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Northwest Atlantic Fisheries Organization



Report of the General Council

16th Annual Meeting, 19-23 September 1994
Dartmouth, N.S., Canada

NAFO
Dartmouth, N.S., Canada
1994

Members of the General Council:

Bulgaria

Canada

Cuba

Denmark (in respect of the Faroe Islands and Greenland)

Estonia

European Union

Iceland

Japan

Republic of Korea

Latvia

Lithuania

Norway

Poland

Romania

Russian Federation


Northwest Atlantic Fisheries Organization



Report of the General Council
16th Annual Meeting, 19-23 September 1994
Dartmouth, N.S., Canada

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E. Lemche
Chairman
September 1994

**List of Decisions and Actions by
the General Council
(16th Annual Meeting; 19-23 September 1993)**

Substantive issue (propositions/motions)	Decision/Action (GC Doc. 94/8; item)
1. A new Contracting Party of NAFO - the Republic of Korea (Korea)	noted: became a member on 21 December 1993 (item 2.1)
2. Change of name of a Contracting Party - European Economic Community to the European Union	noted (item 2.1)
3. A new member of the Fisheries Commission - Republic of Korea	admitted (item 2.1)
4. Publication of a NAFO Newsletter - "NAFO News"	authorized (item 2.4)
5. Representation of NAFO in other international bodies at:	adopted (item 4)
- NAMMCO by Norway	agreed (item 3.2)
- UN Conference on the High Seas by Denmark (in respect of the Faroe Islands and Greenland)	agreed (item 3.2)
6. Report of STACFAC at the 16th Annual Meeting	adopted (items 4.7-4.8)
- GC Resolution 94/1 on fishing activities of Non-Contracting Parties in the Regulatory Area	adopted
- text of NAFO letters signed by the President to NCPs in the Regulatory Area	agreed
- interim STACFAC meeting in 1995	agreed
- election of STACFAC Chairman - C. C. Southgate (EU)	
Vice-Chairman - H. Fischer (Denmark)	noted
7. Report of STACFAD at the 16th Annual Meeting	adopted (item 5)
- Auditors Report	adopted
- Accumulated Surplus Account	\$75 000
- Bulgaria's and Romania's uncollectible debt for 1993/94	\$47 896 to write-off
8. Budget for 1994	\$964 000 Cdn.-adopted (item 5.4)
9. All NAFO proposals with impact on the budget should be presented with cost estimates	agreed in principle (item 5.5)
10. Meeting dates in 1995-1997	adopted (item 5.2e)

**Report of the General Council and its Subsidiary
Bodies STACFAD and STACFAC, 16th Annual Meeting
19-23 September 1994
Dartmouth, Nova Scotia, Canada**

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Report of the General Council Meeting

16th Annual Meeting, 19-23 September 1994
Dartmouth, Nova Scotia, Canada

PART I

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

- 1.1 The meeting was opened by the Chairman of the General Council, E. Lemche (Denmark in respect of the Faroe Islands and Greenland) at 1020 hours on 20 September 1994.
- 1.2 Representatives of the following thirteen (13) Contracting Parties were present: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union (EU), Iceland, Japan, Republic of Korea (Korea), Latvia, Lithuania, Norway, Poland and Russia (Annex 1), which constitutes the quorum for decision making. Two Contracting Parties, Bulgaria and Romania, were absent. The total number of registered delegates was 150.
- 1.3 In the opening address the Chairman welcomed the participants and emphasized on a very important value of NAFO as an international body - cooperation. In particular, he said that.

"... all fifteen members of NAFO have one thing in common - desire to cooperate. The UN Law of the Sea Convention has a standard term, "states shall cooperate", and in many NAFO issues, we are dealing with such strategy. We all know examples from the field of fisheries what may happen when states who shall cooperate won't do so. However, in NAFO the Contracting Parties all subscribe to the cooperative principles. Let me refer to the final preamble paragraph of the NAFO Convention, which states that we are desiring to encourage international cooperation and consultation with respect to the resources we are dealing with. Under unpleasant circumstances such as those we are facing at the moment (depletion of fish stocks), cooperation necessarily implies sharing of burdens. Let us not forget this, let us take our unpleasant shares of each of us, so that our cooperation can be fruitful."

- 1.4 The Representatives of Canada and European Union presented their opening statements to the Meeting.

The Representative of Canada welcomed all delegates and participants on behalf of the host country. He further addressed the meeting with the following information:

"Considering the present very poor state of groundfish stocks, we should have been more conservation oriented in the past. There is a profound resource crisis in straddling stocks as the level of resources, especially of cod is so dangerously low, and the question whether or not those resources suffer a commercial extinction is an issue extremely important to Canada. This crisis affects not only straddling stocks but also stocks entirely in the 200-mile zone. There is almost no fishery for cod and flounder off Canada's Atlantic coast. This is unprecedented in the last 500 years.

Ecological factors, water temperatures, salinity, predator-prey relations have depressed stocks that were vulnerable already from overfishing. The continuing sharp decline in 2J3KL cod after fishing stopped in 1992 is frightening. The economic consequences of this depletion are no less dramatic for Canada as 40,000 fishermen and plant workers have lost their livelihoods. This is a crisis that affects five Canadian eastern provinces and almost 500 Canadian coastal communities. Canada has responded to this crisis in a major way. Almost two billion Canadian dollars have been provided to respond to this crisis. This meets the immediate needs of those affected by the depletion of those resources and funding for very significant industry renewal involving almost a 50% reduction in the capacity of the groundfish fishery and industry in Atlantic Canada. Canada is taking all measures necessary to protect the resources from further depletion and will take all steps necessary to ensure the stocks are allowed to rebuild for future harvesting. In this regard, Canada has instituted moratoria virtually for all cod and flounder stocks, except for one small area off southwest Nova Scotia for cod fishing. Canada is taking during 1994 strong measures to control Greenland halibut which has become another threatened resource and has reduced its domestic quotas for 2+3 G. halibut from 25,000 tons to 6,500 tons (75% reduction), which corresponds to the percentage of the decline of biomass. However, all those measures relate to waters under Canada's national jurisdiction. With respect to the international waters and straddling stocks in the NAFO Regulatory Area, Canada believes that management of those must match the conservation taken by Canada inside its 200-mile limit if there is to be any prospect of renewed abundance of those resources. At the same time, Canada is seeking a new UN Convention on straddling and highly migratory fish stocks. We believe that the UN Conference will succeed and adopt a Convention. Until that goal is reached, Canada will do all it must do to protect stocks and support rebuilding those stocks in the Northwest Atlantic. We would like to achieve those goals through international cooperation and make unnecessary the national means that Canada has undertaken of necessity in the extreme circumstances that we were facing. And Canada is looking for the support of all members to the NAFO Convention to put conservation first in the NAFO decisions for 1995."

- 1.5 The Representative of the European Union took the floor and presented the following address to the meeting:

"The 16th Annual Meeting of NAFO is a particularly important one. Considering the problems to be solved and the present international context, these both give our decisions in the coming week dimensions that would be far greater than those to which they will apply, and considering, in particular, the on-going UN Conference on straddling stocks and highly migratory species to improve the conservation of straddling stocks and highly migratory species and to establish a code of conduct for responsible fishing. At this time, when the model for the management of straddling stocks is being reexamined, the decisions taken by NAFO will undoubtedly constitute an input into the international decisions, and the procedures established in our Organization may have a bearing on the success of the

UN Conference and future management of straddling stocks and highly migratory species both in the high seas and in the waters under jurisdiction of coastal States. The problems to be solved are not simple ones. Fishery management has to deal with a number of considerations ranging from the measures for the conservation of stocks to the well being of fishing communities which are dependent on them. The nature of the problems are particularly complicated in the NAFO area, where the fish stocks are shared resources and the number of countries have a long standing fishing tradition. In such a context, it is obvious that the solution to problems may come as multilateral ones agreed by all legitimate players in the area. This approach to fishery management remains the most effective way to decide enforceable measures and to obtain satisfactory results. Moreover, in this Organization, there also was a certain tradition of seeking consensus rather than imposing decisions by a voting margin. It is important that we continue to engage in this approach to ensure more effective measures. In this context, a unilateral action by a Contracting Party may sometimes produce some immediate results but run counter to these multilateral efforts and certainly to the tradition of seeking consensus. Such unilateral actions can therefore be very counter-productive as they may induce other Parties to take similar but different measures unilaterally on their own accounts. Such measures undermine the general efforts towards resource conservation thought in this Organization and in other fora. In this context, I would like to refer to the success of the establishment of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas. It demonstrates the willingness of the International Community to seek multilateral solutions to multilateral problems. The European Union has initiated the administrative procedures to ratify this Agreement. The European Union noted its commitment to a sound management of fish resources solidly based on objective scientific assessments and principles of responsible fishing in the framework of multilateral organizations such as NAFO. In this context, it should be mentioned that the concept of responsible fishing is a concept embracing many elements in the sustainability of fishing and livelihoods of fishing communities. It is our objective during this 16th Annual Meeting to seek agreements through these principles and we will present constructive and balanced proposals on this basis. We call on all the Contracting Parties to work together towards achieving these objectives to ensure the satisfactory resolutions and sustainable fishing in future."

- 1.6 The meeting endorsed the proposal by the Chairman to designate the Executive Secretary as Rapporteur at the Meeting.
- 1.7 The Provisional Agenda was adopted without amendments (Annex 2).
- 1.8 Under item 4 of the Agenda "Admission of Observers" the Chairman welcomed the observers from the United States of America.

- 1.9 It was decided that Publicity (item 5) was to be handled in the traditional way that no information shall be released to the public on the meeting proceedings during the current annual meeting and a General Council Press Release would be issued at the closing session on Friday, 23 September (Annex 3).

