

RESTRICTED

INTERNATIONAL COMMISSION FOR



THE NORTHWEST ATLANTIC FISHERIES.

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ANNUAL MEETING - JUNE 1966

Fisheries Policing Conference 1966

REPORT

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REPORT

Introduction

The Fisheries Policing Conference convened by the United Kingdom met in London from 31st March to 6th April. Delegations from Belgium, Canada, Denmark, France, Federal Republic of Germany, Iceland, Ireland, Italy, the Netherlands, Norway, Poland, Portugal, Spain, Sweden, Union of Soviet Socialist Republics, the United States of America and the United Kingdom took part; a representative of the Inter-Governmental Maritime Consultative Organisation (I.M.C.O.) also attended. 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. He recalled the resolution, passed at the European Fisheries Conference in 1964, inviting the United Kingdom to convene a conference of all countries participating in the North Atlantic fisheries to prepare a draft Convention for regulating the policing of the fisheries embodying a modern code for conduct of fishing operations and related activities. In pursuance of this resolution a preparatory meeting of fisheries experts had been held in London in 1965. This had prepared a report and participating countries had been asked to send to the United Kingdom their comments and suggestions on the contents of a draft Convention which the United Kingdom was to draw up. This had been done and the Conference had before it the summary of comments received and a working draft of a Convention.

Election of Chairman

3. It was unanimously agreed that Mr. Tame should take the chair at the Conference.

Adoption of Agenda and Order of Business

4. The Draft Agenda was adopted. It was agreed that the two Sub-Committees set up at the Preparatory Meeting, the Technical Committee and the Drafting Committee, should meet when suitable opportunities occurred.

Consideration of Comments by Governments and Working Draft
Convention

5. (a) General Statements

The Netherlands Delegation said that they had been unable, for internal reasons, to submit comments on the Report of the Preparatory Meeting. They considered that most provisions in the 1882 Convention were still reasonably satisfactory but that a new Convention should cover a wider area and embrace more countries. They favoured the division of any new area into regions which should relate to conservation measures as well as to policing regulations. They also considered that close attention should be given to Rules on the validity as evidence of formal reports by foreign inspectors on their examination of nets and catch.

Other delegations making general statements endorsed the general proposition that there should be a new Convention covering an extended area.

(b) Consideration of Detail

The Conference discussed Articles 1 to 8 of the Working Draft Convention and the Rules contained in Annexes I to IV. Various amendments to the Working Draft were suggested and provisional texts of Articles 1 to 8 and Annexes I and IV are attached at Appendix II.

Article 1

(1) The Conference discussed the question of the inclusion of the Baltic in the Convention area and the division of the area into sub-areas. It was agreed that decisions on these matters would be postponed until the contents of the Convention had been fully discussed. The United States Delegation put forward a revised text of Article 1(1) but there was some division of opinion as to whether the provisions of a Convention should apply to all "waters", "high seas" or only waters "outside national fishery limits". No decision was

- 16 placed by Correspondence to 1366/15
- (c) Vessels engaged in pair trawling when shooting or hauling their nets or when their nets have come fast upon an obstruction should show the signals agreed in B(1) above.

C. Light Signals for Purse Seiners

Vessels engaged in fishing with purse seines that may extend more than [] horizontally into the seaway:-

On top of the wheelhouse 2 amber coloured lights one vertically above the other, the lower at a height of at least 5 feet and the upper at a height of at least 8 feet above the sidelights. The lights shall be visible all round the horizon at a distance of at least 2 miles [and shall be flashing intermittently about once a second in such a way that when the lower is out the upper is on and vice versa].

These lights may only be shown while the vessel's free movement is hampered by its fishing gear, warning other vessels to keep clear of it.

D. Sound Signals for Trawlers

(1) In conditions of good visibility vessels engaged in trawling may when needed use the following sound signals.

- (a) When shooting their nets, one prolonged blast followed by one short blast.
- (b) When hauling their nets, two prolonged blasts, followed by one short blast.
- (c) When their nets have come fast upon an obstruction, two short blasts followed by one prolonged blast.

/The...

Annex are covered by the Technical Committee Report at Appendix III.

Article 5 and Annex III

Doubts were expressed whether "other fixed gear" should be included in the marking requirements but it was pointed out that there might be a need for gear other than nets and lines to be marked in the future. The provision was therefore retained. The discussions of the rules in the Annex are covered by the Technical Committee Report at Appendix III.

Article 6 and Annex IV

It was suggested that an Article acknowledging that the provisions of the Convention would be supplementary to the Regulations for the Prevention of Collisions at sea should be included and it was agreed that such a provision would be considered. It was agreed to retain on a permissive basis the provision for notification of concentrations of fishing vessels and fishing gear which was intended to contribute to co-operation between fishermen. The rule prohibiting anchoring was discussed and it was pointed out that vessels not at anchor could also hamper fishing. The rule was therefore revised as shown in Appendix II. It was felt that the rule prohibiting dumping should apply to all vessels. Discussion of the rule on salvage was postponed until the Conference discussed Article 9.

