications account and pointed out that fax transmissions to one inspection vessel "Ernst Haeckel" totalled approximately \$4 500.00 so far in 1993.

The representative of Russia pointed out that Russia does not participate in the Hail System at this time. If funding for the Hail System keeps increasing, Russia reserves the right of participation in any future funding for the Hail System.

The Chairperson welcomed the Vice-Chairman of the Scientific Council, and asked him to elaborate on a paper he had prepared regarding Space and Computer Requirements for the Scientific Council June Meetings (Annex 3).

The Vice-Chairman of the Scientific Council pointed out that the meeting space available at the NAFO Secretariat is not adequate to accommodate the Scientific Council, Committee and Working Group meetings. He asked that STACFAD consider the Scientific Council request for additional space in a hotel and the appropriate funding.

The Chairperson referred to STACFAD Working Paper 93/4 that detailed the costs for holding the meeting in a university, pointing out the disadvantages outlined in the paper.

The Vice-Chairman of the Scientific Council stated that the Scientific Council had reviewed the Working Paper but that he had considerable difficulties with holding the meeting in a university considering the costs and facilities provided.

The representative of Canada pointed out that the lease for the space presently occupied by the NAFO Secretariat expires in January 1994 and at this time it is uncertain whether any new accommodations could contain meeting space to accommodate Scientific Council Meetings.

Following an exchange of ideas STACFAD agreed that the Scientific Council Meeting must be held in one building and requested the Executive Secretary to investigate the costs and availability of adequate space in other hotels.

The Executive Secretary reported that adequate space was available in the Holiday Inn, Dartmouth from 15 to 30 June but not for the 8 to 22 June period as requested by the Scientific Council.

The Vice-Chairman of the Scientific Council stated that he would discuss the dates with the *Scientific Council*, however, at this time he did not see this as a problem.

STACFAD requested the Executive Secretary provide costs associated with holding the Scientific Council June meeting in the Holiday Inn:

The Executive Secretary reported that an additional amount of \$12 000 added to the Annual and Mid-Year Meetings in the budget estimate would be sufficient to cover the cost of the Scientific Council June Meeting in the Holiday Inn.

The representative of the EEC supported the additional amount of \$12 000 requested by the Executive Secretary and added that the EEC feels that the work of the Scientific Council is vital to this Organization and this additional amount would insure that the work of the Scientific Council is carried out in facilities adequate to their needs.

Following further discussions STACFAD recommends to the General Council that an additional amount of \$10 000 be provided for annual and mid-year meetings in the event that additional adequate space is not available at NAFO headquarters.

STACFAD recommended to the General Council that a budget of \$968 000 be adopted as presented in Annex 4.

Preliminary calculations of the 1994 billing for Contracting Parties is provided in Annex 5.

11. Preliminary Budget Forecast for the Fiscal Year Ending 31 December 1995

STACFAD noted the preliminary budget forecast of \$958 000 for 1995 (Annex 6) would be reviewed in detail during the 16th Annual Meeting.

12. Election of Officers - Chairman and Vice-Chairman

It was anticipated that a representative of EEC as Vice-Chairperson of STACFAD would assume the position of Chairperson.

The EEC representative explained that due to the EEC assuming the role of Chairperson in other NAFO Committees, the EEC did not feel that it was appropriate to take on the responsibility of the Chairperson of STACFAD.

The EEC representative recommended that Canada should continue to provide a Chairperson and EEC should continue to provide a Vice-Chairperson for STACFAD. This recommendation was supported by the Meeting.

Joyce Quintal-McGrath of Canada was elected as Chairperson of STACFAD the next 2 years, 1994-1995. (Vice-Chairperson, E. Penas, EEC, was nominated/elected at the General Council session.)

13. Time and Place of 1994, 1995 and 1996 Annual Meetings

The Executive Secretary explained that it is very difficult to reserve hotel space for the Annual Meeting because of the uncertainty associated with the dates the meetings are to be held each year. He also stated that approved dates for 5 years in advance of an Annual Meeting would be more advantageous than the 3 years used in past years.

The Chairperson stated that it is her understanding that the dates for the Annual Meeting were confirmed by the General Council each year and therefore were official dates for 3 years in advance of annual meetings.