2. Supervision and Coordination of the Organizational, Administration and Other Internal Affairs (items 6-8)

- 2.1 Under item 6, "Review of Membership", the Meeting noted that:
- The Republic of Korea (Korea) acceded to the NAFO Convention on 21 December 1993 and became the fifteenth (15th) member, Contracting Party, of NAFO;
 - the name of one Contracting Party - European Economic Community (EEC) - has been changed to the European Union.
 - The meeting considered the Republic of Korea's application for the Fisheries Commission membership transmitted to all Contracting Parties by the NAFO Secretariat (GF/94-461 of 30 August 1994). The unanimous consent was noted for admission of Korea to the Fisheries Commission.
- 2.2 The Canadian Representative with acclamation by other Delegations welcomed the Republic of Korea to the NAFO membership and the Fisheries Commission.
- 2.3 Item 7, Administrative Report, was referred to STACFAD and then adopted on presentation by the Committee.
- 2.4 Item 8, NAFO Newsletter, was postponed to the next scheduled meeting of the Heads of Delegations of the General Council on Thursday, 22 September.

At the meeting of the Heads of Delegations, the Executive Secretary was authorized to go ahead with his proposal for publication of a newsletter - "NAFO News" on a semi-annual basis. Following such publications in 1995, the General Council will further assess/decide on this issue.

- 2.5 The Heads of Delegations at this meeting agreed to extend the contract of the present Executive Secretary, L. I. Chepel, for the next term of four (4) years, 1995-1998.

3. Coordination of External Relations (items 9-10)

- 3.1 The meeting noted the letter (GF/94-203 of 11 April 1994) dispatched by the NAFO Secretariat to the UN Headquarters regarding the large-scale pelagic driftnet issue. The letter reaffirms the NAFO position that large-scale pelagic driftnet fishing is not presently practiced in the NAFO Convention Area.
- 3.2 For the item 10, "NAFO Observership at Other International Bodies", the Chairman noted the two papers presented to the Meeting - NAFO GC Doc. 94/1, Report by Norway at the Fourth North Atlantic Marine Mammal Commission (NAMMCO) Meeting and NAFO/GC Doc. 94/4, Report by Denmark at the UN Conference on Straddling Stocks and Highly Migratory Fish Stocks.

There have been no comments presented to the documents.

The Chairman proposed to continue the practice of NAFO representation at the UN Conference by Denmark and at NAMMCO by Norway if there are no other proposals. The Meeting agreed to this proposal.

4. Fishing Activity in the Regulatory Area Adverse to the Objections of the NAFO Convention (items 11-12)

- 4.1 The items of this part of the Agenda were postponed to the General Council session on Thursday, 22 September.
- 4.2 For item 11, Canadian Legislation and its Impact on the NAFO Convention, the Representative of the European Union introduced the item for discussion and proposed that the General Council consider the measures taken by Canada and its implication to NAFO as an international organization responsible for the conservation and management of the stocks in the Convention Area. (Annex 4)
- 4.3 The Representative of Canada presented the Canadian position with respect of the legislation and informed the Meeting in detail about the actions taken by Canada against NCP fishing vessels in the NAFO Regulatory Area. (Annex 5)
- 4.4 The Representatives of Contracting Parties expressed their positions in the following order:
 - (i) The Representative of Denmark (in respect of the Faroe Islands and Greenland) addressed his concerns for NCP fishing activity in the Regulatory Area and emphasized that Denmark favours multilateral arrangements creating solutions to such problems. He noted that the UN Conference is currently developing international rules for preventing NCP activity, and such rules could be considered useful for NAFO problems.
 - (ii) The Korean representative expressed his understanding of Canada's concern with the NCP fishing activity in the NAFO Area. He further noted that Korea was concerned with possible negative impact on the international law for high seas fishing by the Canadian actions and concluded that NAFO has in hand and continues to be an effective instrument for resolving the problem of NCP and flag of convenience fishing in the NAFO Regulatory Area. In his opinion this matter should be resolved multilaterally based on the UN Law.
 - (iii) The Representative of Japan declared that his delegation shares concern with Canada and EU regarding the NCP activity and noted that this Meeting is not the place for debates on international law. Then he stated his Government's position expressed through diplomatic channels to Canada and well known through discussions at the UN Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. From those premises, Japan does not consider a unilateral action by any coastal state would be in compliance with customary international law or with the spirit of UNCLOS, 1982, and any such question should be solved not by unilateral actions which could be very often counterproductive. He expressed the view that NAFO will continue and expand effort to solve this problem on the basis of mutual cooperation.

- (iv) The Representative of Poland addressed to the meeting that Poland supports the position of the Contracting Parties expressed so far that adoption of effective measures for conservation and management of fish resources of NAFO concern must be taken on the best scientific advice available. Any such action first of all should be consistent with the provisions of the UN Convention of the Law of the Sea. Therefore, Poland cannot accept any unilateral actions and initiatives undertaken.
 - (v) The Representative of Norway addressed to the meeting that he understood the Canadian action considering the status of stocks in the NAFO area and noted that Canadian steps proved to be successful. He further noted that those steps by Canada are considered as provisional pending an outcome of the UN Conference, and that the Norwegian Government hopes that the UN Conference will be able to agree on multilateral measures that would be as effective as the measures we have seen now in the NAFO Regulatory Area.
 - (vi) The Representative of Cuba emphasized the pragmatic side of the Canadian legislation and pointed out that the Canadian legislation reached its goal for curtailing the NCP vessel activities in the Regulatory Area of NAFO, which could be acceptable to the members of NAFO. He further proposed to not debate this issue and to wait the outcome of the UN Conference on straddling stocks.
 - (vii) The Representative of Iceland expressed that he was in agreement with most of the remarks made by other previous speakers. He noted however, the remarks were not in one direction as this is a controversial matter. He raised two questions: Firstly, what was the effect (of the legislation) on activity of NCP vessels and was it a successful measure in this particular fishing ground and for particular species? Secondly, [what] has NAFO done to make this action taken by Canada unnecessary?
 - (viii) The Representative of Estonia noted his understanding with the situation faced by Canada with NCP activity. He, however, stated that Estonia cannot accept a unilateral action as it has been as well mentioned by other Contracting Parties, and hoped that the Canadian law be changed based on any new relevant provisions of the UN Law.
- 4.5 The Chairman summarized that all delegations had thoroughly discussed and expressed their opinions on the issue placed on the agenda by the European Union delegation.
- 4.6 The Representative of the EU proposed the Meeting keep the item on its Agenda for further possible discussions at the General Council through this meeting. The European Union tabled a paper (Annex 7) noting that other Contracting Parties share the views of the EU and regretting that there was no consensus on this issue. During the following sessions there was no further reintroduction of the subject, therefore, the item was considered closed.

4.7 Under item 12 of the Agenda, the Chairman of STACFAC, C. C. Southgate (EU), presented to the Meeting a final report (see Part III) on 22 September including the following highlights and recommendations:

- a) The level of Non-Contracting Parties (NCP) fishing in the NAFO Regulatory Area has been still very high through the first half of 1994. Approximately 24 NCP vessels have been sighted, which is, however, less than the period from 1985-1993 (average 30-40 vessels).
- b) The NAFO diplomatic demarches were delivered to Panama and Honduras through the European Union as coordinator with attendance of other Contracting Parties - Canada, Japan, and Russia, and positive responses have been noted from those countries. However, the vessels deregistered by Panama and Honduras have been registered to Belize, and those are fishing in the NAFO Regulatory Area (NRA). After introduction of the Canadian legislation, all stateless and flag of convenience vessels withdrew from the "nose" and "tail" of the Grand Bank and moved to the Flemish Cap, in the Regulatory Area. They are no longer fishing straddling stocks, however, still continue fishing other NAFO regulated stocks.
- c) STACFAC recommended the following measures to the General Council:
 - to encourage and call upon all Parties fishing in the NAFO Regulatory Area to join the pending FAO Agreement on the high seas fishery;
 - to adopt two NAFO letters from the NAFO President for dispatch to the Governments of NCP States with vessels currently fishing in the Regulatory Area and those without vessels (See Annex 3 of Part III, STACFAC Report);
 - to call an intersessional STACFAC meeting in 1995 for discussing the following items:
 - i) Assistance to individual Non-Contracting Parties for the control of their vessels in the NAFO Regulatory Area. Both bilateral and multilateral approaches will be discussed;
 - ii) Port Closures and Restriction of Landings;
 - iii) Other issues.

To these items, the Chairman of the General Council and STACFAC noted the Canadian proposal of the Resolution (STACFAC Report, item 4.4d), which should be considered at the special STACFAC meeting in 1995.

4.8 In the ensuing discussions of the STACFAC report, the Chairman of the General Council proposed to consider a letter calling upon NCP States fishing in the Regulatory Area to accede to the FAO Agreement on high seas fishing. Following constructive suggestions by the Representatives of Russia and Japan, the Meeting decided to develop a Resolution for this subject. The Resolution (Annex 6-GC Resolution 94/1) was drafted by the STACFAC Working Group and adopted by the General Council.

The Recommendations of STACFAC and its Report have been unanimously **adopted** by the General Council.

- 4.9 The Chairman of the General Council asked the meeting to consider and agree on clarification of the text of STACFAC Report, Item 4.4(c), which reads: "...agreement by the non-Contracting Parties to permit controls by NAFO Contracting Parties of NCP vessels which undermine NAFO conservation and enforcement measures", questioning does it imply a kind of expansion of NAFO enforcement scheme to allow NAFO inspection vessels to do exactly the same things to NCP vessels as for the vessels of Contracting Parties in the Regulatory Area.

To this question, the Representative of Canada explained that this Canadian proposal to STACFAC intended to introduce agreement by NCP States to permit controls by NAFO Contracting Parties of NCP vessels which violate the NAFO regulations.

