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Status of Proposals for Amendments to the
Convention and for Trawl Regulations.
by the Executive Secretary.

The following sheets A and B showing the status of acceptance of ICNAF proposals for amendments to the Convention and for trawl regulations were prepared in the Secretariat in November, 1961 and submitted for checking to the Depository Government, Department of State, U.S.A.

The Department has been kind enough to carry out this checking, resulting in a number of amendments and additions including the period up to the beginning of March 1962. These amendments and additions are incorporated in the sheets A and B, attached.

Citations from a letter of 20th March by Mr. Charles I. Bevens, Assistant Legal Adviser, accompanying the checked sheets, and including extensive information on the present status, are given below.

The valuable support thus rendered the Commission by the Department of State, U.S.A. is highly appreciated.


Erik M. Poulsen

Citations from Mr. Charles I. Bevan's letter of 20th March, 1962:

I

"With reference to Sheet A, column (b), (Declaration of Understanding Regarding the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of April 24, 1961), I wish to inform you that the United States acceptance of the Declaration was deposited on February 9, 1962. This information can be added, as appropriate, to column (b) and footnote (2) of Sheet A.

The Declaration of Understanding is not yet in force. You will recall, in this connection, that paragraph 4 of the Declaration provides, inter alia, that "This Declaration shall enter into force on the date upon which all the Governments parties to the Convention have become parties to this Declaration." The Government of the Polish People's Republic, which became a party to the above-mentioned Convention on November 21, 1961 by virtue of the deposit on that date of an instrument of adherence with the United States Government, has not yet become a party to the Declaration. All other Governments parties to the Convention have now become parties to the Declaration of Understanding. The United States of America, in its capacity as the Depository Government, has extended an invitation to the Polish People's Republic to become a party to the Declaration of Understanding, to be effected by written notification of acceptance to the United States Government in accordance with the provisions of paragraph 3 thereof. At such time as the Declaration shall enter into force, you will be promptly informed by the Department of State.

The United States Government has also inquired of the Polish People's Republic whether it may assume that the adherence of the Polish People's Republic to the Convention may be understood as including the Protocol also. It is suggested that you might wish to add a footnote to that effect to column (a), Sheet A. The draft protocol regarding harp and hood seals (see column (c)) has also been transmitted to the Polish People's Republic for consideration."

II

"Reference is made to the various proposals for regulation of trawl fisheries listed on Sheet B. As you have indicated in columns (a) and (b) thereof, the 1955 proposals for Sub-areas 3, 4, and 5, as amended by the 1956 proposals, have become effective. The 1957 amendment proposals (see column (c)) for Sub-areas 4 and 5 have also become effective. The 1957 amendment proposal for Sub-area 3 is still not in force for a number of reasons:

1. A notification of acceptance of that amendment has not been received from Italy. (Although relieved of panel 3 membership in June 1959, Italy was restored to that membership in June 1960). All other Contracting Governments participating in panel 3 have notified their acceptance of the amendment, although the United Kingdom and Soviet acceptances are subject to conditions, as indicated in columns (d) and (e), respectively.

2. The views of Italy with respect to the understanding subject to which the United Kingdom accepted this amendment proposal (see column (d)) have not been received. In this connection, I wish to inform you that, in addition to those presently listed in column (d), replies to the Department's circular note of May 26, 1959 relating to this matter have been received from France, Portugal, and Spain, on May 18, 1960, July 28, 1960, and May 29, 1961, respectively, indicating no objection to the United Kingdom action. This information can be added to column (d). (The note of the Embassy of the French Republic, dated May 14, 1960, states, in part, as follows: ". . . the French authorities have no objection to this resolution (resolution adopted by the International Commission for the Northwest Atlantic Fisheries at its Annual Meeting in 1958, subject to the provisions of which the United Kingdom accepted the amendment). However, the French Government wishes to point out that States other than Great Britain that might in the future adopt the method of drag trawling should also be allowed to benefit from the treatment accorded the United Kingdom in all the sub-areas of the Convention area where their trawlers might be sent to work, provided, of course, that the depositary Government of the Convention is informed in time." (translation)) Consequently, the views of all Contracting Governments participating in panel 3, excepting Italy, have been received with no objections expressed to the aforementioned United Kingdom action.

3. Of the Governments participating in panel 3, views regarding the Soviet acceptance of the aforementioned amendment proposal subject to a condition (see column (a)) have not been received from Italy, Portugal, and the United States. Views indicating no objection have been received from Spain, Canada, the United Kingdom, and France (all members of panel 3) on November 20, November 21, and December 1, 1961, and March 2, 1962 respectively, as well as from a number of Governments not members of panel 3 (Denmark, Norway, and the Federal Republic of Germany, on

November 20 and November 30, 1961 and January 10, 1962, respectively). The names of these Governments and their respective dates of approval can be added as appropriate to column (e). It is noted in this connection that the effective date of an acceptance or approval in these matters is considered to be the date of the receipt of such notification thereof in the Department of State.