The location of the 1994, 1995, and 1996 Annual Meetings is to 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.

| | | |
|------|------------------------|-----------------|
| 1994 | - Scientific Council | 14-23 September |
| | - Fisheries Commission | 19-23 September |
| | - General Council | 19-23 September |
| 1995 | - Scientific Council | 6-15 September |
| | - Fisheries Commission | 11-15 September |
| | - General Council | 11-15 September |
| 1996 | - Scientific Council | 4-13 September |
| | - Fisheries Commission | 9-13 September |
| | - General Council | 9-13 September |

14. Other Business

- a) The Chairperson introduced STACFAD Working Paper 93/2 (a letter from Dr. Ralph Halliday of the Bedford Institute of Oceanography) and explained that this was a request for funds to support a video to honour a Canadian scientist, Dr. W. E. Ricker.

Following a discussion of the Working Paper STACFAD recommended to the General Council that the NAFO budget would not be able to accommodate this request. STACFAD recommended that the Executive Secretary respond to the request indicating that the Organization regrets it is unable to financially support the production of this video.

- b) The Chairperson advised STACFAD that item 18 of the General Council Agenda - Discussion of the basis of establishment of contributions due from each Contracting Party under the annual budget - had been referred to STACFAD by the General Council.

The representative of Denmark (in respect of the Faroe Islands and Greenland) felt that catches in the Regulatory Area should have a larger factor than catches in the Convention Area for the purposes of calculating the financial assessments for the Contracting Parties.

STACFAD recommended that Denmark (in respect of the Faroe Islands and Greenland) submit a concrete proposal for consideration at the next Annual Meeting.

15. Adjournment

The Chairperson thanked all participants for their contribution to STACFAD and the NAFO Secretariat for their support during her term as Chairperson. All STACFAD representatives expressed sincere thanks to Ms. Gill for her excellent work during her term as Chairperson.

The meeting adjourned at 2045 hours.

Annex 1. List of Participants

| Name | Contracting Party |
|--------------------|---|
| D. Gill | Canada |
| J. Quintal-McGrath | Canada |
| B. Garcia Moreno | Cuba |
| R. Dominguez | Cuba |
| H. Leth | Denmark (in respect of Faroe Islands and Greenland) |
| R. Aps | Estonia |
| G. F. Kingston | EEC |
| A. Umezawa | Japan |
| N. Riekstins | Latvia |
| A. Rusakevicius | Lithuania |
| A. Parochka | Lithuania |
| P. Gullestad | Norway |
| V. Solodovnik | Russia |
| I. Shestakova | Russia |
| L. Chepel | NAFO Secretariat |
| H. Champion | NAFO Secretariat |
| F. Keating | NAFO Secretariat |

Annex 2. Agenda

1. Opening by the Chairperson, D. Gill (Canada)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Auditor's Report
5. Meeting of the Pension Society
6. Review of Accumulated Surplus Account
7. Review of Cost Implications for the NAFO Secretariat of New Measures for International Control and the Hail System in the Regulatory Area
8. Administrative and Financial Statements for 1993 (to July)
9. Termination Benefits
10. Preliminary Budget Estimates for the Fiscal Year Ending 31 December 1994
11. Preliminary Budget Forecast for the Fiscal Year Ending 31 December 1995
12. Election of Officers - Chairman and Vice-Chairman
13. Time and Place of 1994, 1995 and 1996 Annual Meetings
14. Other Business
15. Adjournment

Annex 3. Space and Computer Requirements for the Scientific Council June Meetings (Hans Lassen, Vice-Chairman of the Scientific Council)

The STACFIS work is at present organized in a set of informal subgroups and discussions in plenum. The subgroups are:

1. Cod (Div. 3M, Div. 3NO, 2J3KL)
2. Flounders (A. plaice, Yellowtail, Witch)
3. Greenland halibut SA 0+1, 2+3, Grenadiers
4. Capelin (3L + 3NO)
5. Silver hake (Div. 4VWX)
6. Redfish (Div. 3M and 3LN)
7. Shrimp in SA 0+1 and Denmark Strait (Flemish Cap ?)

Special requests from either the Fisheries Commission or Coastal States are delegated to the relevant subgroup or dealt with in plenum as deemed appropriate on a case by case basis.