Article 7

Most delegations favoured the exclusion from the Convention of any provision putting the onus of responsibility upon trawlers. Some pointed out that any reversal of normal onus of proof would raise domestic legal difficulties. A few delegations considered that there were precedents, outside the sphere of fisheries, for presuming the responsibility to rest on the stronger party in a dispute and that the Article was needed in the interests of line and net fishermen. These

delegations favoured the inclusion of the provisions contained in either Article XIX of the 1882 Convention or Article 16 of the Anglo-Norwegian Agreement. Texts of both these are shown at Article 8 of Appendix II, in addition to the Article as originally drafted.

Article 8

It was unanimously agreed that it was important to have some provision for conciliation procedure in the Convention. Most delegations favoured bilateral arrangements and wished to retain the right of injured parties to have recourse to law. There were differences of view between delegations on whether the Convention should give guidance on the type of bilateral agreement or should contain provisions for conciliation where Contracting Parties had not reached bilateral agreement. Various suggestions were put forward and a Drafting Group were requested to produce an acceptable text of an Article. They were unfortunately unable to do this.

A note of their conclusions is shown at Section 7 of this Report.

Technical Committee

6. The Technical Committee under the Chairmanship of Captain J.C. Esteves Cardoso met and considered the Rules contained in Annexes II and III to the Draft Convention. These Rules were provisionally agreed and are attached as Appendices A and B to the Technical Committee Report which forms Appendix III to this report. The Committee also examined the question of minimum distances between trawlers during fishing operations but it was considered that while provisions on this subject would merit further study and could be useful in certain conditions they were unnecessary in most circumstances and it would be premature to introduce them at this stage.

Drafting Committee

7. At the request of the Conference the Drafting Committee met to consider the revision of the text of Article 8 on Conciliation Machinery and to try to produce an agreed text for inclusion in a

second draft of the Convention. They discussed various suggested amendments but were unable to reach agreement upon a text. A text incorporating alternatives is included in Appendix II to the Report. The Committee considered that more information was required on existing procedures for conciliation arrangements and that an attempt should be made to work out more detailed procedure for inclusion in the Convention. They suggested that participating countries should be asked to furnish a statement of their existing conciliation arrangements for consideration before the next meeting of the Conference.

Future Arrangements

8. Owing to lack of time the Conference was unable to consider the remaining Articles in the Draft Convention and adjourned until October. It was agreed that in the meantime the Report of the Technical Committee should be sent to the Inter-Governmental Maritime Consultative Organisation for consideration at a meeting of its Sub-Committee on Safety of Navigation at which signals for fishing vessels would be discussed. This Sub-Committee would be invited to make observations upon the Report and the Conference could then consider these at the resumed session in October. It was resolved to ask the I.M.C.O. Sub-Committee to accept a representative from the Conference to their Meeting and to request the Portuguese Government to make the services of Captain J.C. Esteves Cardoso available for this purpose.

The Conference accepted the offer from the Netherlands Delegation to draft formal opening and closing Articles for the Convention and asked that these should be prepared in time to permit their circulation for consideration before the Conference resumed in October. Comments from Governments represented, either on the Articles and Annexes already discussed or on other parts of the Draft Convention were invited and the United Kingdom Delegation were requested to prepare a new Working Draft based on the provisional agreements reached and the views expressed at the Conference to be circulated for consideration before the Conference resumed.

FISHERIES POLICING CONFERENCE

Meeting, London, March/April, 1966

Chairman : W.C. Tame (United Kingdom)

LIST OF DELEGATES

BELGIUM

Monsieur J. de Breucker,
Ministry of Foreign Affairs.

Monsieur W. Bentein,
Belgian Maritime Administration.

Baron de Gerlache de Gomery,
Shipping Counsellor, Belgian Embassy, London.

Commodore A. Ceulemans,
Ministry of Defence.

Monsieur J.J.M. Pottier,
Service de la Pêche Maritime - Ostend.
(Belgian Ministry of Agriculture & Fisheries)

Monsieur M.P.J.N. Cammaerts,
Belgian Agricultural Attaché - London.
(Belgian Ministry of Agriculture & Fisheries)

Monsieur C. Brancart,
Service des Relations Internationales
Agricoles,
Bruxelles.
(Belgian Ministry of Agriculture &
Fisheries).

CANADA

Mr. John G. Hutchison,
Conservation and Protection Service,
Department of Fisheries.

Mr. H.G. Garland,
Office of the High Commissioner for Canada.

DENMARK

Mr. J.A.W. Paludan,
Ministry of Foreign Affairs.