- 4.10 The Chairman **ruled** on consensus that there was not a question for this meeting decision and proposed that Canada presents its clarification in the draft proposal for discussion at the upcoming STACFAC special meeting in 1995.
- 4.11 On the invitation by the EU delegation, the Chairman proposed that the place of the STACFAC interim meeting will be in Brussels, and dates be agreed upon by the current General Council within the following weeks in 1995:

January 23 - 27
 March 13 - 17
 April 24 - 28

The meeting agreed with this proposal on the provision that the exact dates within those three options will be agreed by mail vote. (Annex 8)

- 4.12 The meeting noted that the Chairman of STACFAC, C. C. Southgate (EU), was reelected for the next term of two (2) years, 1995-1996, and H. Fischer (Denmark in respect of the Faroe Islands and Greenland) was elected the Vice-Chairman.

5. Finance (items 13-15)

- 5.1 Items 13 to 15 were referred to STACFAD for discussion in the Committee and presentation of report to the General Council.
- 5.2 The Chairperson of STACFAD, J. Quintal-McGrath (Canada), presented the Report (see Part II) on 22 September and highlighted the following issues:
- a) Auditors Report transmitted to the Contracting Parties in February, 1994 was recommended for adoption.
 - b) The Pension Society Report in relation to decisions concerning the NAFO Secretariat was adopted by STACFAD. The Report contained cost estimates associated with NAFO's share of the cost of the service of an Administering Agent, auditor and the production of a procedure manual. Those estimates would be around \$10,000 and there is not an immediate requirement to put this amount on the budget.

- c) The estimated total cost for the Hail System would be around \$9,569 Cdn to the end of 1994. The costs would drastically increase if Contracting Parties/Secretariat would dispatch their report from/to individual vessels contrary to the present method of communication between the Secretariat-Contracting Party headquarters. Those would be extra costs and are presently not financed in the NAFO budget.
- d) The major budgetary items of the Report were as follows:
- the budget for 1995 to be adopted in the amount of \$964,000 Cdn.
 - The Accumulated Surplus Account be maintained at the level of \$75,000 Cdn.
 - The outstanding contributions owing from Romania (1994) and Bulgaria (1993-1994) be deducted from the Accumulated Surplus Account in the amount of \$47,896.
- e) Meeting dates for the Annual Meeting Item 17) in 1995-1996 were recommended as follows:
- | | | | | |
|------|---|----------------------|---|-----------------|
| 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 |
| 1997 | - | Scientific Council | - | 10-19 September |
| | - | Fisheries Commission | - | 15-19 September |
| | - | General Council | - | 15-19 September |

5.3 The General Council reviewed in detail the Report and adopted the recommendations and the STACFAD report as a whole (Part II).

5.4 Under other business for STACFAD, the Chairperson reported on two items referred from the General Council and Fisheries Commission:

- item "New Sharing of Contributions Among Contracting Parties" from General Council was reviewed and invited Denmark to resubmit its proposal for distribution to Contracting Parties prior to next year's Annual Meeting;
- item "Cost implication of incorporating catch reports into the Hail System" was briefly discussed and agreed this task could not be accomplished by STACFAD without proper terms of reference from the responsible body.

The General Council agreed on this presentation.

- 5.5 The Representative of EU proposed to establish a Rule that all proposals of a technical nature forwarded to NAFO should be communicated with an evaluation of economic impact on the NAFO budget. On presentation by the Chairman, the meeting reached the understanding, as a guidance, that Contracting Parties presenting proposals with cost implications to the NAFO budget should accordingly provide cost estimates for this purpose as a preliminary idea for further discussions in the other NAFO bodies and STACFAD.

6. Closing Procedure (items 16-19)

- 6.1 Item 16, Time and Place of Next Annual Meeting, was referred to STACFAD.
- 6.2 At the closing session of the General Council, the Meeting agreed to hold the next Annual Meeting at Dartmouth, Nova Scotia (Canada), through 11-15 September 1995.
- 6.3 Under item 17, "Other Business", the Chairman noted the subject of Coordinating Working Party on Atlantic Statistics (CWP) considering the changes in the Statutes, which will be presented by the Scientific Council to the General Council meeting on Thursday, 22 September.
- The General Council considered the CWP issue on presentation by the Chairman of the Scientific Council, H. Lassen (EU), and agreed with his recommendation on the subject to subscribe to the Statutes for that statistical FAO body. (Annex 9)
- 6.4 The Press Release of the current meeting was presented for approval by the General Council and adopted on Friday, 23 September 1994. (Annex 5)
- 6.5 On presentation by the Chairman, the General Council extended a very warm farewell to Mr. W. H. (Hartie) Champion, Administrative Assistant, who retires at the end of 1994, for his long-time devoted service to ICNAF-NAFO through 31 years of 1963-1994. The Chairman presented Mr. Champion with memorable picture-gift from the General Council. The Representative of Canada, on behalf of the Canadian Delegation, presented Mr. Champion with their gift. Mr. Champion thanked with great appreciation all Contracting Parties and the NAFO Secretariat.
- 6.6 In an adjourning speech, the Chairman thanked the Contracting Parties and all organizers of the Meeting extending appreciation to the NAFO Secretariat. The Chairman once more, as in the opening address, emphasized the issue of a traditional cooperative spirit in NAFO during this difficult time, when all Contracting Parties agreed to share the unpleasant burden of restricted fisheries.
- 6.7 The Chairman closed the 16th Annual Meeting of NAFO at 1415 hours on 23 September 1994.

Adoption of Report

The Report of the General Council including proceedings of its Committees - STACFAD and STACFAC - was finalized and adopted in accordance with the agreed procedure (GF/94-633 of 12 December 1994).

Commemoration

At the opening session, the Chairman of the General Council informed the Meeting about the death of Captain Esteves Cardoso, former Executive Secretary of NAFO, on July 4, 1994 in Portugal. Capt. Cardoso retired from NAFO in 1990 after serving as Executive Secretary from 01 July 1980 to 31 December 1990. Prior to this, he had a long and active participation in ICNAF and NAFO as a Delegate from Portugal. He was the Chairman of the NAFO Fisheries Commission from June 1979 to June 1980 and held a number of key positions as officer of international organization ICNAF, the predecessor of NAFO. He participated actively in the development of the NAFO Convention.

The General Council commemorated Capt. E. Cardoso with a minute of silence.

Annex 1. List of Participants

CANADA

Head of Delegation

W. A. Rowat, Deputy Minister, Dept. of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario K1A 0E6

Representatives

B. Rowat (see address above)

Alternate

V. Rabinovitch, Assistant Deputy Minister, International Relations, Dept. of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario K1A 0E6

Advisers

- C. J. Allen, Resource Allocation Br., Fisheries Operations, Dept. of Fisheries and Oceans, 200 Kent St., Ottawa, Ontario K1A 0E6
- J. R. Angel, Canadian Assoc. of Prawn Producers, 15 Dartmouth Road, Bedford, Nova Scotia B4A 3X6
- B. Applebaum, Director-General, Dept. of Fisheries and Oceans, International Directorate, 200 Kent Street, Ottawa, Ontario K1A 0E6
- D. B. Atkinson, Dept. of Fisheries and Oceans, NAFC, Box 5667, St. John's, Newfoundland A1C 5X1
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Annex 2. Agenda

I. Opening Procedure

1. Opening by Chairman, E. Lemche (Denmark in respect of the Faroe Islands and Greenland)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Admission of Observers
5. Publicity

II. Supervision and Coordination of the Organizational, Administrative and Other Internal Affairs

6. Review of Membership
 - a) General Council
 - b) Fisheries Commission
7. Administrative Report
8. NAFO Newsletter

III. Coordination of External Relations

9. Communication with the United Nations re large-scale pelagic driftnet fishing
10. NAFO Observership at other International Bodies
 - a) NAFO Observer at NAMMCO
 - b) NAFO Observer at the UN Conference on Straddling and Highly Migratory Fish Stocks

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

11. Canadian legislation and its impact on the NAFO Convention
 - a) Framework legislation
 - b) Implementation regulation

12. Report of STACFAC at the Annual Meeting
 - a) Decision on possible recommendations

V. Finance

13. New Sharing of Contributions Among Contracting Parties
14. Report of STACFAD at the Annual Meeting
15. Adoption of the Budget for 1995

VI. Closing Procedure

16. Time and Place of Next Annual Meeting
17. Other Business
18. Press Release
19. Adjournment

Annex 3. Press Release

1. The Sixteenth Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO) was held in Dartmouth, Nova Scotia, Canada through 19-23 September 1994, under the chairmanship of E. Lemche (Denmark in respect of the Faroe Islands and Greenland), 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 Union (EU), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, and Russia. The General Council extended its welcome to a new member of NAFO, Republic of Korea, which acceded to the NAFO Convention on 21 December 1993. The Republic of Korea was unanimously admitted to become a member of Fisheries Commission on 20 September 1994. Observers were admitted from the United States of America. In total, 150 participants were registered at the meeting.
3. The Annual Meeting was preceded by the following meetings: Special Scientific Council Meeting (NAFO Headquarters, November 1993), Special Meeting of the Fisheries Commission (Brussels, February 1994), Regular Meeting of the Scientific Council (Keddy's Inn, Dartmouth, Canada, June 1994), Special Meeting of the Standing Committee on International Control (NAFO Headquarters, August 1994), Symposium on Impact of Anomalous Oceanographic Conditions at the Beginning of the 1990s in the Northwest Atlantic on the Distribution and Behaviour of Marine Life (NAFO Headquarters, September 1994).
4. The Scientific Council, under the chairmanship of H. Lassen (European Union), 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 low level of major groundfish stocks in the Regulatory Area and continuing decline for some of them.

