

ANNUAL MEETING - JUNE 1965Fisheries Policing ConferenceReportIntroduction

The Fisheries Policing Conference convened by the United Kingdom met in London from 6th April to 9th April. Delegations from Belgium, Denmark, France, the Federal Republic of Germany, Iceland, Ireland, Italy, the Netherlands, Norway, Poland, Portugal, Spain, Sweden, the Union of Soviet Socialist Republics, the United States of America and the United Kingdom took part; representatives of Canada and Luxembourg attended as observers. A member of the United Kingdom delegation acted as observer on behalf of IMCO. A list of those participating in the meeting is attached at Appendix I.

2. Delegates to the Conference were welcomed on behalf of the United Kingdom Government by Mr William C. Tame, who recalled that a resolution passed at a Fisheries Conference in London in 1964 had invited the United Kingdom to invite the Governments of all countries participating in the North East Atlantic Fisheries to send representatives to a technical conference to prepare for the consideration of the Governments concerned a draft Convention on the general lines of the 1882 Convention for regulating the police of the North Sea Fisheries embodying a modern code for the conduct of fishing operations and of related activities in the North-East Atlantic; and to invite the Governments of the United States of America and Canada to send representatives to the Conference so that the extension of the provisions of any such Convention to the North West Atlantic Fisheries might be considered. Mr Tame said that the United Kingdom Government regarded the Conference as essentially of a preliminary and informal nature but hoped that it would provide an opportunity for a useful exchange of views which would facilitate the preparation of a modern Convention for the consideration of the Governments concerned.

Election of Chairman

3. On the motion of the Icelandic delegation seconded by the Polish delegation Mr Tame was unanimously elected Chairman of the Conference.

Adoption of Agenda

4. The Conference had before it memoranda submitted by the Norwegian and French delegations and a note by the Secretary-General summarizing under a number of headings the points for consideration and views expressed in the Norwegian and French memoranda. On the Chairman's suggestion the draft agenda in which the Secretary-General's note was the main item was adopted.

General Statements

5. All delegations were in favour of the general proposition that there should be a new Convention bringing up to date the arrangements provided for in the 1882 Convention and that the area to which the rules of conduct should apply should be extended though the area could not be defined until the content of the rules had been decided. Several delegations stressed the growth of fishing fleets since 1882 and the technical development in fishing methods which had taken place since then and emphasized the need for a modern system of rules which would help to ensure that different methods of fishing could be used without friction.

Technical Committee

6. The Conference set up a Technical Committee under the Chairmanship of Captain J. C. Esteves Cardoso to consider a number of more detailed proposals of a technical nature. These covered proposals for securing international agreement and recognition of lights, additional to those included in the Collision Regulations, for the purpose of indicating more clearly the precise nature of the operations of trawlers and other fishing vessels and the precise location of fishing gear such as nets and lines which extend over a considerable distance. The Committee's report is attached at Appendix II. The Committee recommended that countries represented should be requested to notify the United Kingdom Government as soon as possible of the system of additional light and sound signals in use by the fishing vessels with any suggestions for improvement. The Committee further recommended that it should reconvene in advance of the plenary session of a resumed Policing Conference to discuss these systems in the hope of reaching agreement. The Conference accepted these recommendations but deferred consideration of the steps that would be necessary if the Technical Committee should be able or unable to reach agreement at its further meeting. The Conference requested the Technical Committee to consider at its next meeting the proposals relating to distances between trawlers operating as a fleet and to lines of tow contained in the French memorandum and other related questions. Comments on these points should also be notified to the United Kingdom Government as soon as possible.

Proposals on which there was a general consensus of opinion

7. Consideration of the French and Norwegian memoranda had shown that there was general agreement on a number of points. These are set out in Appendix III in the form of outlines of provisions for inclusion in a Convention. The Appendix draws attention, in the form of Notes, to some points which the Conference agreed would need further consideration before finality could be achieved.

Other Matters

Onus of Responsibility

8. It was noted that both the 1882 Convention and the Anglo/Norwegian Agreement in certain circumstances created a presumption that trawlers were liable for damage caused unless they could satisfy certain specified conditions. Some delegations felt that a provision on these lines should be included; others said that a provision of this nature was of a different character from the other provisions discussed and even delegations of some countries which were parties to the 1882 Convention felt that the creation of presumption of this kind was inappropriate in modern circumstances.

Conciliation

9. Attention was drawn to the bilateral arrangements made between Norway and several other countries for the settlements of disputes arising between fishing vessels. These were essentially of a bilateral character though they differed in detail. Some delegations suggested that arrangements on these lines should be extended to cover all the contracting parties. The Conference agreed that consultation machinery was necessary (see Appendix III, Miscellaneous Chapters, paragraph 2) and that further consideration should be given to the question whether the Convention should include provisions regulating such arrangements or whether it should be left for bilateral settlement between pairs of countries.