Mr. K. Lokkegaard,
Ministry of Fisheries.

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

Mr. O. Skardhamar,
Faroesé Attaché, Aberdeen.

Mr. K. Sommer,
Royal Danish Embassy, London.

Mr. S. Knudsen,
Danish Fisheries Organisations.

FRANCE

Monsieur C. Girard,
Ministère des Affaires Etrangères.

Monsieur R.A. Lagarde,
Direction des Pêches Maritimes.

Madame G. Rossignol,
Direction des Pêches Maritimes.

Monsieur Y. Sadou,
Préfecture Maritime, Cherbourg.

FEDERAL
REPUBLIC OF
GERMANY

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

Baron O. Von Richthofen,
Auswaertiges Amt, Bonn.

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

Mr. K. Graf,
Federal Ministry of Transport.

Dr. W. Nolte,
State Fishery Control Office, Bremerhaven.

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

Dr. Rolland,
Federal Ministry of Justice.

Miss Von Hagens,
Federal Foreign Office.

ICELAND

Mr. Niels P. Sigurdsson,
Ministry of Foreign Affairs, Reykjavik.

Mr. D. Olafsson,
Fisheries Association of Iceland.

Mr. P. Sigurdsson,
Icelandic Coast Guard Service.

Mr. H. Bardarson,
The Director of Shipping.

IRELAND

Mr. D.P. Waldron,
Department of External Affairs, Dublin.

Mr. S. Mallin,
Department of Agriculture and Fisheries.

ITALY

Professor G. Bini,
Ministry of Merchant Marine.

Dr. U. Porzio,
Ministry of Merchant Marine.

NETHERLANDS

Baron D.W. van Lynden,
Royal Netherlands Embassy.

Mr. G.W. Maas Geesteranus,
Ministry of Foreign Affairs.

Mr. Th. J. Tienstra,
Ministry of Agriculture and Fisheries.

Mr. R.K. Wigboldus,
Ministry of Agriculture and Fisheries.

Mr. B.J. Van Horn,
Ministry of Agriculture and Fisheries.

Baron A.N. De Vos Van Steenwyk, vice-admiral,
Ministry of Defence.

Mr. J.H. Meesman,
Ministry of Foreign Affairs.

NORWAY

Mr. P.M. Motzfeldt,
Ministry of Foreign Affairs, Oslo.

Mr. O. Lund,
Deputy Director of Fisheries.

Mr. O.P. Araldsen,
Head of Fishery Protection Service, Norway.

Mr. C. Bjorge,
Ministry of Fisheries.

Mr. B. Johnsen,
Norwegian Fishermens Union.

Mr. B. Rasmussen,
Directorate of Fisheries, Bergen.

Mr. E.J. Salvesen,
Maritime Directorate.

Mr. R. Ervik,
Norwegian Fishing Vessel Owners Union.

POLAND

Mr. M. Fila,
Polish Shipping Mission, London.

Mr. G. Groch,
Polish Shipping Mission, London.

Mrs. E. O'Boyle,
Ministry of Shipping, Warsaw.

PORTUGAL

Dr. A. Duarte Silva,
Ministry of Fisheries.

Captain J.C. Esteves Cardoso,
Portuguese Navy.

Captain T. de Almeida,
Portuguese Navy.

SPAIN

Mr. D.S. Martinez-Caro,
Ministry of Foreign Affairs.

Comdr. Jose Javier Perez-Aguirre,
Ministry of Marine.

Lt. Col. A. Paz-Curbera y Lopez,
Ministry of Marine.

Mr. Jeronimo Traspaderne,
Ministry of Commerce.

SWEDEN

Dr. J. Hult,
Royal Board of Fisheries.

Mr. I. Gullnas,
Ministry of Justice, Stockholm.

Mr. G. Aberg,
Central Federation of West-coast Fishermen.

Mr. S. Kronvall,
Ministry of Agriculture.

Mr. C. Sylven,
Ministry of Foreign Affairs.

U.S.S.R.

Mr. A.A. Volkov,
Ministry of Fisheries, Moscow.

Mr. S.I. Kavalerov,
Ministry of Fisheries, Moscow.

Mr. G.A. Semin,
Ministry of Fisheries, Moscow.

U.S.A.

Mr. Harold E. Crowther,
Bureau of Commercial Fisheries, Washington.

Mr. William L. Sullivan, Jnr,
Office of the Special Assistant for Fisheries
and Wildlife, Washington.

Mr. J.B. Skerry,
U.S. Bureau of Commercial Fisheries,
Gloucester, Massachusetts.

Lieut. Comdr. C.J. Blondin,
U.S. Coast Guard Headquarters, Washington.

UNITED
KINGDOM

Mr. A.J. Aglen,
Department of Agriculture & Fisheries for
Scotland.

Mr. J. Graham,
Ministry of Agriculture, Fisheries & Food.