At the same time, the Scientific Council advised on new fishery for shrimp on the Flemish Cap. The Scientific Council advice for this fishery was to continue regulation of shrimp fishery by sorting grates and mesh size of 40 mm to prevent by-catch of other species and, specifically, redfish and cod.

5. The Fisheries Commission, under the chairmanship of H. Koster (European Union), undertook deliberations on substantial issues pertaining to the management and conservation of the fisheries resources in the Regulatory Area and agreed on conservation measures pursuing the prime objective of conservation and restoration of the fish stocks.

In particular, the Fisheries Commission agreed to continue for 1995, moratoriums - "no directed fishing" - on six (6) major fish stocks: Cod in Div. 3NO, American plaice in Div. 3M and 3LNO, Yellowtail in Div. 3LNO, Witch in Div. 3NO and Capelin in Div. 3NO. (Quota Table attached).

The Fisheries Commission extended the Pilot Project for Observer Program (established in 1993) for 1995 and recommended increased coverage for Greenland halibut. The shrimp fishery in 3M will be regulated by mesh size of 40 mm, sorting grates with 22mm spacing between bars for escapement of other juvenile species, and mandatory requirements to change the fishing ground if by-catch of regulated groundfish species exceed 5%.

The shrimp fishery in 3LN will be closed. The Fisheries Commission also established catch limitation for Greenland halibut in the Areas 2+3.

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 continue to be prohibited in 1995, which is consistent with the current moratorium that is being continued by Canada on the fishery of this stock inside 200 miles.
7. Following the presentation of the Standing Committee on Finance and Administration (STACFAD), by the Chair, J. Quintal-McGrath (Canada), the General Council adopted the Organization's budget and accounts for 1995.
8. The General Council took note of statements by several Contracting Parties regarding the fact that Canada had passed unilateral legislation designed to reduce the problem of fishing in the NAFO Regulatory Area by vessels from Non-Contracting Parties.
9. 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 (European Union), and endorsed the recommendations directed to prevent further fishing activities by non-Contracting Parties vessels in the NAFO Regulatory Area. The General Council noted that the number of Non-Contracting Parties fishing vessels in the Regulatory Area has decreased since 1992/93 as the result of comprehensive and persistent activity by NAFO and NAFO members on advice from STACFAC. The General Council unanimously agreed to proceed with diplomatic demarches from NAFO to the Governments of Non-Contracting Parties with vessels fishing in the NAFO Regulatory Area and adopted Resolution GC 94/1 which calls upon all countries fishing in the NAFO Regulatory Area to accede to the FAO Agreement on the High Seas Fishery (attached).

Considering that the threat of unregulated activity by Non-Contracting Parties is still continuing, the General Council decided to call an intersessional STACFAC meeting in Brussels, in 1995 to discuss outstanding issues related to this problem.

10. The following elections took place for the constituent and subsidiary bodies of NAFO:

Chairman of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC) C. C. Southgate (European Union)

Vice-Chairman of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC) H. Fischer (Denmark in respect of the Faroe Islands and Greenland)

Chairman of the Standing Committee on
Fishery Science (STACFIS)

W. B. Brodie (Canada)

General Council
NAFO
Canada
23 September 1994

NAFO Secretariat
Dartmouth, N.S.,

NAFO General Council Resolution 94/1

16th Annual NAFO Meeting
19-23 September 1994

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

GC 94/1. To the Parties whose vessels have been observed fishing in the NAFO Regulatory Area over the past year.

NAFO calls upon all its Contracting Parties and upon all those Non-Contracting Parties whose vessels have been observed fishing in the NAFO Regulatory Area over the past year to deposit as soon as possible their instruments of acceptance to the United Nations Food and Agriculture Organization's "Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas" and pending the entry into force of that Agreement, to apply its provisions to the area of High Seas known as the NAFO Regulatory Area with immediate effect.

Closing Plenary Session
23 September 1994

QUOTA TABLE. Total allowable catches (TACs) and quotas (metric tons) for 1995 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	Greenland halibut	Squid (<i>Illex</i>) ^{1,2}
	Div. 3M	Div. 3NO*	Div. 3M	Div. 3LN	Div. 3M*	Div. 3LNO*	Div. 3LNO*	Div. 3NO*	Div. 3NO*	Subareas 2+3	Subareas 3+4
1. Bulgaria	-	N	390	-	N	N	N	N	N		500
2. Canada	85	O	650	5 964	O	O	O	O	O		N.S. ⁴
3. Cuba	407	D	2 275	1 372	D	D	D	D	D		2 250
4. Denmark (Faroe Islands and Greenland)	2 461 ¹	I R E	-	-	I R E	I R E	I R E	I R E	I R E		
5. European Union	5 485	C T	4 030	476	C T	C T	C T	C T	C T		N.S. ⁴
6. Iceland	-	E D	-	-	E D	E D	E D	E D	E D		
7. Japan	-		520	-							2 250
8. Korea	-		-	-							2 000
9. Norway	1 018	F I S	-	-	F I S	F I S	F I S	F I S	F I S		
10. Poland	424	H I N G	-	-	H I N G	H I N G	H I N G	H I N G	H I N G		1 000
11. Estonia	1 078 ¹										
12. Latvia			18 005 ⁵	6 104 ¹							5 000 ¹
13. Lithuania											
14. Russia											
15. Others	42		130	84							3 000
Total Allowable Catch	11 000	*	26 000	14 000	*	*	*	*	*	27 000 ⁶	150 000 ³

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.

⁶ Decisions on catch shares to be made at a Special Meeting of the Fisheries Commission. Until these decisions are made, the provisions of Part I, Section A.3 of the NAFO Conservation and Enforcement Measures shall apply. Any catches taken as from 1 January 1995 by a Contracting Party will be deducted from the quota of this Contracting Party to be agreed by the Fisheries Commission at its Special Meeting.

* The provisions of Part I, Section A.4b) of NAFO Conservation and Enforcement Measures shall apply.

Annex 4. Statement from the European Union Delegation on the Canadian Legislation

1. First of all I want to confirm the European Union's preoccupation with the biological state of many of the fish stocks in the NAFO Convention Area. We share entirely the Canadian Government anxiety's with the situation.
2. We equally share the view that the outmost efforts must be made to ensure the sustainability of fisheries resources and we have on several occasions demonstrated our willingness to engage in such efforts.
3. We are also in full agreement with the need to persuade non-Contracting Parties and in particular States offering flag-of-convenience facilities that fishing practices of their vessels have adverse effects on NAFO resources and the efforts to further improve the conservation and management of resources.
4. In this regard it should be noted that our concerted efforts, agreed to by consensus by all the Contracting Parties, have met with marked success and that the presence of this kind of vessel has substantially decreased from around 40 vessels in 1992 to around 7 vessels presently reported in the Regulatory Area. One can therefore conclude that persuasive diplomacy remains an art of power although one cannot expect a complete change in the situation overnight.
5. It is therefore with concern that we learned that Canada on 13 May adopted Legislation empowering the Canadian Authorities to arrest any fishing vessel fishing on the High Seas in the NAFO Convention Area deemed an infraction with Canadian Legislation. The implementing Regulation currently limits the scope of this law to cover some well defined countries. However, the law allows the Canadian Authorities to amend the Regulation overnight to cover any new species and any new Flag State including the Contracting Parties.
6. In addition the law runs counter to the efforts made by the international Community to improve the management of fisheries resources, in particular on the High Seas. In this regard one may ask the question why should we all do our best to endeavour to establish a code of conduct for responsible fishing underway within the framework of FAO, and a model for the management of straddling fish stocks and highly migratory fish stocks under negotiations under the auspices of the United Nations - with all the difficult and sometime painful compromises necessary - if at the same time such efforts for multilateral solution to multilateral problems are undermined by unilateral action.

We are afraid that this law is not helpful in the search for a consensus on these various international initiatives.

We are equally afraid of the precedent created by Canada in this respect and consider it a measure of "creeping jurisdiction" which is not acceptable.

7. We are also very concerned with the law's possible impact on NAFO itself. The objectives of NAFO are described in the preamble to Convention which, inter alia, refers to:
 - a) "Taking into account the work of the Third United Nations Conference on the Law of the Sea in the field of fisheries";
 - b) The decision to "encourage international cooperation and consultation with respect to these resources".

NAFO thus provides the very platform for co-operation between the Contracting Parties. If a Contracting Party finds that the policy agreed to and pursued does not, in its view, offer a satisfactory result it is free to request a special meeting with the view to taking appropriate urgent measure.

8. We are also worried that Canada has found it appropriate single handed to decide what are straddling stocks and by whom they cannot be fished. It is clear that the responsibility for the management and conservation of these resources in the Regulatory Area falls within the purview of NAFO (Fisheries Commission, Art. XI).
9. Considering the situation in the NAFO area has been transparent, it is difficult to understand why Canada found it necessary to adopt the legislation in question almost as an emergency measure without making use of the NAFO platform for co-operation.

In this context the question should be asked "what is the sense of having a STACFAC Committee, STACFAC points on the agenda and agreement by consensus on measures to be taken", if the issues dealt with are being treated unilaterally by other means by Canada.

We are convinced that if Canada had consulted appropriately, the other Contracting Parties would have fully co-operated with the objectives of finding additional multilateral acceptable measures to address the problems by the fishery in question.

10. We find that this legislation and its implementation are contrary to international law and practice and in particular with UNCLOS. We note that Canada has stated that the action taken is of a temporary character pending the outcome of the United Nations Conference on straddling stocks and highly migratory stocks.
11. The European Union proposes therefore that the Council considers thoroughly the measures taken by Canada and its implication for NAFO as an international regional fisheries organization responsible for the conservation and management in the Convention Area.