Definition of fishing vessel

10. It was generally agreed that it would be necessary to define what was meant by the term "vessel" in any new Convention and that for some provisions likely to be included in a new Convention the term ought to include vessels other than those engaged in actual fishing operations. It was suggested that there would be advantage in adopting a definition already in use and that the definition in the North-East Atlantic Fisheries Convention would be suitable viz:- "Any vessel or boat employed in fishing for sea fish or in the treatment of sea fish which is registered or owned in the territories of, or which flies the flag of any contracting State." It was suggested on the other hand that it would be desirable for the purpose of some provisions likely to be included in the Convention that the definition should include vessels used as depot ships or mother ships and vessels used as carriers. For this purpose it was proposed that the first part of the definition quoted should be widened to read "Any vessel or boat employed in fishing for sea fish or operations ancillary thereto including depot ships and supply ships." The Conference agreed that the definition of "vessel" should be considered in the light of the content of the Convention.

Review machinery

11. Some delegations thought machinery should be set up which would enable the rules embodied in the Convention to be kept up to date in changing circumstances and that for this purpose a Permanent Commission should be established with power within defined limits to modify specified rules in the Convention or to make recommendations for special regional rules; such a Commission need not meet every year. The same delegations felt that a Commission could also be given the function of organizing arrangements for enforcement of the provisions of the Convention and of acting as a clearing house for the notification between parties of information relating to the provisions. Other delegations considered that it should be unnecessary to set up yet another international body in the fisheries field; and were not convinced of the necessity of having permanent machinery of this character. While agreeing that it was desirable that any new rules should be kept up to date they were not persuaded that a new Commission was necessary for this purpose. It was suggested that the Convention could include a procedure for the adoption of amendments to its provisions. It was pointed out on the other hand that any major change in rules would probably need an International Conference and it was suggested that it would be preferable to provide that the depositary government should be obliged to call such a Conference if requested to do so by a minimum number of contracting parties.

International Enforcement

12. There was considerable discussion whether arrangements for enforcement of the provisions of a Convention by the contracting parties on their own nationals (See Appendix III Miscellaneous Chapters, paragraph 3) should be supplemented by arrangements under which the protection vessels of contracting parties should be empowered to exercise a measure of supervision over the fishing vessels of other contracting parties. The principle of international supervision had been established by the 1882 Convention and it was acceptable to the delegations representing the signatories of that Convention and some others. Other delegations accepting that international supervision was desirable would prefer that it should be organized by an International Commission and that each contracting party should have the right to station one of its inspectors on the protection vessels of other contracting parties. Yet other delegations were not convinced of the need for international arrangements. In some countries there were no protection ships and supervision was in the hands of inspectors on board the fishing vessels and in these countries it was felt that international arrangements should take account of this, and until more was known about how an international enforcement system would be organized it was premature to come to any conclusion. It was, however, established that no delegation objected in principle

to international supervision as such provided the need for it was shown and suitable arrangements could be made.

Future arrangements

13. Delegates agreed that a further International Conference would be needed before a new Convention could be drawn up. In the meantime it was agreed that the governments represented should be invited to consider the report from the Conference and to send to the United Kingdom Government any comments they had on the proposals set out and any further suggestions they might wish to make by 30th November, 1965. It was agreed that the United Kingdom Government should be asked to circulate at a suitable time to the other countries all the suggestions submitted to them, and if possible to circulate a working draft for further consideration.

London S.W. 1.
9th April, 1965

FISHERIES POLICING CONFERENCE

Preparatory Meeting, London, April, 1965

Chairman: W. C. Tame (United Kingdom)

List of Delegates

BELGIUM

Monsieur W. Bentein,
Belgian Maritime Administration.

Monsieur J.J.M. Pottier,
Service de la Peche Maritime.

CANADA

Mr. E. Blyth Young,
Department of Fisheries.

DENMARK

Mr. T. Oldenburg,
Ministry of Foreign Affairs, Copenhagen

Mr. J. Nørgaard,
Ministry of Fisheries, Copenhagen.

Mr. E. Sørensen,
Ministry of Defence, Copenhagen.

Mr. K. Sommer,
Ministry of Foreign Affairs, Copenhagen.

Mr. O. Skardhamar,
Faroes Attache, Aberdeen.

FRANCE

Monsieur R. A. Lagarde,
Marine Marchande, Paris

Monsieur de Gromard,
Marine National, Paris

Monsieur Y. Sadou,
Headquarters 1st Maritime Region,
Cherbourg.