Mr. H.T. Blaney,
Ministry of Agriculture, Fisheries & Food.

Mr. C. Sim,
Department of Agriculture and Fisheries
for Scotland.

Mr. J. Glendinning,
Department of Agriculture and Fisheries
for Scotland.

Mr. J. Smith,
Department of Agriculture and Fisheries
for Scotland.

Lt.-Cmdr. C.B. Kennedy, R.N.,
Fishery Protection Squadron.

Captain A.C. Manson,
Board of Trade.

INTER-GOVERNMENTAL
MARITIME
CONSULTATIVE
ORGANISATION

Mr. Z.N. Sdougos

WORKING DRAFT

NORTH ATLANTIC FISHERIES POLICING CONVENTION

Revised Provisional Texts

Desiring to regulate the police of the fisheries in the North Atlantic area, the Governments of

have agreed as follows:-

Article 1

(1) The present Convention applies to the [waters of] [high seas of] [waters outside national fishery limits in] the Atlantic and Arctic oceans and their dependent seas which are fished by vessels of the Contracting Parties, and which are more specifically defined in Annex I to this Convention. [The Convention area may be further divided into sub-areas from time to time for the purpose of applying the rules specified in the Annexes to this Convention, such sub-areas also to be defined more specifically in Annex .] [As used in this Convention the term "Northwest Atlantic" refers to that portion of the North Atlantic west of ° west and the term "Northeast Atlantic" refers to that portion of the North Atlantic east of ° west.]

(2) "Definition of Vessel"

(To be discussed when all provisions have been agreed.)

Article 2

Nothing in this Convention shall be deemed to affect the rights, claims or views of any Contracting State in regard to the limits of territorial waters or of the jurisdiction of a coastal state over fisheries.]

Article 3

The provisions of the present Convention shall not in any way prejudice the right of innocent passage in accordance with international law.]

Article 4

- (1) The vessels of each of the Contracting Parties [which operate on the high seas] shall be registered in accordance with the regulations of that Party.
- (2) The competent authority of each Contracting Party shall specify one or more initial letters and a consecutive series of numbers for each port or district.
- (3) Each Contracting Party shall draw up a list showing these initial letters.
- (4) This list, and all modifications which may subsequently be made in it, shall be notified to the other Contracting Parties.
- (5) The provisions of Annex II shall be observed in relation to vessels and their small boats and fishing implements.

Article 5

Alternative 1

[In addition to complying with any general rules relating to light and sound signals for the safety of life at sea, the vessels of each Contracting Party shall comply with the provisions of Annex III to this Convention which are made in accordance with Rule 13(a) of the Regulations for Preventing Collisions at Sea adopted by the International Conference on Safety of Life at Sea held in London in 1960.]

Alternative 2

/(1) Subject to complying with any general rules relating to light and sound signals for the safety of life at sea, the vessels of each Contracting Party shall comply with the provisions of Annex III to this Convention.

(2) No other additional light and sound signals than those provided in the Annex shall be used.7

Article 6

Nets, lines and other fixed gear anchored in the sea and nets or lines which drift in the sea shall be marked in accordance with the provisions of Annex IV to this Convention.

Article 7

(1) All vessels shall conduct their fishing operations so as not to interfere with the operations of other vessels and shall conform to the provisions of Annex V to this Convention.

(2) For the better implementation of these provisions the competent authorities of Contracting Parties may at their discretion notify the competent authorities of other Contracting Parties likely to be concerned of concentrations or probable concentrations known to them of vessels or fishing gear, and Contracting Parties receiving such notification shall take such steps as are practicable to inform their fishermen thereof. The authorised officers of any Contracting Party may also draw the attention of trawlers to nets or lines placed in the sea.

Article 8

Alternative 1

/(1) Where it can be proved that damage has been caused by a trawler to fishing gear (other than trawl gear), and the vessel whose gear has been damaged has complied with the provisions of Annexes IV and V to this Convention, the responsibility shall be presumed to lie with the trawler unless it proves that the damage

was done under stress of circumstances beyond its control, or that it had complied with the appropriate provisions of Annex V to this Convention and that the damage done was not due to its fault.