Annex 5. Statement by the Head of Canadian Delegation on New Canadian Legislation

1. Introduction

History, Nature and Extent of the Problem

- ▶ As early as 1979, the first year of NAFO's existence, fishing by vessels from non-members was recognized as a serious conservation problem for the NAFO managed stocks.
- ▶ Catches of flag-of-convenience vessels operating in the NAFO Regulatory Area (NRA) increased significantly during the second half of the 1980's to an estimated peak of 47,300t in 1991. During these same years the stocks, and the TAC's set by NAFO, were declining dramatically, as were the catches of most NAFO members.
- ▶ From 1984 to 1993 vessels from non-Contracting Parties harvested more than 20% of all catches in the NRA, taking an estimated 325,700t of NAFO managed groundfish.
- ▶ Despite recent declines in TACs and fishing effort by most Contracting Parties, the NCP problem continues. There were 35 NCP vessels in 1991 and 1992, 31 vessels in 1993 and by mid-year in 1994 we had identified 24 different vessels in 1994.
- ▶ When the new Canadian Government, elected in late 1993, reviewed the situation, they realized that fishing by non-Contracting Parties had seriously undermined the effectiveness of NAFO conservation measures and had contributed significantly to the disastrous overfishing that has brought about the collapse of the fisheries we face today. The United Nations Conference to resolve these problems was underway, but when it would finish its work, and whether its results would be effective, was unclear. The new Canadian Government decided that it could wait no longer to stop these NCP fisheries for the straddling stocks that are a fundamental part of the Canadian resource base inside the Canadian 200-mile limit.

2. NAFO Action, and Failure to Achieve Results

- ▶ In 1979, the Commission's first year of operation, a NAFO Fisheries Commission resolution was adopted calling on NAFO members to take all practical steps to prevent fishing by NCP vessels in the NAFO Regulatory Area.
- ▶ Since the mid 1980's the NAFO Executive Secretary or the NAFO President has written to non-Contracting Parties on a regular basis requesting them to respect NAFO measures. NAFO, recognizing the seriousness of the issue, created STACFAC in 1990 as a standing committee to find ways to stop NCP fishing. Since then numerous proposals have been discussed, numerous diplomatic demarches have taken place, but the problem has continued, with very little change.

- ▶ In 1990 the General Council also resolved that "all Contracting Parties should take effective measures to reduce the benefits of any fishing activities undertaken by vessels from non-Contracting Parties in the NAFO Regulatory Area where such fisheries take place contrary to NAFO conservation measures, with the aim of causing them to withdraw from such activities". Except for Canada's continuous closure of its ports, no such action has taken place - the benefits of fishing against the NAFO rules continues unabated, except by the declines in the stocks.
- ▶ Since 1991 other NAFO Contracting Parties joined with us in regularly visiting capitals or calling in Ambassadors from offending states to outline the seriousness of the problem and plead for a cessation. There has been a constant succession of joint and bilateral representations accompanied by photographic evidence packages.
- ▶ This winter a joint NAFO demarche was made to Panama and Honduras and a deadline for action was set out: before the end of April. The vessels remained.
- ▶ Despite indications of cooperation from most of the NCPs, the problem has not been remedied. Fines have been small and ineffective and the problem of re-flagging continues.
- ▶ Canada has been at the forefront of every NAFO activity against NCP vessels, and had devoted the most time, energy, and expense in extensive bilateral diplomatic contacts to stop this overfishing.
- ▶ No one can deny the seriousness of the problem. No one can deny that Canada worked harder than any Contracting Party in NAFO to find workable solutions.
- ▶ Unfortunately the results of all these efforts failed to resolve the problem.

3. The Reality in 1994

- ▶ Up to May of this year, a total of 24 different NCP vessels were sighted in the NAFO Regulatory Area.

January	4	vessels with an estimated catch of	425t
February	8		1150t
March	10		1275t
April	12		1450t
May	15		<u>2500t</u>
			6800t
- ▶ This was happening when all NAFO Contracting Parties had adopted and were respecting moratoria on most straddling stocks.

- ▶ The Canadian fishery for virtually all the stock concerned had been closed down. A massive unemployment and social welfare crisis existed that had no precedent in Newfoundland or elsewhere. The commercial survival of key straddling stocks was being threatened. As long as the NCP vessels continued to operate there was no hope that the stocks could recover. The Canadian Government decided that it would wait no longer for international pressure to become effective. Canada's vital interests were involved, and action had to be taken.

4. Canadian Action

- ▶ The Coastal Fisheries Protection Act was amended May 12 by unanimous consent of the Canadian Parliament. The united will of Canadians is reflected in the fact that the legislation passed through the Canadian House of Commons and Senate in 3 days. It came into force on May 30.
- ▶ As NAFO is a fisheries management organization, I want to explain what this amendment has done on the fishing grounds. NAFO is not, I suggest, the place to debate questions of international law, though I can assure you that Canada believes its actions are defensible under international law.
- ▶ As a result of the Canadian law, fishing of straddling stocks by flag of convenience and stateless fishing vessels has stopped.
- ▶ Before the legislation came into force, every such vessel was visited by Canadian authorities at sea. The nature of the problem and the objectives of the new Canadian regulations were explained to them. We even provided Spanish and Portuguese translations of the Canadian legislation to these vessels to ensure that they fully understood the situation.
- ▶ Canada has also been in contact with every State listed in our regulation. Their governments are fully aware of Canada's concerns and the rationale for our legislative approach. Considerable sympathy was expressed, and in most cases the governments were relieved that effective action was being taken to control these vessels, which they had been unable to do.
- ▶ The result is that every single vessel covered by the regulations stopped fishing the straddling stocks by the end of May and they have not returned.
- ▶ The important implication for NAFO is that for the first time since 1979 flag-of-convenience vessels are not undermining NAFO measures for straddling stocks. The collective decisions of NAFO on moratoria and other regulations are being applied and respected by the vessels of all countries.
- ▶ A practical step has been taken so that NAFO measures are working.
- ▶ The Canadian Government has made clear that it intends to replace the Canadian legislation with new legislation in conformity with the terms of a new United Nation Convention if adopted that deals effectively with these problems.

Annex 6. General Council Resolution 94/1

NAFO General Council Resolution 94/1

16th Annual NAFO Meeting
19-23 September 1994

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

GC 94/1. To the Parties whose vessels have been observed fishing in the NAFO Regulatory Area over the past year.

NAFO calls upon all its Contracting Parties and upon all those Non-Contracting Parties whose vessels have been observed fishing in the NAFO Regulatory Area over the past year to deposit as soon as possible their instruments of acceptance to the United Nations Food and Agriculture Organization's "Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas" and pending the entry into force of that Agreement, to apply its provisions to the area of High Seas known as the NAFO Regulatory Area with immediate effect.

Closing Plenary Session
23 September 1994

**Annex 7. European Union Statement to Point 11 of the General
Council Agenda (Canadian legislation)**

The European Union wish to refer to the intervention by the Contracting Parties in regard to the Canadian legislation empowering Canada to arrest foreign fishing vessels in the NAFO Regulatory Area. We note that other Contracting Parties share the view of the European Union and regret that there was no concensus on this issue.

**Annex 8. Terms of Reference for STACFAC to Consider
the Non-Contracting Parties Fishing Activity in the NAFO
Regulatory Area**

- a) To call intersessional STACFAC meeting in 1995 for discussing the following items:
 - i) Assistance to individual Non-Contracting Parties for the control of their vessels in the NAFO Regulatory Area. Both the bilateral and multilateral approaches will be discussed;
 - ii) Port Closures and Restriction of Landings;
 - iii) Other issues.
- b) To consider a Resolution (tabled by Canada) which reads:

"STACFAC recommends that NAFO Contracting Parties which consider action is necessary to terminate the presence of vessels of Non-Contracting Parties in those portions of the Regulatory Area where these vessels are continuing to fish should make efforts to obtain arrangements under which NAFO Contracting Parties can board and inspect such vessels and arrest those vessels considered to have undermined the effectiveness of NAFO conservation and management measures."
- c) The dates of the Meeting would be within the following three options:

January 23 - 27
March 13-17
April 24- 28
- d) The place of the Meeting - Brussels, Belgium.

Annex 9. Coordinating Working Party on (Atlantic)* Fishery Statistics

Proposed Statutes

1. TERMS OF REFERENCE. The Coordinating Working Party on (Atlantic)* Fishery Statistics (CWP) shall:
 - (i) keep under continuous review the requirements for (Atlantic)* fishery statistics (including aquaculture) for the purposes of research, policy-making and management, taking into account inter alia* their purposes, usefulness, cost, burden in collection and collation, timeliness, quality, confidentiality needs and regional differences;
 - (ii) agree standard concepts, definitions, classifications and methodologies for the collection and collation of fishery statistics;
 - (iii) make proposals and recommendations for action in relation to the collection, collation and dissemination of fishery statistics, recognizing the need to coordinate activities so as to avoid duplication.
2. COMPOSITION. The Working Party shall be composed of experts nominated by intergovernmental organizations which have a competence in fishery statistics. The following shall be the participating organizations initially:

Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)
 Food and Agriculture Organization of the United Nations (FAO)
 International Commission for the Conservation of Atlantic Tunas (ICCAT)
 International Council for the Exploration of the Sea (ICES)
 North Atlantic Salmon Conservation Organization (NASCO)
 Northwest Atlantic Fisheries Organization (NAFO)
 Organisation for Economic Cooperation and Development (OECD)
 Statistical Office of the European Communities (EU/Eurostat)

Participating organizations may admit other intergovernmental organizations having competence in fishery statistics. Participating organizations may withdraw from the Working Party.

Each of the participating organizations may nominate up to five experts in accordance with their respective internal procedures.

Footnotes: modifications made by the NAFO Scientific Council.

* Word Atlantic deleted.

* Words inter alia inserted.