Space Requirements for June Scientific Council Meeting

It has for some time been realized within the Scientific Council that the present space available at NAFO Headquarters at Wyse Road is cramped for a Scientific Council June Meeting, to the point where the meeting is less effective than desirable e.g. by having groups working at hotel rooms separate from the main meeting room. It was stated in the 1992 Scientific Council Report that more space would be desirable and this Working Paper attempts to be more specific.

The total Scientific Council consists at present of 50-60 scientists and the work is split into about 7 assessment subgroups (see above) and a few other groups (e.g. STACPUB). Not all of these subgroups meet simultaneously and there is an overlap between scientists participating, but it would be practical for about 5 subgroups to be able to meet simultaneously. This would then lead to meeting room requirements as follows:

- 1 meeting room for up to 75 people
- 5 meeting rooms for 10-15 people
- 1 coffee/luncheon room

Computer Room

The present situation with scientists each bringing their portable PC/Macintosh puts a strain on the Secretariat for use of printers particularly. It should be considered to establish a room with a PC and a Macintosh each connected to a high quality/fast Laser printer to avoid the need for disturbing the Secretariat staff for use of their printers.

- 1 computer room (same size as a small meeting room)

Annex 4. Preliminary Budget Estimate for 1994

| | Approved budget for 1993 | Preliminary budget forecast for 1994 | Preliminary budget estimate for 1994 | % (+ or -) compared to approved 1993 budget |
|---|--------------------------------|--|--|---|
| 1. Personal Services | | | | |
| a) Salaries | \$ 596 000 | \$ 630 000 | \$ 597 000 | |
| b) Superannuation and Annuities | 74 000 | 75 000 | 74 000 | |
| c) Additional Help | 1 000 | 1 000 | 1 000 | |
| d) Group Medical and Insurance Plans | 32 000 | 34 000 | 34 000 | |
| e) Termination Benefits | 20 000 | 22 000 | 21 000 ^a | |
| f) Accrued Vacation Pay | 8 000 | 10 000 | 2 000 | |
| g) Termination Benefits Liability | | | 10 000 ^b | |
| 2. Travel | 8 000 | 23 000 | 23 000 ^c | |
| 3. Transportation | 1 000 | 1 000 | 1 000 | |
| 4. Communications | 51 000 | 55 000 | 53 000 | |
| 5. Publications | 22 000 | 25 000 | 22 000 | |
| 6. Other Contractual Services | 45 000 | 47 000 | 42 000 | |
| 7. Materials and Supplies | 30 000 | 32 000 | 30 000 | |
| 8. Equipment | 5 000 | 5 000 | 5 000 | |
| 9. Annual and Mid-Year Meetings | 30 000 | 50 000 | 40 000 ^d | |
| 10. Computer Services | 15 000 | 17 000 | 15 000 | |
| | \$ 938 000 | \$1 027 000 | \$ 968 000 | |
| 11. External Expertise | 5 000 | | | |
| Total | \$ 943 000 | \$1 027 000 | \$ 968 000 | +2.65 |

^a This figure is for 1994 credits and conforms with NAFO Staff Rule 10.4(a) (see Note 8 to General Council Agenda and Note 2 to the STACFAD Agenda).

^b Amount recommended by STACFAD for reducing unfunded liability for Termination Benefits.

^c Includes home leave to Russia for Executive Secretary and his family; two persons to meeting of Directors and Executive Secretaries of the seven International Commissions located in North America re discussion of pension scheme for employees, May 1994, Ann Arbor, Michigan, USA; Assistant Executive Secretary attendance at the 16th Session of the CWP, Madrid, Spain, July 1994.

^d Increased by \$10 000 to accommodate 1994 June Meeting of Scientific Council as recommended by STACFAD.