FEDERAL
REPUBLIC OF
GERMANY

Dr. G. Meseck,
Federal Ministry of Food, Agriculture
and Forestry.

Mr. G. Mycklinghoff,
Federal Ministry of Food, Agriculture
and Forestry.

Dr. Nolte,
State Fisheries, Bremerhaven.

Capt. W. Dahmen,
German Fishery Protection Squadron.

Dr. Hans Koestenbach,
Legal Counsellor, German Embassy,
London.

U.S.A.

Mr. William L. Sullivan, Jnr.
Department of State, Washington.

Mr. H. E. Crowther,
Bureau of Commercial Fisheries,
Washington, D.C.

Mr. J. T. Gharrett,
U.S. Bureau of Commercial Fisheries,
Gloucester, Massachusetts.

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SECRETARIAT

Mr. J.S.W. Henshaw.
Mr. P. Allsworth-Jones.
Mr. D.L. Orme
Mr. S.R. Conquest.

London S.W. 1.
6th April, 1965

FISHERIES POLICING CONFERENCE

Report of the Technical Committee which met
on 8th April, 1965

Capt. J.C. ESTEVES CARDOSO - Portugal
(in the Chair)

General matters

The Committee agreed that it was desirable to have unification of the systems for additional light and sound signals to be used by trawlers. No specific proposals were made and the Committee recommends that countries represented at the Conference be requested to notify the United Kingdom as soon as possible of the system of additional sound and light signals in use by their fishing vessels and any suggestions for improvement. The United Kingdom will circulate the information received to all participating countries.

The Committee further recommends that it should be re-convened in advance of the plenary session of the full Policing Conference to discuss the systems in use and proposals for improvement. If agreement was reached at this meeting the plenary session would be recommended to report what was agreed to IMCO. In the event of disagreement the plenary session could supply IMCO with the available data and a report of the discussions.

Specific points considered by the Committee

1. Flashing lights

The Committee were divided on the desirability of using flashing lights. The delegations in favour considered that their prime merit was that of attracting attention, whereas other delegations opposed them on the grounds that they could be confused with intermittently obstructed constant lights.

The delegations favouring flashing lights were those of Belgium, France, Federal Republic of Germany and Iceland. Those against were Denmark, Ireland, Portugal, Sweden, U.S.S.R. and the United Kingdom. The Norwegian and United States delegations had no firm views.

2. Additional lights for trawlers

There was agreement in principle on the desirability of a uniform system of additional lights to denote shooting, hauling and coming fast. It was agreed that information on present systems and proposals for a unified system should be sent to the United Kingdom as soon as possible with a view to circulation.

There seemed, however, to be no agreement on the desirability of an extra light to denote the course of the trawler.

3. Pair trawling

The Committee agreed in principle that special day and night signals were necessary to distinguish pair trawlers but no precise signals were agreed.

4. Mid-water trawlers

The Committee were divided on the question of special signals for mid-water trawlers. While the German delegation were strongly in favour the Belgian, Portuguese, Swedish, Soviet Union and United Kingdom delegations felt that special signals were unnecessary and thought that the solution was to give other trawlers a sufficiently wide berth.

5. Purse seines

The Icelandic delegation circulated the proposals for additional lights for purse seiners recently put before IMCO (see Appendix). The consensus of opinion in the Committee was that the International Collision Regulations coming into force on 1st September might well provide a solution to the problem although this could only be shown by experience of the new regulations.

6. Marking of fixed gear

The Committee considered that in general Article 14 of the Anglo/Norwegian Agreement of 1960 provided a good basis for regulating the marking of fixed gear. The German delegation considered that the radar reflector should be made compulsory. The United Kingdom delegation pointed out that the problems were likely to differ according to whether the area in question was congested by other vessels (including non-fishing vessels) or not. There were also problems of detail, e.g. regarding acceptable methods of marking pot gear.

7. Marking of Drift gear

The Committee agreed that this was a very complex problem. As simple a system as possible should be used since there was no way of showing the direction of the gear: the only practical solution was for shipping to stay clear of concentrations of drift gear.

8. Sound signals

The Committee agreed that these were complementary to the additional lights for trawlers and should be studied in conjunction with them.

London S.W. 1.
8th April, 1965.

Copy of text of letter from Hjálmar R. Bárðarson (Iceland)
to the Secretary-General of IMCO
dated 20th January, 1965

Re: Special light signals indicating vessels engaged in fishing
with purse seine or drift nets. To be included in the Agenda
of next MSC Meeting, at the request of Icelandic Government.

Some difficulties have arisen on the fishing grounds off Iceland as the fishermen, foreign and native, have been damaging each others fishing-gear by sailing into it at night, in spite of the lights now carried.