3. SECRETARY. The Secretary to the Working Party shall be appointed by the Director General of FAO and shall be administratively responsible to him.
4. RULES OF PROCEDURE. The Working Party will* adopt its own Rules of Procedure and amendments thereto which shall come into force unless any participating organization objects within three months of the adoption.
5. AMENDMENTS OF STATUTES. Proposals for amendments to the Statutes shall be submitted to the CWP Secretary by one or more participating organizations or shall be recommended by the Working Party. Amendments shall come into force upon receipt by the CWP Secretary of notification of approval by all of the participating organizations in accordance with their respective internal procedures.

* "Party may adopt" changed to read "Party will adopt".

PART II

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

Monday, 19 September 1994 (1445-1700 hours)
Tuesday, 20 September 1994 (1615-1735 hours)
Wednesday, 21 September 1994 (1030-1130 hours)
Wednesday, 21 September 1994 (1645-1750 hours)

1. Opening

The Chairperson, J. Quintal-McGrath (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 1993

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 recommends to the General Council that the Auditors Report for 1993 be adopted.

5. Meeting of the Pension Society

The Chairperson drew attention to the appropriate NAFO Secretariat report (STACFAD Working Paper 94/2). The delegate of EU noted the vesting period for employees to receive a pension had been reduced from 5 years to 4 years and asked if there were any costs associated with this change and requested an explanation of the \$10,000.00 shown as NAFO's share of the cost for the service of an Administering Agent, auditor and the production of a procedures manual. The \$10,000.00 was only an estimate and would be discussed in detail when the preliminary budget estimate for 1995 was discussed later under Agenda item 9.

The Executive Secretary explained that there was no extra cost associated with the vesting period being reduced to 4 years.

6. Review of Cost Implications for the NAFO Secretariat of the Hail System in the Regulatory Area

The Executive Secretary introduced STACFAD Working Paper 94/1 and advised STACFAD that an estimated \$9,569.44 would be spent on the transmission of Hail Reports from the NAFO Secretariat to Contracting Parties with inspection presence in the Regulatory Area. However, the costs would drastically increase if Contracting Parties would dispatch their reports from/to individual vessels (as it is provisioned in the Conservation and Enforcement Measures).

The representative of Canada asked if any final assessment has been carried out on the Hail System Pilot Project.

The Executive Secretary stated that no assessment of the pilot project had been made due to incomplete data and unaccomplished on-going task of the project. However he was cautiously optimistic that the pilot project will lead to a much cheaper means of communication of Hail Reports in the near future. At the same time, he noted that this system could be effective and low cost implications if all Contracting Parties agreed on the unified technical means and procedure. Otherwise the only cost effective alternative would be to run the system by telefax transmissions until unanimous approach has been achieved.

The representative of the EU inquired about cost implications for the NAFO Secretariat related to the Canadian proposals re incorporation of catch reports and other features into the Hail System.

The Executive Secretary stated that there was no provision made for any possible additional expenses as a result of these two proposals.

7. Administrative Report and Financial Statements for the Fiscal Year Ending 31 December 1994 (as of 31 July 1994)

The Committee reviewed the Administrative Report GC Doc. 94/3 and recommended it for adoption by the General Council.

The representative of Canada requested information on salaries as shown in Statement I. The Executive Secretary pointed out that incremental increases were paid to some of the staff before information was received that all salaries in the Federal Civil Service had been frozen and noted that this change will be reflected in the budget estimate for 1995.

The Executive Secretary drew attention to the contributions receivable from Contracting Parties shown in Statement III (\$103,716). He expressed concern regarding the amount owed by Bulgaria (1994-\$14,893.10; 1993-\$18,109.12) and the lack of response to his requests for payment of these contributions. He felt that possibly the amount due from Bulgaria (\$33,002.22) should be handled in the same manner as Romania's contributions and written off as suggested by the NAFO Auditors. The total amount (Romania/Bulgaria) \$47,896 is shown as deemed uncollectible in Statement IV.

The representative of Cuba explained that the NAFO Secretariat would receive the Cuban contribution later this year.

The representative of the European Union (EU) pointed out that any amount owing by the EU (estimated by the NAFO Secretariat to be \$ 1,445.89) would be forwarded to the NAFO Secretariat once the exact amount has been agreed upon.

The preliminary calculation of billing for Contracting Parties in Statement V was reviewed in detail.

The representative of Cuba would like to verify the nominal catch figures shown for Cuba as he felt that possibly some of these catches could be as a result of joint ventures with other Contracting Parties and agreed to discuss this during the meeting and advise the Secretariat as soon as possible.

The representative of Latvia questioned the nominal catches shown for Latvia and also pointed out that Estonia and Lithuania, who did not report catch statistics for 1992 are not included in the 60% calculation shown in Statement V.

The Executive Secretary explained that the calculation of contributions (60%) is based on statistics available in the Secretariat and if Estonia and Lithuania were to submit statistics for 1992 then those figures would be included in the final calculations.

The representative of Estonia contacted authorities in Estonia and provided catch statistics for 1992.

The Executive Secretary contacted the representative from Lithuania and discussed the availability of catch statistics for 1992. The Lithuanian representative promised to provide any available information by mail in the near future.

The representative of Latvia felt that the total catch of 7,472 tons shown in Statement V was for whole of 1992. After discussion of the matter STACFAD agreed to recommend to the General Council that the contribution of Latvia for 1995 be estimated based on the catch for September-December 1992, after the accession of Latvia to the NAFO Convention (August, 1992).

The same estimate will apply to Estonia and would apply to Lithuania if catch statistics for 1992 were available/received from that country. These estimates will be in accordance with provisions of Article XVI.8 of the NAFO Convention.

8. Review of Accumulated Surplus Account

The Executive Secretary advised STACFAD that an amount of \$ 47,896 deemed uncollectible for Romania/Bulgaria had been deducted from the Accumulated Surplus Account and that \$ 75,000 had been appropriated to maintain a minimum balance in the account.

The estimated Accumulated Surplus at the end of 1994 to be used to reduce contributions of Contracting Parties for 1995 would be \$ 129,554 (NAFO GC Doc. 94/3 Statement IV).

The representative of Russia asked the Executive Secretary if he had contacted the Bulgarian authorities.

The Executive Secretary stated that he has not received a response from Bulgaria when requesting payment of their contribution or other correspondence forwarded to Contracting Parties.

In the absence of any solution to the outstanding amounts owing from Romania and Bulgaria (\$ 47,896) STACFAD recommends to the General Council that this amount be deducted from the Accumulated Surplus Account.

STACFAD also agreed to ask the Chairman of the General Council to contact Romania and Bulgaria to inquire about their outstanding debt to and participation in NAFO.

STACFAD recommends to the General Council that the Accumulated Surplus be maintained at \$ 75,000 and the balance (approximately \$ 129,554) be used to reduce contributions of Contracting Parties for 1995.

9. Preliminary Budget Estimate for the Fiscal Year Ending 31 December 1995

The Chairperson asked the Executive Secretary to elaborate on the Preliminary Budget Estimate for 1995 (GC Working Paper 94/3).

The Executive Secretary advised STACFAD that the amount of \$608,000 of budget forecast for salaries could be reduced by \$19,000 to the total amount of \$589,000 due to change in the staff positions.

He pointed out that the \$10,000 shown for administration of the pension fund was only an estimate and that no further information has been received from the Pension Society re this expense. Therefore, it is not necessary to include this amount in the budget estimate at this stage.

The Executive Secretary drew attention to the \$110,000 unfunded liability for termination benefits and noted that the General Council had approved an amount of \$10,000 be allocated from the Accumulated Surplus Account in 1994. It is proposed that the same amount be allocated to the 1995 budget.

STACFAD reviewed the preliminary budget estimate for 1995.

STACFAD recommends to the General Council that a minimum of \$ 10,000 be allocated each year until the unfunded termination benefit is fully funded.

STACFAD recommends to the General Council that a budget of \$ 964,000 be adopted as presented in Annex 3.

Preliminary calculations of the 1995 billing for Contracting Parties is provided in Annex 4.

10. Preliminary Budget Forecast for the Fiscal Year Ending 31 December 1996

STACFAD noted the preliminary budget forecast of \$ 996,000 for 1996 (Annex 5) would be reviewed in detail during the 17th Annual Meeting.

11. Time and Place of 1995, 1996 and 1997 Meetings

The location of the 1995, 1996 and 1997 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.

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

1997	-	Scientific Council	-	10-19 September
	-	Fisheries Commission	-	15-19 September
	-	General Council	-	15-19 September

12. Other Business

The Chairperson advised STACFAD that item 13 of the General Council Agenda - "New Sharing of Contributions Among Contracting Parties" had been referred to STACFAD by the General Council and asked the representative of Denmark (in respect of Faroe Islands and Greenland) to present its proposal (GC Working Paper 94/1).

The representative of Denmark reviewed the paper emphasizing 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 and pointed out that the declining catches in the Regulatory Area will result in a much larger contribution from Denmark, unless the present system of calculating the billing is revised.

Representatives from other Contracting Parties at the Meeting expressed their concerns as they could not accept the Danish proposal. They were unanimous this is not the best time to deal with this issue considering the economic and legal implications.

The representatives of Estonia, Latvia and Lithuania especially emphasized on their present economic situation and limited access to the NAFO fishing resources.

The representative of Denmark stated that if changes are not made to the present system and costs continue to increase then Denmark will have real problems in paying NAFO contributions. Therefore, he stated that Denmark would like to continue pursuing this subject and will submit a new proposal for distribution to Contracting Parties prior to next year's Annual Meeting.

The Chairperson noted that the Fisheries Commission requested STACFAD to estimate the possible cost implication of incorporation of catch reports into the Hail System. STACFAD agreed that this task could not be accomplished without proper terms of reference.

13. Adjournment

The Chairperson thanked the members of the Secretariat for their support and all participants for their cooperation and participation in the meetings.