Accordingly, before the 1957 proposed amendment for Sub-area 3 can become effective, it is necessary that this Government receive (1) notification of acceptance by Italy of the amendment, (2) approval by Italy of the United Kingdom acceptance of the amendment subject to an understanding, and (3) approval by Italy, Portugal, and the United States of the Soviet acceptance of the amendment subject to a condition. In this connection, however, it is noted that the proposals for regulation of trawl fishery adopted at the 1961 Annual Meeting of the Commission are to replace those presently in force, as regards mesh regulations, in Sub-areas 3 and 4, and that Italy and the United States have accepted those 1961 proposals, as indicated hereinafter.

With reference to the 1961 proposals for regulation of trawl fishery for groundfish in Sub-area 1, 2, and 3 (see column (f)) and for cod, haddock, and flounders in Sub-area 4 (see column (g)), I wish to inform you that notifications of acceptance thereof have been received from the following, on the dates indicated:

United States of America, October 10, 1961; Italy, October 25, 1961; Canada, November 6, 1961 (not October 25, 1961 as presently indicated); France, November 9, 1961; Norway, November 28, 1961; Federal Republic of Germany, January 19, 1962; and Spain, February 16, 1962. Furthermore, by a note of the British Ambassador dated January 25, 1962, received on January 29, 1962, the United Kingdom accepted the aforesaid proposals for Sub-areas 1, 2, and 3; the note states that "the proposals are acceptable to Her Majesty's Government subject to the following observations. It is noted that the provisions of paragraph 5 (2) (a)-(c) of the proposals for Sub-areas 1, 2, and 3 and of paragraph 4(2) (a)-(c) of the proposals for Sub-area 4, which govern the attachment of top-side chafers, are in the same terms as in the existing regulations for the trawl fisheries for cod and haddock in Sub-areas 3, 4 and 5. It will be recalled from the Embassy's Note No. 151 of the 27th of April, 1959, that Her Majesty's Government accepted the provisions in question for Sub-area 3 on the condition that they could make such modifications as might be necessary to suit the operation of stern trawlers. Her Majesty's Government now make a similar reservation in accepting the new trawl regulations proposed for Sub-areas 1, 2, and 3." The United States Government is transmitting this information to the Governments concerned and is requesting these Governments' views with respect thereto; you may wish to add an appropriate footnote to column (f) and to NOTES TO SHEET B. A copy of the Department's circular note transmitting information concerning this action by the United Kingdom, as well as various of the other actions described in this letter, will be forwarded to you at an early date."

A. PROPOSALS FOR CHANGES IN THE CONVENTION OR FOR DECLARATION OF UNDERSTANDING OF TEXT.

- a. Change: Annual Meeting can be held in any member country.
- b. Declaration of Understanding of text of Convention concerning Molluscs.
- c. Resolution to bring harp and hood seals under the provisions of the Convention.

Adopted by Commission
 Sent by Secretariat to Depositary Government
 Date of signing of Protocol in Washington
 Date of signing Declaration in Washington
 Protocol or Declaration circulated by
 Depositary Government on
 Draft protocol circulated by
 Depositary Government to member Governments

Canada	27 March, 1957	15 Sept., 1961 (A)	9 June, 1961
Denmark	23 Nov., 1956	2 May, 1961	23 June, 1961
France	10 Jan., 1959	5 May, 1961	
Germany	27 June, 1957	8 May, 1961	
Iceland	23 Nov., 1956	8 May, 1961	
Italy	7 June, 1957	14 Sept. 1961 (A)	
Norway	15 May, 1957	8 May, 1961	
Poland(3)	17 Jan., 1957	8 May, 1961	
Portugal	2 May, 1957	5 May, 1961	
Spain	11 Aug., 1958	8 May, 1961	
U.S.S.R.	2 April 1957	2 May, 1961	
U.K.	22 May, 1957	(24 April, 1961(2)	
U.S.A.		(9 Feb., 1962(A)	

14 Aug., 1961

Date of entry into force

10 Jan., 1959

- (1) After the member countries' approval of a change in wording proposed by the Depositary Government.
- (2) Signed with reservation as to acceptance; acceptance deposited February 9, 1962.
- (3) The Depositary Government has inquired of the Polish People's Government whether it may assume that the adherence of the Polish People's Republic to the Convention may be understood as including the Protocol also (a, b, and c of this sheet).

B. PROCEDURES FOR REGULATION OF FISHERIES (from 1955 and onwards).

a. Subst. Reg. for Subarea 5. Reg. for Subarea 4 and 3 (2)
 b. Amendments to a. (4)
 c. Amendments to a.
 d. U.K. Reservation as to stern trawlers.
 e. U.S.S.R. Reservation as to stern trawlers
 f. Regulation of trawling fishery for groundfish in Subarea 1, 2 and 3.
 g. Regulation of trawling fisheries for cod, haddock and flounders in Subarea 4.