Annex 5. Preliminary Calculation of Billing for 1994

Preliminary calculation of billing for Contracting Parties
against the proposed estimate of \$968 000.00 for the 1994
financial year (based on 14 Contracting Parties to NAFO).

| | |
|--|---------------------|
| Budget Estimate..... | \$968 000.00 |
| Deduct: Amount from Accumulated Surplus Account..... | <u>223 536.00</u> |
| Funds required to meet 1993 Budget..... | <u>\$744 464.00</u> |

60% of funds required = \$ 446 678.40

10% of funds required = 74 446.40

30% of funds required = 223 339.20

| Contracting Parties | Nominal Catches for 1991 | % of Total Catch in the Convention Area | 10% | 30% | 60% | Amount billed |
|---|--------------------------------|--|-----------|------------|------------|---------------------|
| Bulgaria | - | - | - | 15 952.80 | - | 15 952.80 |
| Canada | 856 565 | 66.55 | 65 840.40 | 15 952.80 | 297 264.47 | 379 057.67 |
| Cuba | 31 922 | 2.48 | - | 15 952.80 | 11 077.63 | 27 030.43 |
| Denmark (Faroes and Greenland) ¹ | 111 916 | 8.70 | 8 606.00 | 15 952.80 | 38 861.02 | 63 419.82 |
| Estonia | - | - | - | 15 952.80 | - | 15 952.80 |
| European Economic Community ² | 97 041 | 7.54 | - | 15 952.80 | 33 679.55 | 49 632.35 |
| Iceland | - | - | - | 15 952.80 | - | 15 952.80 |
| Japan | 8 218 | 0.64 | - | 15 952.80 | 2 858.74 | 18 811.54 |
| Latvia | - | - | - | 15 952.80 | - | 15 952.80 |
| Lithuania | - | - | - | 15 952.80 | - | 15 952.80 |
| Norway ² | 7 458 | 0.58 | - | 15 952.80 | 2 590.74 | 18 543.54 |
| Poland | - | - | - | 15 952.80 | - | 15 952.80 |
| Romania | - | - | - | 15 952.80 | - | 15 952.80 |
| Russia | 173 877 | 13.51 | - | 15 952.80 | 60 346.25 | 76 299.05 |
| | 1 286 997 | 100.00 | 74 446.40 | 223 339.20 | 446 678.40 | <u>\$744 464.00</u> |
| Funds required to meet 1 January - 31 December 1994 Administrative Budget | | | | | | <u>\$744 464.00</u> |

¹ Faroes = 12 012; Greenland = 99 904

² Provisional Statistics used when calculating 1991 nominal catches.

³ Deduct overpayment: Latvia (\$109.20), Russia (\$10 358.65)

Annex 6. Preliminary Budget Forecast 1995

| | | |
|-----|--------------------------------------|---------------------|
| 1. | Personal Services | |
| | a) Salaries | \$ 608 000 |
| | b) Superannuation and Annuities | 75 000 |
| | c) Additional Help | 1 000 |
| | d) Group Medical and Insurance Plans | 36 000 |
| | e) Termination Benefits | 15 000 ^a |
| | f) Accrued Vacation Pay | 2 000 |
| 2. | Travel | 6 000 ^b |
| 3. | Transportation | 1 000 |
| 4. | Communications | 55 000 |
| 5. | Publications | 25 000 |
| 6. | Other Contractual Services | 48 000 |
| 7. | Materials and Supplies | 34 000 |
| 8. | Equipment | 5 000 |
| 9. | Annual and Mid-Year Meetings | 30 000 ^c |
| 10. | Computer Services | <u>17 000</u> |
| | | \$ 958 000 |

^a This figure is for 1995 credits and conforms with NAFO Staff Rule 10.4(a).

^b Assistant Executive Secretary attendance at the *ad hoc* Interagency Consultations of the CWP to be held in Copenhagen, Denmark.

^c This figure does not include additional costs for the June Meeting of the Scientific Council and is based on the Annual Meeting being held in the Halifax-Dartmouth area.

PART III

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

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, 6-10 September 1993 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, Norway and Russia. (Annex 1)
- 1.3 The Republic of Korea and the United States of America were present as Observers.
- 1.4 N. P. Katsepontes (Canada) was appointed Rapporteur.
- 1.5 The agenda was adopted as previously circulated. (Annex 2)

2. Fishing Activities of Non-Contracting Parties in the Regulatory Area and Actions by Contracting Parties (items 4 to 7 of the Agenda)

- 2.1 The representative of Canada tabled a paper on the fishing activity of non-Contracting Party vessels in the NAFO Regulatory Area and the use of flags of convenience to avoid compliance with NAFO conservation and management measures. The paper included a report on sightings of non-Contracting Party vessels and diplomatic efforts to date to address the problem (GC Doc. 93/7). The Canadian paper indicated that in 1992-93 the number of non-Contracting Party vessels fishing in the NAFO Area declined as compared to the previous period. The Canadian representative provided a country by country assessment of non-Contracting Parties and their vessel activity in the NAFO area which can be summarized as follows:

(i) Panama had the largest number of vessels in the NAFO area with 8 vessels sighted in the area in 1992-93. Canada and Panama reached agreement whereby Panama undertook: (1) to require a commitment not to fish in the NAFO area as a condition of registration; (2) to fine vessels which are proven to have fished in the NAFO area; and, (3) to where possible, de-register repeat offender vessels. Panama expressed concern that its present legislative regime would not allow de-registration of vessels on the basis of fishing in the NAFO area. Nevertheless, Panama proceeded to de-register 5 vessels and to date 19 vessels have been fined. Canada expressed concern as to the quantum of the fines imposed by Panama in that the maximum fine to date has been \$7,500.00 (US). Question was posed by the Chair as to what conditions must exist for Panama to de-register its vessels. The Canadian representative indicated that a general breach of Panamanian law and upon passing of the United Nations Convention a breach of the Convention.

(ii) Belize had two vessels fishing the NAFO area in 1992-93. Repeated diplomatic demarches resulted in Belize investigating the matter and agreeing to enter into an agreement with Canada similar to that agreed to between Panama and Canada.

(iii) Honduras had 4 vessels fishing in the NAFO area in 1992-93. Diplomatic demarches resulted in Honduras confirming the de-registration of 3 of the four vessels and the fining of the fourth which appears to be a Korean interest vessel.

(iv) Sierra Leone had 2 vessels in the NAFO area in 1992-93. Diplomatic demarches resulted in the prompt de-registration by Sierra Leone of one of the vessels with further investigation and diplomatic representations concerning the second vessel.

(v) Venezuela had 2 vessels in the NAFO area in 1992-93. A NAFO diplomatic demarche resulted in a Venezuelan commitment to respect NAFO conservation measures and to not renew the licenses of the subject vessels upon expiry. The Chair enquired as to what happened to these vessels. Canadian representative responded that the subject vessels would appear not to have a flag. The Chair indicated that it would be appropriate to add in future to the agenda the item of dealing with vessels that do not appear to have a flag (to be added after Item 9).

(vi) Morocco had 1 vessel in the NAFO area which was partly Korean crewed. Diplomatic demarches resulted in the withdrawal of the Korean crew and the request by Morocco of the vessel's owners that the vessel be withdrawn from the NAFO area.

(vii) The Republic of Korea had 7 vessels in which it had an interest in the NAFO area in 1992-93. High level diplomatic demarches resulted in Korean agreement to withdraw all Korean interest vessels from the area.

(viii) Vanuatu had 2 vessels in the NAFO area, one of which was a bunkering vessel. Vanuatu and Canada are presently involved in negotiations which may lead to an exchange of diplomatic notes whereby Vanuatu agrees not to allow its shipping registry to be used to undermine international fisheries and conservation measures.

- 2.2 The Chairman indicated that there was another possible point to be added to the agenda in terms of dealing with supply vessels as a means of applying pressure to non-Contracting Parties. The Canadian representative indicated he wished to know the views of the other NAFO members concerning this issue.
- 2.3 The representative of the EEC reported on sightings of non-Contracting Party vessels in the NAFO Area by the EEC (GC Doc. 93/7) and concurred with Canada that there was general reduction in the number of non-Contracting Party vessels in the NAFO area. He indicated the reasons for the reduction in the number of vessels includes non-Contracting Parties such as Korea leaving the NAFO area, and other non-Contracting Parties better understanding the problem. He stated that those vessels from non-Contracting Parties still fishing in the NAFO Regulatory Area were fishing intensively, with the number of vessels about 12-15.