All participants expressed sincere thanks to Ms. Quintal-McGrath for her efforts as Chairperson.

Annex 1. List of Participants

Name	Contracting Party
J. Quintal-McGrath	Canada
R. Steinbock	Canada
R. Dominguez	Cuba
E. Lemche	Denmark (in respect of Faroe Islands and Greenland)
H. Leth	Denmark (in respect of Faroe Islands and Greenland)
R. Aps	Estonia
F. Kingston	European Union (EU)
A. Halldorsson	Iceland
K. Hanafusa	Japan
M. Sato	Japan
B.-R. Yang	Republic of Korea
N. Riekstins	Latvia
A. Rusakevicius	Lithuania
L. Dybiec	Poland
V. Solodovnik	Russia
L. Chepel	NAFO Secretariat
H. Champion	NAFO Secretariat
F. Keating	NAFO Secretariat

Annex 2. Agenda

1. Opening by the Chairperson J. Quintal-McGrath (Canada)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Auditor's Report
5. Meeting of the Pension Society
6. Review of Cost Implications for the NAFO Secretariat of the Hail System in the Regulatory Area
7. Administrative and Financial Statements for 1994 (July)
8. Review of Accumulated Surplus Account
9. Preliminary Budget Estimate for 1995
10. Preliminary Budget Forecast for 1996
11. Time and Place of 1995, 1996 and 1997 Meetings
12. Other Business
13. Adjournment

Annex 3. Preliminary Budget Estimate for 1995

	Approved Budget for 1994	Preliminary Budget Forecast for 1995	Preliminary Budget Estimate for 1995
1. Personal Services			
a) Salaries	\$ 597,000	\$ 608,000	\$ 589,000 ^a
b) Superannuation and Annuities	74,000	75,000	78,000
c) Additional Help	1,000	1,000	1,000
d) Group Medical and Insurance Plans	34,000	36,000	40,000
e) Termination Benefits	21,000	15,000	18,000 ^b
f) Accrued Vacation Pay	2,000	2,000	2,000
g) Termination Benefits Liability	10,000		10,000
2. Travel	23,000	6,000	6,000 ^c
3. Transportation	1,000	1,000	1,000
4. Communications	53,000	55,000	57,000 ^d
5. Publications	20,000	25,000	22,000
6. Other Contractual Service	42,000	48,000	46,000
7. Materials and Supplies	30,000	34,000	32,000
8. Equipment	5,000	5,000	5,000
9. Annual and Mid-Year Meetings	40,000	30,000	42,000 ^e
10. Computer Services	15,000	17,000	15,000
	\$ 968,000	\$ 958,000	\$ 964,000

^a Amount has been reduced from preliminary budget forecast due to retirement, in November 1994, of W. H. Champion, Administrative Assistant, and hiring of a replacement at a lower level of salary. It also reflects the freeze on salaries as noted under item 7 of this report.

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

^c Assistant Executive Secretary attendance at the 16th Session of the CWP, Madrid, Spain, February 1995.

^d This figure was increased to cover possible postage increase in Canada and to cover the extra costs involved with the Hail System. A Working Paper will be presented re costs of communication.

^e This figure includes the cost for Annual, Mid-Year Meetings and the Scientific Council Meetings, if held in the Halifax-Dartmouth area.

Annex 4. Preliminary Calculation of Billing for 1995

Preliminary calculation of billing for Contracting Parties
against the proposed estimate of \$964 000.00 for the 1995
financial year (based on 15 Contracting Parties to NAFO).

Budget Estimate.....	\$964 000.00
Deduct: Amount from Accumulated Surplus Account.....	<u>129 554.00</u>
Funds required to meet 1993 Budget.....	<u>\$834 446.00</u>

60% of funds required = \$ 500 667.60

10% of funds required = 83 444.60

30% of funds required = 250 333.80

Contracting Parties	Nominal Catches for 1992	% of Total Catch in the Convention Area	10%	30%	60%	Amount billed
Bulgaria	-	-	-	16,688.92	-	\$ 16,688.92
Canada ¹	731,988	74.998	73,264.36	16,688.92	375,490.69	465,443.97
Cuba ¹	25,857	2.649	-	16,688.92	13,262.68	29,951.60
Denmark (Faroes and Greenland) ²	101,757	10.426	10,180.24	16,688.92	52,199.60	79,068.76
Estonia	35 ³	0.004	-	16,688.92	20.03	16,708.95
European Union ¹	87,792	8.995	-	16,688.92	45,035.05	61,723.97
Iceland	-	-	-	16,688.92	-	16,688.92
Japan	10,601	1.086	-	16,688.92	5,437.25	22,126.17
Republic of Korea	-	-	-	16,688.92	-	16,688.92
Latvia	3,014 ³	0.309	-	16,688.92	1,547.06	18,235.98
Lithuania	0 ³	-	-	16,688.92	-	16,688.92
Norway	2,482	0.254	-	16,688.92	1,271.70	17,960.62
Poland	-	-	-	16,688.92	-	16,688.92
Romania	-	-	-	16,688.92	-	16,688.92
Russia	12,487	1.279	-	16,688.92	6,403.54	23,092.46
	976,013	100.00	83,444.60	250,333.80	500,667.60	<u>\$834,446.00</u>
Funds required to meet 1 January - 31 December 1995 Administrative Budget						<u>\$834,446.00</u>

¹ Provisional Statistics used when calculating 1992 nominal catches.

² Faroes = 4,113; Greenland = 97,644

³ Based on catch statistics for September-December 1992. See page 38 of this report.

Annex 5. Preliminary Budget Estimate Forecast 1996

1.	Personal Services	
	a) Salaries	\$ 589,000
	b) Superannuation and Annuities	80,000 ^a
	c) Additional Help	1,000
	d) Group Medical and Insurance Plans	42,000
	e) Termination Benefits	20,000 ^b
	f) Accrued Vacation Pay	2,000
	g) Termination Benefits Liability	10,000
2.	Travel	25,000 ^c
3.	Transportation	1,000
4.	Communications	58,000
5.	Publications	22,000
6.	Other Contractual Services	48,000
7.	Materials and Supplies	34,000
8.	Equipment	5,000
9.	Annual and Mid-Year Meetings	42,000 ^d
10.	Computer Services	<u>17,000</u>
		<u>\$ 996,000</u>

^a This figure does not include administration fee for Pension Plan.

^b This figure is for 1996 credits and conforms with NAFO Staff Rule 10.4(a).

^c This figure includes home leave to Russia for Executive Secretary and 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 1996, Washington, D.C., USA; Assistant Executive Secretary attendance at the *ad hoc* Interagency Consultations of the CWP.

^d This figure includes the cost for Annual, Mid-Year Meetings and the Scientific Council Meetings if held in the Halifax-Dartmouth area.

PART III

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

1. Opening of the Meeting (items 1-3 of Agenda)

- 1.1 The meeting was opened by the Chairman C. C. Southgate (EU) at 0930 19 September. Two meetings were held 19 September and one meeting each 20-21 September.
- 1.2 The following Contracting Parties were represented: Canada, Denmark, EU, Japan, Korea, Norway, and Russia (Annex 1).
- 1.3 Observers from the United States of America were present.
- 1.4 W. Sanford (Canada) was appointed rapporteur.
- 1.5 The agenda was adopted as presented (Annex 2).

2. Information on Activities of Non-Contracting Parties in the Regulatory Area (items 4-6)

- 2.1 Sighting Information - Contracting Parties were asked to provide a review of sighting information. Canada and the European Union provided information (GC Doc. 94/...). The Canadian delegation indicated that four vessels had been sighted under two different flags this year. Canada indicated that all vessels had withdrawn from the Nose and Tail of the Grand Banks in June 1994 following the implementation of its legislation, while increased effort was observed in 3M. With respect to USA landings the American observers stated that actual landings for 1993 totalled 165 tonnes and that this information had been reported to the NAFO Secretariat.
- 2.2 Landings and Transshipments - No information was provided. However, Canada stated that as its ports were closed to these vessels, there had been no landings or transshipments.
- 2.3 Imports - The representative of the European Union indicated that they had no information to provide. The Japanese representative provided import information for 1993 (GC Doc. 94/). The Russian representative added that the figures provided by Japan could also represent transshipments.

3. Diplomatic Contacts with Non-Contracting Parties (item 7)

- 3.1 The representative of the European Union as coordinator of the NAFO demarche, stated that two demarches were undertaken with Non-Contracting Parties. The first was with Panama in Brussels on November 17, 1993; with a number of NAFO Member resident Ambassadors present. The second was a high level delegation consisting of the European Union, Canada and Japan, supported by Russia which visited Panama and Honduras 21-23 February 1994. The Government of Panama received the delegation favourably; gave assurances of its intention to deal with all vessels about which information was presented;

and stated that it was in the process of preparing new regulations to bring these vessels under control. The Government of Honduras was very receptive to the delegation; stated that it was in the process of deregistering vessels based on diplomatic representations; and was in the process of revising its shipping legislation. It was reported that the Landing Declaration was not presented so as not to give the NCP countries an opportunity to consider acceptance of this document as a satisfactory response to the NAFO demarche.

- 3.2 The representative of Canada reported that following the introduction of its legislation diplomatic demarches were made during June 1994 in Panama, Belize, Honduras, St. Vincent and the Grenadines, and the Cayman Islands. In each instance, the government concerned indicated its understanding of the seriousness of the situation and its intention to deal with the vessels involved. The Canadian delegation noted that following the introduction of its legislation all flag of convenience and stateless vessels withdrew from the Nose and Tail of the Grand Banks and have not returned to these areas. Canada also noted that Panama had deregistered twelve vessels during 1994. The Cayman Islands deregistered its one vessel and at least one of the two vessels on the St. Vincent registry in early 1994 had been removed from that registry. Belize, however, had registered vessels deregistered by Panama and Honduras and these vessels continued to fish in the Regulatory Area.