Adopted by Commission Transmitted by Secretariat to Depository Government Transmitted by Depository Government to Member Governments	a. Subst. Reg. for Subarea 5. Reg. for Subarea 4 and 3 (2)	b. Amendments to a. (4)	c. Amendments to a.	d. U.K. Reservation as to stern trawlers.	e. U.S.S.R. Reservation as to stern trawlers	f. Regulation of trawling fishery for groundfish in Subarea 1, 2 and 3.	g. Regulation of trawling fisheries for cod, haddock and flounders in Subarea 4.
	11 June 1955	15 June 1956	25 May 1957	14 June 1958 (see U.K. note of 27 April 1959)	10 June 1961	10 June 1961
	16 June 1955	28 June 1956	21 June 1957	27 April 1959	26 Aug. 1961	23 June 1961	23 June 1961
	1 Sept. 1955	6 July 1956	9 Oct. 1957	26 May 1959	5 Oct. 1961	24 July 1961	24 July 1961
Date of receipt by the Dep. Gov. of acceptance by:	4 Sept. 1956	31 Oct. 1956	23 April 1958	16 July 1959	21 Nov. 1961	6 Nov. 1961	6 Nov. 1961
Canada - 2, 3, 4, 5				29 June 1959	20 Nov. 1961		
Denmark - 1			17 Dec. 1957	18 May 1960	2 Mar. 1962	9 Nov. 1961	9 Nov. 1961
France - 1, 2, 3, 4	29 Aug. 1956 (5)			14 Sept. 1959	10 Jan. 1962	19 Jan. 1962	19 Jan. 1962
Germany (1)							
Iceland (1)							
Italy - 1, 2, 3, 4 (1)	29 July 1957					25 Oct. 1961	25 Oct. 1961
Norway - 1	28 Sept. 1956		19 Nov. 1957	20 July 1959	30 Nov. 1961	28 Nov. 1961	28 Nov. 1961
Portugal - 1, 2, 3, 4	29 March 1957		1 April 1958	28 July 1960			
Spain - 1, 2, 3, 4	3 June 1957		10 April 1958 (9)	29 May 1961	20 Nov. 1961	16 Feb. 1962	16 Feb. 1962
USSR (1)			26 Aug. 1961 (8)	26 Aug. 1961 (9)			
UK - 1, 3 (1)	11 Jan. 1957		29 April 1959	20 Aug. 1959	1 Dec. 1961	29 Jan. 1962 (10)	10 Oct. 1961
USA - 3, 4, 5	26 Nov. 1956		28 May 1958			10 Oct. 1961	10 Oct. 1961

Date of entry into force according to note from Depository Gov. for Subarea:	1	2	3	4	5
	29 Nov. 1957 (6)	29 Nov. 1957 (6)	29 Nov. 1957 (6)	22 April 1960	28 Sept. 1958

NOTES TO SHEET B

- (1) Changes in Subareas-panels since 1955: From 1956/57 Iceland-Panel 1; from 1957/58 Germany - Panel 1; from 1958/59 USSR - Panels 1, 2, 3; from 1959/60 Italy none; from 1960/61 Germany - Panels 1 and 2, Italy - Panels 3 and 4, U.K. - Panels 1,2,3.
- (2) 4 1/2 inches cod-end meshes in Subareas 4 and 5, 4 inches in Subarea 3, amount of exemption for incidentally caught fish, rules for use of saving gear, all for cod and haddock.
- (3) France accepts the minimum mesh sizes and the exemption clause, but not the saving gear clauses.
- (4) Change in exemption clause for Subarea 5; par IV (saving gear) to be in abeyance for 3 and 4 to be enforced on 1 July, 1957, unless France by 1 June 1957 has notified her continued objection.
- (5) France accepts the amendments, except those dealing with the doubling of cod-ends on which point France will notify her decision before 1 June 1957 (see note (4)).
- (6) By note from the French Government received by the Depositary Government 7 Feb. 1957, France accepts the saving gear rule (Par IV) to be effective as from Jan. 1, 1958. This postponement was accepted by the other member governments. The Par IV then became effective for all countries on 1 January 1958.
- (7) Fastening methods for saving gear, Subareas 3, 4 and 5.
- (8) U.K. informed the Depositary Government by note of 27 April 1959, which was received on 29 April 1959, of the ICMAF Resolution of 1958 meeting regarding the U.K. reservation concerning stern trawlers to the amendment of 1957. The Depositary Government transmitted, 26 May 1959, this note to the member countries asking their views; see column d.
- (9) By note of 26 August, 1961, the Depositary Government was informed of the USSR acceptance of the amendments to trawl regulations in Subareas 3, 4 and 5 (Depositary Government note of 9 October 1957) under the reservation that a provision for USSR stern trawlers similar to that being under consideration for U.K. stern trawlers be made. The Depositary Government transmitted, 5 October, 1961, this note to Member Governments asking their views; see column e.
- (10) By note dated Jan. 25, 1962, received on Jan. 29, 1962, the Depositary Government was informed of U.K. acceptance subject to certain observations. The Depositary Government is transmitting this information to Member Governments asking their views; see column f.