(2) If the vessel whose gear has been damaged has not complied with the provisions of Annexes IV and V to this Convention the trawler will be presumed to be not responsible unless negligence or wilful damage can be proved.7

Alternative 2. Anglo-Norwegian Agreement 1960 - Article 16

Where it can be proved that damage has been caused to nets or lines by a trawler, the responsibility shall be presumed to lie with that trawler unless it proves:-

- (a) that the damage was done under stress of circumstances beyond its control; or
- (b) that the damage was not due to its fault; or
- (c) that it had complied with the relevant provisions of this Convention and had done all that was possible to avoid the damage; or
- (d) that the vessel whose gear had been damaged had not complied with the provisions of this Convention, and that such non-compliance materially contributed to the damage.7

Alternative 3. North Sea Convention 1882 - Article XIX

When trawl fishermen are in sight of drift-net or of long-line fishermen, they shall take all necessary steps in order to avoid doing injury to the latter. Where damage is caused, the responsibility shall lie on the trawlers, unless they can prove that they were under stress of compulsory circumstances, or that the loss sustained did not result from their fault.7

Article 9

(Text, with alternatives, suggested by the Drafting Group)

(1) The Contracting Parties may enter into bilateral or other special agreements for the establishment of special conciliation

boards or other machinery for dealing with claims by the nationals of one Contracting Party against the nationals of another Contracting Party in respect of damage to fishing gear.

(2) In the absence of a bilateral agreement or other arrangement between the Contracting Parties concerned any dispute that

If, in any case where no such agreement as is mentioned in paragraph (1) of this Article is applicable, any dispute arises involving a claim between nationals of different Contracting Parties concerning damage to fishing gear the national boards designated for handling fishery claims or other appropriate authorities of each of the Contracting Parties concerned will examine the facts and endeavour to reach an agreed decision

on whether the claim is well founded and what is the extent of the damage involved. Should no such agreed decision be reached by these means, the Contracting Parties concerned may seek other procedures for conciliation or arbitration.

(3) If an agreed decision is reached the Contracting Parties will take such measures as they deem appropriate in order to ensure that their respective nationals accept and abide by the decision.

(4) These arrangements are without prejudice to the rights of complainants to prosecute their claims by way of ordinary legal procedure.

ANNEX I

I The waters of the Atlantic and Arctic oceans and dependent seas to which this Convention applies are bounded:

- (a) In the south by 35° north latitude.
- (b) In the west by a line drawn southward from a point on the coast of Greenland at $78^{\circ}10'$ north latitude to a point in 75° north latitude and $73^{\circ}30'$ west longitude, thence along a rhumb line to a point in 69° north latitude and 59° west longitude, thence due south to 61° north latitude, thence due west to $64^{\circ}30'$ west longitude, thence due south to the coast of Labrador, and thence south along the coast of North America.
- (c) In the east by 51° east longitude, but excluding -
 - (i) the Baltic Sea and Belts lying to the south and east of lines drawn from Hazenore Head to Griben Point and from Gilbiery Head to the Kullen; and
 - (ii) the Mediterranean Sea and its dependent seas as far as the meridian of $5^{\circ}36'$ west longitude.

II The waters referred to in Section I of this Annex are divided into the following sub-areas for the purpose of applying the rules specified in the Annexes to this Convention: [examples]

- a. the area east of $^{\circ}$ west.
- b. the area west of $^{\circ}$ west.

ANNEX II

Identification and Marking of fishing vessels and gear

Rule 1

- (1) The letter or letters of the port or district in which each vessel is registered and the number under which it is registered shall be painted on the bow of the vessel at both sides, and may also be painted on the upper part of the vessel so as to be clearly visible from the air.
- (2) The name of the vessel, if any, and the name of the port or district in which it is registered shall be painted on the vessel so as to be clearly visible from both sides.
- (3) The names, letters and numbers placed on a vessel shall be large enough to be easily recognised and shall not be effaced, altered, made illegible, covered or concealed.
- (4) Small boats and, where practicable, all fishing implements shall be marked with the letter or letters and number of the vessel to which they belong. The ownership of nets or other fishing implements may be distinguished by private marks.

Rule 2

- (1) The master of each vessel shall have with him an official document, issued by the competent authority in his own country, showing the name, if any, and description of the vessel, its nationality, its registration letter or letters and number, and the name of the owner or of the firm or association to which it belongs.
- (2) Each vessel shall carry a national flag in good condition.
- (3) The nationality of a vessel shall not be concealed in any manner whatsoever.

ANNEX V

Rules governing the Operations of Fishing

Rule 1

Vessels shall conduct their fishing operations so as not to interfere with the operations of other vessels, nets or lines.

Rule 2

Vessels arriving on fishing grounds where other vessels are already fishing or have set their gear for that purpose shall inform themselves of the position and extent of gear already placed in the sea and shall not place themselves or their fishing gear so as to interfere with or obstruct fishing operations already in progress.

Rule 3

No vessel shall anchor or remain on a fishing ground where fishing is in progress if it would interfere with such fishing unless required for the purpose of its own fishing operations or in consequence of accident or other circumstances beyond its control.

Rule 4

Except in case of force majeure no vessel shall dump in the sea any article or substance which may interfere with fishing or obstruct or cause damage to fish, fishing gear or fishing vessels.

Rule 5

No vessel shall use or have on board explosives intended for the catching of fish.

Rule 6

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].