4. Consideration of Options and Steps to Discourage Activities by Non-Contracting Parties (items 8-10)

- 4.1 FAO Compliance Agreement - The representative of Canada stated that it had deposited its instrument of acceptance with the FAO in May and implemented regulations to ensure that its vessels comply with regional measures on the worldwide basis.
- 4.2 The representative of the European Union said that it had commenced action to ratify the Agreement and stated that there was a proposal for a European Council decision to ratify which all member States would implement in due course.
- 4.3 The representative of Japan said that it had the intention to ratify the Agreement as soon as possible.
- 4.4 A general discussion followed of new initiatives and proposals to deal with the situation. The following possibilities were reviewed:
- (a) Diplomatic Demarches - It was agreed that diplomatic demarches, although they did not work quickly, had a positive effect. The representative of the European Union recommended that they be continued at a high level with acceptance of the FAO Agreement on Compliance as a central measure in the demarche. After a lengthy discussion it was decided to recommend that the President of NAFO begin the renewed demarche process with a letter to the Foreign Ministers of Non-Contracting Parties (Annex 3). This letter would be sent to Belize, Honduras, Venezuela, the USA, and to Panama, and St. Vincent if in the interim their vessels returned to the Regulatory Area. It was agreed that a further round of high level demarches should be conducted following a proposed STACFAC Intersessional Meeting.

- (b) Port Closures and Restriction of Landings - The representative of Canada suggested that other contracting parties consider closing their ports to NCP vessels as Canada had done. The representative of the European Union suggested as an alternative the restriction of landings by specific NCP vessels sighted fishing in the Regulatory Area. Canada supported this suggestion noting that three NAFO Contracting Parties (Canada, Russia, Japan) and also the U.S.A had a similar provision on salmon in the North Pacific. Japan indicated that each application of this type of provision required careful analysis. The Chairman recommended that this suggestion be explored at a STACFAC Intersessional Meeting.
- (c) Right of Arrest and Other Deterrent Measures - The representative of Canada proposed that rather than setting deadlines for the withdrawal of NCP vessels the NAFO diplomatic demarche should call directly for agreement by the Non-Contracting Parties to permit controls by NAFO Contracting Parties of NCP vessels which undermine NAFO conservation and enforcement measures. The representative of the European Union indicated that it found this idea interesting but that it preferred a multilateral NAFO approach. Furthermore, it observed that the compliance of any such measure with the international law should be ensured and that if necessary advice from the appropriate international organization, including GATT, should be requested. Canada undertook to prepare a draft proposal for discussion at a STACFAC Intersessional Meeting.
- (d) The representative of Canada proposed the following draft resolution to STACFAC:

STACFAC recommends that NAFO Contracting Parties which consider action is necessary to terminate the presence of vessels of Non-Contracting Parties in those portions of the Regulatory Area where these vessels are continuing to fish should make efforts to obtain arrangements under which NAFO Contracting Parties can board and inspect such vessels and arrest those vessels considered to have undermined the effectiveness of NAFO conservation and management measures.

The representative of the EU could not agree with the present proposal but STACFAC agreed to include it within the subjects for discussion at the proposed Intersessional Meeting.

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

- 5.1 STACFAC recommends that the President of NAFO write to the Foreign Ministers of Belize, Honduras, Venezuela and the USA, and also of Panama and St. Vincent if their vessels return to the Regulatory Area, as at Annex 3 (see para 4.4a) above).

STACFAC Intersessional Meeting - It was agreed to recommend to the General Council that a STACFAC Intersessional Meeting be called to discuss the following items:

- (i) Assistance to individual Non-Contracting Parties for the control of their vessels in the NAFO Regulatory Area. Both the bilateral and multilateral approaches will be discussed;
- (ii) Port Closures and Restriction of Landings;
- (iii) Other issues.

The European Union representative offered to host this meeting in Brussels. A proposed date would be determined following decision by General Council.

6. Other Matters (item 12)

- 6.1 There was no other business for this item.

7. Election of Chairman and Vice-Chairman (item 13)

- 7.1 The representative of Canada nominated and Japan seconded C.C. Southgate (EU) for another term as Chairman of STACFAC. This nomination was approved. The Chairman proposed H. Fischer (Denmark in respect of Faroe Islands and Greenland) as Vice-Chairman. This nomination was also approved.

8. Adjournment (item 14)

- 8.1 The meeting adjourned at 2200 hours on 22 September 1994.

Annex 1. STACFAC Heads of DelegationsContracting Party

Canada
Denmark
European Union
Japan
Korea
Norway
Russia

Name

E. Wiseman
H. Fischer
P. Heller
K. Hanafusa
Y. J. Jung
P. Gullestad
V. Fedorenko

Annex 2. Agenda

1. Opening by the Chairman, C. C. Southgate (EU)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of 1994 information on activities of non-Contracting Party vessels in the Regulatory Area
5. Review of 1994 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. Examination of options open to Contracting Parties and the General Council to discourage activities by non-Contracting Parties in the Regulatory Area
9. Consideration of steps to deter reflagging of Contracting Party vessels for the purpose of fishing contrary to NAFO conservation and management decisions
10. Other NAFO measures against stateless vessels and vessels from non-Contracting Parties
11. Report and Recommendations to the General Council
12. Other Matters
13. Election of Chairman and Vice-Chairman
14. Adjournment

**Annex 3 (Letter 1). Letter from the President of NAFO to the
Foreign Ministers of Non-Contracting Parties with Vessels
in the Regulatory Area**

I have been instructed by all members of the Northwest Atlantic Fisheries Organization (NAFO) present at its 16th Annual Meeting to raise at the highest level their concern about fishing activity by vessels flying your flag in the NAFO Regulatory Area.

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.

The Contracting Parties to NAFO have agreed to further express their co-operation in the conservation and management of living resources in the Regulatory Area.

The Contracting Parties to NAFO have made very substantial reductions in their permitted catches and introduced moratoria for the most severely depleted stocks. The fishing interests of the Contracting Parties of NAFO have thus made sacrifices in order to sustain resources for the future. They therefore expect that Non-Contracting Parties will respect their actions and not undermine them.

The Contracting Parties are deeply concerned at the fact that vessels flying the flags of Non-Contracting Parties to NAFO and which do not comply with their obligations to cooperate with other States in conservation and management have continue to be present in the NAFO Regulatory Area fishing on resources which are at historically depleted and critical levels. While fishing interests from all NAFO Contracting Parties respect moratoria and significant conservation restrictions, vessels from _____ continue to fish in the area to the severe detriment of critical resources.

The Government of _____ has stated that it does not wish to undermine the effectiveness of NAFO's conservation and management regime. The Contracting Parties to 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 real urgency for the immediate withdrawal of these vessels given the critical state of many of the NAFO-managed fish stocks.

The Contracting Parties to NAFO draw the attention of the Government of _____ to the FAO's Compliance Agreement adopted unanimously at the November 1993 meeting of the FAO Council and to the attached Resolution adopted at the 16th Annual Meeting of NAFO. The FAO Compliance Agreement lays down legal conditions for the regulation of High Seas fishing by Flag States and provides a suitable basis on which the Government of _____ could prevent its vessels from fishing in the NAFO Regulatory Area, undermining the conservation measures applied by NAFO Contracting Parties.

On behalf of the Contracting Parties to NAFO present at its 16th Annual Meeting: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union, Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland and the Russian Federation.

**Annex 3 (Letter 2). Letter from the President of NAFO to the
Foreign Ministers of Non-Contracting Parties with no
Vessels Currently in the Regulatory Area**

I have been instructed by all members of the Northwest Atlantic Fisheries Organization (NAFO) present at its 16th Annual Meeting to raise at the highest level their concern about fishing activity by vessels flying your flag in the NAFO Regulatory Area.

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.

The Contracting Parties to NAFO have agreed to further express their co-operation in the conservation and management of living resources in the Regulatory Area.

The Contracting Parties to NAFO have made very substantial reductions in their permitted catches and introduced moratoria for the most severely depleted stocks. The fishing interests of the Contracting Parties of NAFO have thus made sacrifices in order to sustain resources for the future. They therefore expect that Non-Contracting Parties will respect their actions and not undermine them.

The Contracting Parties are deeply concerned at the fact that vessels flying the flags of Non-Contracting Parties to NAFO and which do not comply with their obligations to cooperate with other States in conservation and management have since our last Annual Meeting been present in the NAFO Regulatory Area fishing on resources which are at historically depleted and critical levels. While fishing interests from all NAFO Contracting Parties respect moratoria and significant conservation restrictions, vessels from _____ have fished in the area to the severe detriment of critical resources.

The Government of _____ has stated that it does not wish to undermine the effectiveness of NAFO's conservation and management regime. The Contracting Parties to 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. The Contracting Parties to NAFO express their pleasure that none of your flag vessels are in the NAFO Regulatory Area at this time. NAFO urges the Government of _____ to continue its efforts to ensure that none of its vessels return to the NAFO Regulatory Area. There is real urgency for the immediate withdrawal of all vessels whose activities undermine NAFO conservation and management measures given the critical state of many of the NAFO-managed fish stocks.

The Contracting Parties to NAFO draw the attention of the Government of _____ to the FAO's Compliance Agreement adopted unanimously at the November 1993 meeting of the FAO Council and to the attached Resolution adopted at the 16th Annual Meeting of NAFO. The FAO Compliance Agreement lays down legal conditions for the regulation of High Seas fishing by Flag States and provides a suitable basis on which the Government of _____ could prevent its vessels from fishing in the NAFO Regulatory Area, undermining the conservation measures applied by NAFO Contracting Parties.

On behalf of the Contracting Parties to NAFO present at its 16th Annual Meeting: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union, Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland and the Russian Federation.