- 2.4 The representative of the EEC was especially concerned with the sighting of 4 American vessels in the NAFO area and raised the question if the United States does join NAFO as a Contracting Party. The American observer **noted for the record** that the relevant legislation allowing the United States to join NAFO was presently before Congress and that the United States is committed to joining NAFO. The representative of the EEC noted it would welcome the United States as a Contracting Party to NAFO.
- 2.5 The representative of the EEC expressed concern with the continued presence of the Panamanian vessels in the NAFO area and suggested that fines imposed by Panama upon its vessels were insufficient. He suggested that NAFO must undertake new joint initiatives to deal with the situation and compel Panama to withdraw its vessels from the NAFO area.
- 2.6 The representative of the EEC highlighted the diplomatic efforts it made to address the issue of non-Contracting Party vessels in the NAFO area. With regard to Panama, diplomatic representations at the highest level were made in Brussels to the effect that the fines imposed by Panama were too low and that de-registration of vessels was more appropriate. Five vessels were de-registered as a result of such diplomatic efforts. The EEC views the situation with Panama as having improved to that of two years ago. The EEC participated in joint diplomatic demarches to Venezuela concerning the two vessels sighted in the NAFO area. Venezuela indicated that the licenses issued to these vessels were only for fishing in Venezuelan waters and not NAFO waters. When the second offenses occurred, the vessels' licenses were withdrawn by Venezuela. The EEC confirmed that it also participated in the diplomatic representations made to the Republic of Korea with regards to the successful withdrawal of that country's vessels from the NAFO area. The EEC confirmed it would continue to be active with regards to diplomatic efforts to deal with non-Contracting Party vessels.
- 2.7 The representative of Norway indicated that it was encouraging to see some success in dealing with non-Contracting Party vessels however, there is a correlation in the depletion of fish stocks and the reduction in the number of non-Contracting Party vessels. Norway also noted with concern the presence in the "Loophole" (of the Barents Sea) of 4 Canadian owned vessels on a bareboat charter to a Faroe Island Company which are posing a problem for their fishery.
- 2.8 The representative of Canada concurred with the position of Norway that per unit catches have supported the proposition that the economics of the fishery do not justify increased but decreased fishing activity. The EEC supported the conclusion of Norway and Canada as to the economics of the fishery and that new ways must be found to deal with non-Contracting Parties. Such efforts must occur on a global level.
- 2.9 The representative of Canada made the suggestion that consideration should be given to the full range of diplomatic instruments available to address the non-Contracting party issue. The representative of the EEC viewed the problem as having its roots in international law which provides for a nation's right to fish on the high seas and referred to the Draft FAO Agreement as a step in the right direction with the continued diplomatic demarches as the course to follow.

- 2.10 The Chairman noted that it may be useful to consider a compilation of a list of instruments reflecting on the national and international law regarding nations right to fish on the high seas.
- 2.11 The representative of the EEC proposed a new diplomatic demarche to Panama within the context of the Landing Declaration as the continued presence of the Panamanian vessels was unacceptable and required follow up.
- 2.12 The representative of Canada reported on recent diplomatic efforts concerning 4 American vessels sighted in the NAFO area. indicating that Canadian Fisheries Minister Reid wrote to the U. S. Secretary of Commerce expressing concern over this matter stating that the American vessels should be immediately withdrawn from the NAFO area. The representative of the EEC indicated that it had also written to the United States and was aware that Russia had done the same. The Chair enquired of Canada as to whether the U. S. history of fishing in the area would pose a problem for Canada. Canada indicated that the Canada-American relationship was a good one and that there are areas of cooperation but the failure of the U.S. government to stop vessels from fishing in the NAFO regulated area is a source of friction. This does not however diminish the fact that American vessels in the NAFO area are unacceptable as would be any non-Contracting party vessels. Membership in NAFO by the U.S.A. should not be a pre-condition to dealing with the current problem of American vessels in the NAFO area.
- 2.13 The Meeting decided to hold an informal session ("off the record") to discuss new ideas and arrange a working group to prepare a joint demarche.

3. Measures to Document Catches and Other Fishing Activities in the Regulatory Area (Landing Declaration) and Options to Discourage Non-Contracting Parties Fishing Activities (items 8 and 9 of the Agenda)

- 3.1 The Chairman prepared draft papers based on the recommendation of the working group and explained that the intention of the landing declaration is to cover all the products which would be found aboard a fishing vessel; non-Contracting Parties participation is voluntary and each non-Contracting Party would be responsible for their ships to report, to supply forms and impose a monitoring scheme; when a vessel did not supply a completed form to a Contracting Party, the recourse is for the Contracting Party to report the deficiency to the flag state; with a completed form, authorities are able to undertake research to determine how the estimates of catch correspond to the catch information a contracting Party such as Canada has on hand.
- 3.2 The representative of Canada commented that the Aide Memoire and Landing Declaration should be advanced by NAFO in the form of a resolution within the context of addressing the concern with non-Contracting Party vessels continuing to fish in the NAFO area. Further, that the resolution should clearly set forth that it is part of an ongoing process intended to address the continued presence of the non-Contracting Parties in the NAFO area. NAFO should make it clear by way of the resolution that failure to address the issue could lead to more serious measures being imposed by NAFO.