FISHERIES POLICING CONFERENCE

Report of the Technical Committee

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

(Canada and Italy were not represented on the Committee)

I Lights and Signals for Vessels

The Committee first considered the question of principle whether there was a need for additional signals to indicate fishing operations. Two kinds of additional signals had to be considered:

1. Additional signals already in use and which a majority of the Committee considered to be in conformity with Rule 13(a) of the Regulations for the Prevention of Collisions at Sea. These additional signals should become uniform among the countries party to the Policing Conference;
2. Signals not allowed under the Regulations for the Prevention of Collisions at Sea but which countries party to the Policing Conference would like to see adopted because of the operation of new fishing methods.

Any system of additional signals should be as simple as possible and should not be capable of confusion with those prescribed in the Collision Regulations. The consensus of opinion was that some additional signals were needed to inform other fishing vessels of the precise operations that were being carried out in order to enable vessels fishing as a fleet in close proximity with one another to avoid damage to gear and reduce the possibility of collisions. Several representatives said that the introduction of rules governing additional signals into domestic legislation had had this effect and their fishermen had expressed satisfaction with the regulations.

Some delegations considered that there were only a few cases where additional signals were necessary. It was unanimously considered that there was a real need for uniformity whatever system was agreed upon.

Rule 7

(1) 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.

(2) 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.

(3) 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.

(4) 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.

Rule 8

(The Conference decided that this Rule should be considered during the discussion of Article 9 of the Draft Convention.)

The Committee accepted that the question of whether agreed signals should be permissive or mandatory should be left to the Plenary Session of the Conference to decide.

The Committee then proceeded to discuss the additional signals dealing with each fishing method in turn.

1. Trawling

(a) Light signals

The majority of the Committee considered that there was a need for additional signals under Rule 13(a) to denote shooting and hauling of nets and a signal to denote that the trawl had come fast on an obstruction or was laying on the bottom due to an excessive catch. Various proposals for these additional signals had been put forward but in the course of discussion it became clear that the one most favoured was that put forward by the Soviet Delegation for two white lights above the bridge to be shown when shooting, one white light when hauling and the two red lights in Rule 4(a) of the Collision Regulations for coming fast. This proposal obtained the support of the German, Icelandic, French, Norwegian, Portuguese, Polish and United States Delegations. The Belgian and Irish Delegations said they would have no objections to this proposal but the United Kingdom, while able to agree to the lights proposed for shooting and coming fast, preferred all signals to be composed of two lights and suggested that the signal for hauling should be two lights, white over red. They considered that a single white light could be easily mistaken for other working lights. The Netherlands Delegation supported the view that one white light would not be sufficiently distinguishable from other white lights which would also be in use.

The Swedish Delegation suggested that there was no need for special signals and that Rules 9 and 4(a) and (e) of the

/Collision

Collision Regulations provided all that was necessary. They were supported by the Danish and Netherlands Delegations but other Delegations pointed out that the lights allowed under these Rules would only show that trawling was in progress and not indicate the precise operation in which each vessel was engaged, which was considered essential.

It was agreed that the words "these additional lights shall be carried abaft and below the lights laid down by Rule 9(c)(i) of the Regulations for the Prevention of Collisions at Sea and each shall be visible all round the horizon" should be incorporated into the Rule for trawling lights.

The Committee discussed the question of exemption from these requirements defined in terms of length. They were unable to reach agreement on a definition but several Delegations suggested that a length of 150 ft. should be used since this was the length at which vessels were required by the Collision Regulations to carry a second white light.

(b) Sound Signals

The Committee discussed the necessity for sound signals in conditions of restricted and good visibility. It was agreed that as the Collision Regulations prescribed the only signal that could be made in restricted visibility the Committee were not empowered to agree on any other signal.

As regards sound signals in good visibility it was stated by some delegations that these were not at present permitted by the Collision Regulations(Rule 28)

/However,...

However, only the Netherlands Delegation dissented from the view that the signals in the proposed Rule 3 of Annex II were necessary and that I.M.C.O. should be asked to advise on their use on a permissive and not mandatory basis. There was discussion on whether flag signals would suit the requirements of fishing vessels but several delegations pointed out that there were practical disadvantages in their use, for example, they were not visible from every angle and they could not be shown rapidly in emergency conditions. It was also pointed out that under Rule 4(a) of the Collision Regulations a vessel coming fast had to display two black balls. It was agreed that Rule 3 of Annex II should be amended to make sound signals in good visibility permissive and it would be made clear that this permissive use did not detract from the necessity to give the signal required by Rule 4(a) of the Collision Regulations.

2. Mid-water Trawling

It was unanimously agreed that the same additional signal should be used for trawlers using pelagic gear as for those using demersal.