Our fishermen have therefore been demanding some more efficient signals to indicate that they have their gear on the sides of their ships and to warn others to keep clear of them.

In this connection it has occurred to us to fit the vessels with two green lights on the roof of the wheelhouse, one vertically above the other, the lower ca.1.5m. the upper 2.25m. from the wheelhouse top. These lights should be flashing intermittently, about once in a second, and in such a way that when the lower is out the upper is on and vice versa.

The lights should only be shown while the vessels are shooting their purse-seines and while it is on their sides and hampering their free movement.

The purse seine can be expected to extend some 500 feet out from the ship. Using searchlight as indicated in Rule 9g. of the new Collision Regulations, is impossible, according to the fishermen, because it scares the herring from the nets.

According to the above it is considered necessary that this item is put on the agenda of the next meeting of the Maritime Safety Committee for consideration.

PROPOSALS ON WHICH THERE IS A
CONSENSUS OF OPINION

CHAPTER I

Registration and marking of fishing vessels

1. Vessels of the contracting parties shall be registered in accordance with the administrative regulations of each country in a manner which will indicate so as to be clearly visible their name and registration particulars and nationality.
2. Each contracting party shall give particulars of its registration system to the other contracting parties.

[Note: It is for consideration whether it is sufficient to say "so as to be clearly visible" or whether some attempt should be made to define what is meant by "clearly visible."]
3. [Note: The following provision was proposed for consideration: Vessels shall bear on a horizontal surface so as to be clearly visible from the air their port letters and numbers.]
4. The master of each vessel shall have with him an official document issued by the competent authority in his own country for the purpose of enabling the nationality and identity of the vessel to be established.

[Note: Should provision be made for carrying a list of the names of the crew.]

CHAPTER II

Method of indicating position of gear

1. The position and extent of nets and lines and other gear which is not being towed shall be clearly indicated by flag buoys by day and light buoys by night at each end except an end attached to a vessel, and at adequate intervals in between.

[Note: The method of intermediate marking has still to be considered.]

CHAPTER III - General Rules of Conduct

1. All vessels shall conduct their fishing operations so as not to interfere with the operations of other vessels.
2. Vessels arriving on fishing grounds where other vessels are already fishing or have set their gear for that purpose shall not place themselves or their fishing gear so as to interfere with or obstruct fishing operations already in progress, and shall if necessary make enquiries as to the position and extent of the gear already set.
3. Trawlers and other vessels with gear in motion shall take all practicable steps to avoid nets and lines or other gear which is not being towed of whose presence they are aware in order to prevent damage to them.
4. Except under stress of circumstances no vessel shall anchor or remain at anchor on grounds where fishing is in progress.

5. Except under stress of circumstances no vessel shall dump in the sea any article which may interfere with fishing or obstruct or cause damage to fishing gear or fishing vessels.

6. [Note: The following provision was proposed for consideration:-

No vessel, whether a fishing vessel or not, shall dump on fishing grounds any article which may interfere with fishing or obstruct or cause damage to fishing gear or fishing vessels.]

[Note: It may be necessary to define the expression "fishing grounds."]

7. No vessel shall use explosives for the purpose of catching fish.

8. When nets belonging to different vessels get foul of each other they shall not be severed without the consent of both parties unless it is impossible to disengage them by other means.

9. When vessels fishing with lines entangle their lines the vessel which hauls up the lines shall not sever them unless they cannot be disengaged in any other way, in which case any lines which may be severed shall, where possible, be immediately joined together again.

10. Except in cases of salvage and the cases to which the two preceding paragraphs relate, nets, lines or other gear shall not under any pretext whatever be cut, hooked, held on to or lifted up except by the vessel to which they belong.

11. When a vessel fouls or otherwise interferes with gear not belonging to it, it shall take all necessary measures for reducing to a minimum the injury which may result to such gear. The vessel to which the gear belongs shall, at the same time, avoid any action tending to aggravate such damage.

12. All boats or their fishing gear and other appurtenances found or picked up at sea shall be delivered to the competent authority at the first port of a contracting party at which the salving vessel puts in.

13. [Note: It was suggested that it is unnecessary to have a special provision relating to decked and undecked boats or sailing vessels.]

MISCELLANEOUS CHAPTERS

1. Contracting parties should at their discretion notify other contracting parties likely to be concerned of concentrations or probable concentrations known to them of vessels or gear; and contracting parties receiving such notifications shall take such steps as are practicable to inform their fishermen thereof.

2. Contracting parties agree that it is desirable to institute arrangements for the settlement of claims for compensation for damage to fishing gear by conciliation.

3. Contracting parties agree to enforce the provisions of the Convention on their own fishermen, and to co-operate with each other in their enforcement arrangements.

London, S.W. 1.
9th April, 1965