3.3 The representative of the EEC commented that NAFO has a commitment to adopt a landing declaration either by way of resolution or other means. The EEC has undertaken discussions with customs officials on implementation.

3.4 The representative of Japan indicated his support for the Chair's presentation and Canada's position of formulating the landing declaration within the context of a resolution and noted the landing declaration would require a definitive form.

3.5 The representatives at the Meeting ensued with debates on the Landing Declaration Scheme as follows:

The representative of Canada noted that it would be inconsistent with intention of NAFO if no penalty were imposed and suggested that if a non-Contracting Party vessel does not or refuses to complete the landing declaration, then greater recourse than reporting this to the flag state must be available. Canada proposed an amendment to paragraph 2 whereby a Contracting Party has a right to impose a penalty in accordance with and consistent with international law.

The representative of the EEC noted that if a non-Contracting Party did not wish to participate in the landing declaration system, then they could be deemed an uncooperative state pursuant to the Law of the Sea Convention for failing to cooperate with a regional organization; and the representative of Canada reserved the right for the imposition of penalties consistent with international law.

3.6 Considering the obtaining of information for the landing declaration, the Chair indicated that the declaration was to apply only to fishing vessels and not to transport or mother ships as the rationale for this is that the Master of a vessel will know where all the fish aboard his vessel was caught and the Master of a mother ship or transport vessel will not have the same knowledge.

The representative of the EEC noted that it may be the case that non-Contracting Parties may be prepared to supply information concerning all vessels. This would be a matter of exchange of views as between the relevant Contracting Party and the non-Contracting Party.

The United States observer observed the anomaly of statistical information from import data which appears to reflect extremely large quantities of fish when non-Contracting Party vessels were not even fishing in the regulated area.

Canada suggested a more practical way to get information would be to have NAFO help target countries who would be approached in terms of providing landing declaration information.

The Chair noted that it would appear necessary that a central body would have to inform as to which countries will be required to supply landing declarations.

The EEC representative noted that fishing inspections do occur but not in all ports. For example, no inspections occur in Rotterdam as it is not traditionally a port of landing. Further, it was noted that no consideration has been given as to how forms are to be collected.

- 3.7 Concerning the vessels and species that should be covered by the landing declaration, the representatives discussed the following:

The EEC suggested that the coverage of the fleet must be as comprehensive as possible with the matter to be determined in negotiations with non-Contracting Parties.

Canada expressed concern that the impression should not be given that there is a discretion on the part of the non-Contracting Parties as to what vessels will be covered by the landing scheme. It is therefore important to define or encompass fishing and processing vessels.

The United States observer noted that the resolution specifies that all groundfish are to be covered by the landing declaration scheme while the form itself does not.

The EEC noted that some fish such as squid are not covered and it is important to focus upon these species as well.

- 3.8 The Committee considered the implementation of the landing declaration and decided to proceed with the Resolution of the General Council for this issue.

- 3.9 The draft text of a Resolution (presented by Canada) was considered by representatives with emphasis on the urgent withdrawal of the non-Contracting Party vessels given the depleted state of stocks in the NAFO Regulatory Area and the unacceptability of the continued presence of the non-Contracting Parties.

- 3.10 At the closing session, on 10 September, the Committee agreed on the texts of the Resolution and the format/text of the Landing Declaration for presentation to the General Council (GC Doc. 93/5-please see Annex 7 of Part 1).

- 3.11 The Committee considered new diplomatic initiatives and debated the following ideas concerning diplomatic demarches:

The representative of Canada reiterated its request that the reference in the Aide Memoire to co-operation with non-Contracting Parties with regard to negotiations concerning their membership to NAFO should be removed; the main theme of the Aide Memoire must be the removal of the non-Contracting Party vessels from the NAFO area.