3. Pair Trawling

(a) Night signals

All Delegations were agreed that a signal was needed to distinguish pair trawlers from single trawlers but the Committee were divided on whether this signal should be crossed searchlights which were in fairly general use at present and had been found satisfactory or whether an additional light was needed. The Delegations of

/Belgium,

Belgium, Denmark, Norway, Spain and Sweden strongly favoured searchlights only; the Delegations of Germany, Poland and the U.S.S.R. were strongly in favour of a different signal; all other Delegations would be prepared to accept either solution.

(b) Day signals

It was generally agreed that Rule 9(h) of the Collision Regulations would cover pair trawling during the day. Most Delegations however favoured the addition of an optional flag signal to be used by pair trawlers when approached by other vessels to warn them of danger. The 'D' flag (meaning: "Keep clear - I can manoeuvre only with difficulty") was suggested but it was pointed out that the meaning of this flag might have been amended in the revised Regulations.

It was agreed that I.M.C.O. should advise as to the appropriate flag to be used.

4. Purse seining

It was agreed that there was a need for an additional light signal for purse seiners on a permissive basis and most Delegations were in favour of the Icelandic proposal. It was pointed out that Rule 5 as originally proposed would need to be expanded in line with the Icelandic regulations set out in page 3 of FPC(66)12. There was unanimous agreement that the colour of the lights should be amber but the Committee were divided on whether the lights should be fixed or flashing. The Swedish, Spanish and Netherlands delegations were strongly opposed to flashing lights while the Delegations of Denmark, Ireland, Portugal and the United Kingdom had reservations about their use. The reasons for opposition or reservations to the use of flashing lights

/were

were that they might be confused with signals from lighthouses, buoys or other navigational aids; they were capable of being mistaken for intermittently obstructed fixed lights; and mechanical defects could render them ineffective. The Icelandic and Norwegian Delegations were unable to accept these arguments.

The Committee discussed the definition of purse-seining to distinguish it from ring-netting which was generally carried on from smaller vessels.

It was agreed that vessels using small ring nets and small purse seines should be exempted from this provision if it became mandatory. It was also agreed that exemption should relate to the length of the gear.

The Committee were unable to agree on the length. A possible limitation to gear extending over 500 ft. horizontally into the seaway as provided for in Rule 9(f) of the Collision Regulations was discussed but no agreement could be reached.

5. Drift netting

The Soviet Delegation raised the question of additional lights on drift-net vessels. However, due to the shortage of time the Committee were unable to discuss this matter.

The Soviet Delegation reserved their position and stated that the U.S.S.R. already applied to their drift-net vessels the same rules governing the use of lights and signals as were applied to trawlers.

II Marking of Gear

6. Marking of fixed gear

It was considered that difficulties due to different types and sizes of gear and differing circumstances could arise and the Committee were divided upon whether the provisions should be recommendatory or mandatory. It was agreed that the Plenary Session of the Conference should be asked to decide this question. The Committee then considered the draft Rules.

The Committee agreed that the lights marking fixed gear should be visible at a distance of at least 2 miles in good visibility.

The Committee also considered that definition by compass was preferable to definition relative to coastlines. It was agreed that the colours of radar reflectors need not be specified since these were not distinguishable at a distance. The Committee were divided on whether the colour of flags should be specified and it was pointed out that as the light requirement for intermediate markings and the marking of one end were identical there was no necessity for intermediate flags to be of a different colour from those at the ends. It was agreed that the colour and material of the flags should not be specified in the provisions and that countries should be left to decide the appropriate colours which, the Committee considered should be of high visibility.

A suggestion was made that intermediate light markings should be required at intervals of half a mile instead of a mile but after discussion it was agreed that this would impose hardship on the small boat fishermen likely to be concerned.

After discussion on the height of the flag pole above buoys it was agreed that the minimum height should be 2 metres. It was also agreed that no marking was necessary at the end of gear which was attached to a vessel.

7. Drift Gear

The Committee agreed that drift gear should be marked at each end and at intervals of not more than 2 miles. It was agreed that there was no necessity for gear attached to a vessel to be marked at the end so attached.

8. Minimum distances between trawlers

The Committee discussed the French Delegation's proposals put forward at the Preparatory Meeting of the Conference.

It was pointed out that while some regulation could be useful in certain circumstances in most cases the "Rules of the Road" were sufficient to prevent collisions and entanglement of gear. The Committee therefore considered that any regulations of this type would be premature at this stage although they might well be further studied with advantage in the future.

Signals to be used by fishing vessels - Revised
in the light of discussion

A. General

- (1) Nothing in these Rules shall affect the application of the Regulations for the Prevention of Collisions at Sea.
- (2) The Rules concerning lights shall be complied with in all weathers from sunset to sunrise, when engaged in fishing as a fleet and during such times no other lights shall be exhibited, except the lights prescribed in the Regulations for the Prevention of Collisions at Sea and such lights as cannot be mistaken for the prescribed lights or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out.
The prescribed lights may also be exhibited from sunrise to sunset in restricted visibility and in all other circumstances when it is deemed necessary.
- (3) For the purpose of this Appendix the words employed shall have the meaning set down in the Regulations for the Prevention of Collisions at Sea.