The representative of the EEC proposed that the Aide-Memoire should be re-formulated or modified with regard to each non-Contracting Party given their particular interest in joining NAFO. He indicated its preference for a two version Aide Memoire, one for Panama, given the urgency of the situation in dealing with Panama and one for other non-Contracting Parties. The prompt preparation of the Panamanian document was urged in order to have the signature of the document accomplished during the present NAFO meetings by the presiding Chair of the General Council.

The representative of Canada noted that it may be necessary to consider a demarche to non-Contracting Parties who are co-operating with NAFO such as the United States who is collecting statistics and expressed a concern with regard to the absence of any concrete effort on the part of the United States to consider and implement regulations to stop U.S. vessels from fishing in the NAFO Regulatory Area.

The representative of the EEC indicated that the United States is in the process of becoming a Contracting Party to NAFO and therefore there would appear to be no benefit in having a demarche to the United States.

The observers of the Republic of Korea brought to the attention of the Committee that Korea is aware of the serious problem in the NAFO area in relation to the depletion of the fish stocks. Korea **noted for the record** that it has withdrawn all of its vessels from the NAFO area and that Korea has provided all catch information to the NAFO Secretariat. Also, that Korea will explore other ways in which to cooperate with NAFO member states. The EEC enquired of Korea as to whether Korea is considering becoming a member of NAFO. Korea responded that it is taking the necessary steps to join NAFO in terms of passing the appropriate domestic legislation.

- 3.12 The final decision of the Committee was to **adopt** the two texts of Aide-Memoire - to Panama and a basic text for non-Contracting Parties which would not comply with the NAFO Resolution and its decisions to stop the fishery in the NAFO Regulatory Area (see Part I, Annexes 7 and 8).

The meeting **agreed** that the Aide-Memoire to Panama should be dispatched without delay.

Note (by the Executive Secretary)

The Aide-Memoire to Panama was signed by the Chairman of the General Council, K. Yonezawa, at the Meeting (10 September) and then handed over to the Representative of the EEC for further dispatch to Panama.

The Chairman clarified the discussions on the Aide-Memoire informing that Belize, Honduras, Panama, Sierra Leone, USA and Vanuatu would be the potential recipients of future demarches.

- 3.13 The Chairman commented upon the urgency of the non-Contracting Party issue and that monitoring of the situation will automatically necessitate an intersessional meeting. The Committee **agreed** to address this request to the General Council.
- 3.14 The Meeting **agreed** that Canada, EEC, Japan, and Russia will participate in joint demarches to non-Contracting Parties.

4. Consideration of Steps to Deter Reflagging of Contracting Parties Vessels for the Purpose of Fishing Contrary to NAFO Conservation and Enforcement Decisions (item 10 of the Agenda)

- 4.1 This item was referred to a future meeting while awaiting the outcome of the United Nations Conference deliberations on this issue.

5. Report and Recommendations to the General Council (item 11 of the Agenda)

- 5.1 The recommendations to the General Council are listed in the items presented above.
- 5.2 The Chairman of the Committee delivered the comprehensive Report of STACFAC to the General Council at the closing plenary session on 10 September and asked the Council for adoption of the Report and recommendations (Part I, item 4.3).

6. Other Matters (item 12 of the Agenda)

- 6.1 There was no other business for this item.

7. Adjournment

- 7.1 The meeting was adjourned at 0950 hours on 10 September 1993.

Annex 1. List of STACFAC Heads of Delegations

| Name | Contracting Party |
|------------------|--------------------------|
| D. C. Rideout | Canada |
| H. Koster | EEC |
| K. Hanafusa | Japan |
| P. Gullestad | Norway |
| V. Tsoukalov | Russia |
| Observers | |
| J. K. Yoon | Republic of Korea |
| D. Swanson | United States of America |

Annex 2. Agenda

1. Opening by the Chairman, C. C. Southgate (EEC)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of 1993 information on activities of non-Contracting Parties' vessels in the Regulatory Area
5. Review of 1993 information on landings and transshipments 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. Examination of options open to Contracting Parties and the General Council to discourage activities by non-Contracting Parties in the Regulatory Area
10. Consideration of Steps to Deter Re-flagging of Contracting Party Vessels for the Purpose of Fishing Contrary to NAFO Conservation and Management Decisions
11. Report and Recommendations to the General Council
12. Other Matters
13. Adjournment