B. Light Signals for Trawlers

- (1) When engaged in trawling, vessels of more than $\frac{1}{2}$ length, whether using demersal or pelagic gear shall exhibit:-
 - (a) When shooting their nets:-
2 white lights in a vertical line above the bridge of the vessel, one over the other not less than 6 feet apart and of such a character as to be visible all round the horizon at a distance of at least 2 miles in good visibility.

/(b)...

(b) When hauling their nets:-

1 white light [over 1 red light in a vertical line] above the bridge of the vessel [one over the other not less than 6 feet apart and] of such a character as to be visible all round the horizon at a distance of at least 2 miles in good visibility.

(c) When the net has come fast upon an obstruction the light signal prescribed in Rule 4(a) of the Regulations for the Prevention of Collisions at Sea (2 red lights one over the other) for a vessel which is not under command.

The additional lights mentioned in (a) and (b) above shall be carried abaft and below the lights laid down by Rule 9(c)(i) of the Regulations for the Prevention of Collisions at Sea.

(2) When engaged in trawling, vessels of less than [] length shall not be required to exhibit these lights but may do so.

(3) Each vessel engaged in pair trawling shall exhibit a special signal:-

(a) By day, the signal prescribed in Rule 9(h) of the Regulations for the Prevention of Collisions at Sea. In addition the ['D'] flag may be hoisted at the foremast.

(b) By night, [a searchlight shone forward and in the direction of the other vessel of the pair.] or [on the left-hand vessel of each pair a red all round light above the wheelhouse and on the right-hand vessel a green all round light above the wheelhouse - U.S.S.R. proposal.]

/(c)...

- (c) Vessels engaged in pair trawling when shooting or hauling their nets or when their nets have come fast upon an obstruction should show the signals agreed in B(1) above.

C. Light Signals for Purse Seiners

Vessels engaged in fishing with purse seines that may extend more than [] horizontally into the seaway:-

On top of the wheelhouse 2 amber coloured lights one vertically above the other, the lower at a height of at least 5 feet and the upper at a height of at least 8 feet above the sidelights. The lights shall be visible all round the horizon at a distance of at least 2 miles [and shall be flashing intermittently about once a second in such a way that when the lower is out the upper is on and vice versa].

These lights may only be shown while the vessel's free movement is hampered by its fishing gear, warning other vessels to keep clear of it.

D. Sound Signals for Trawlers

(1) In conditions of good visibility vessels engaged in trawling may when needed use the following sound signals.

- (a) When shooting their nets, one prolonged blast followed by one short blast.
- (b) When hauling their nets, two prolonged blasts, followed by one short blast.
- (c) When their nets have come fast upon an obstruction, two short blasts followed by one prolonged blast.

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The use of these signals does not relieve the master of the vessel from exhibiting the signal required by Rule 4(a) of the Regulations for the Prevention of Collisions at Sea.

- (2) In any conditions restricting visibility, whether by day or night, vessels shall, when shooting or hauling their nets, or when their nets have come fast upon an obstruction, sound at intervals of not more than 1 minute, one prolonged blast followed by two short blasts.

APPENDIX B

Marking of nets, lines and other gear - Revised in
the light of discussion

A Fixed gear

- (1) Nets, lines and other fixed gear anchored in the sea shall be furnished at each end with flag buoys by day and light buoys by night sufficient to indicate their position and extent to vessels approaching them. Such lights should be visible at a distance of at least 2 miles in good visibility.
- (2) The westernmost end buoy shall be fitted with two flags one above the other or one flag and a radar reflector and the easternmost end buoy shall be fitted with one flag or a radar reflector. At night the westernmost end buoy shall be fitted with two white lights and the easternmost end buoy with one white light.
- (3) On gear extending more than one mile additional buoys shall be placed at distances of not more than 1 mile so that no part of the gear extending 1 mile or more shall be left unmarked. Every buoy shall by day be fitted with a flag or a radar reflector and by night as many as possible with one white light. In no case shall the distance between two lights on the same gear exceed 2 miles.
- (4) The flagpole of each buoy shall have a height of at least 2 metres above the buoy.
- (5) On gear which is attached to a vessel a flag buoy or light buoy shall not be required at the end attached to the vessel.

./B...

B. Drift gear

- (1) Nets or lines which drift in the sea shall be marked at each end and at distances of not more than 2 miles by a buoy with a pole not less than 2 metres above the buoy. The pole shall carry a flag by day and a white light by night visible at a distance of at least 2 miles in good visibility.
- (2) On gear which is attached to a vessel a flag buoy or light buoy shall not be required at the end attached to the vessel.