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United States Commissioners' Memorandum
regarding status of conservation proposals

1. The following memorandum was received from Mr T. A. Fulham, U.S. Commissioner, on 8 March 1966 and circulated to ICNAF Commissioners as Circular Letter 66-8 dated 11 March 1966:

"MEMORANDUM

March 8, 1966

TO: Commissioners of the International Commission for the
Northwest Atlantic Fisheries

FROM: United States Commissioners

SUBJECT: Status of Conservation Proposals

The United States Government has undertaken a comprehensive review of the status of all conservation regulations proposed by the Commission. The conclusion is that the Commission's conservation measures have failed to keep pace with the growth of the fishery. This is due in large part, if not entirely, to the chafing gear problem. The United States expects that if the present condition continues to exist, the Commission may find its work increasingly hampered and that stocks of fish essential to many countries may become decimated. Accordingly, the United States Government has expressed its concern to the other governments involved, urging prompt action to alleviate the situation.

United States Commissioners wish to inform you directly of this action since we, as Commissioners, may very well have to devote our attention to this problem at the next Commission meeting.

The United States view is that only in Subarea 5 do the Commission's actions meet the objectives of the Convention. In Subareas 1 and 2 there are no conservation measures in effect, although their need was recognized by the Commission over four years ago. In Subareas 3 and 4 the conservation regulations in effect were recognized as defective more than four years ago. Meanwhile, there has been a huge increase in the fisheries in the Convention area, leading the Commission's scientists to conclude that additional regulations are necessary to the minimum mesh size requirements currently in force or under consideration.

Much of the problem devolves on technical problems involving the use of savings or chafing gear by stern trawlers. As you know, many proposals referring to chafing gear have met with but little success in Subareas 1 through 4. The principal reason is that one Government or another has accepted the proposals with reservations which have had the effect of preventing their entry into force.

You will recall that, faced with this problem, the Commission made a proposal in 1963 to amend outstanding proposals or regulations for all five subareas to delete the specific provisions on the use of certain topside chafing gear and substitute a provision outlawing all such gear except that approved by the Commission on scientific grounds. The Commission also approved certain chafing gear but withheld approval of others.

In 1964 the Soviet Union and in 1965 Poland accepted the proposal but with reservations in regard to the chafing gear provision which would permit the Soviet and Polish stern trawlers to continue to use the not yet accepted fishing gear.

The United States Government feels that these reservations are exactly what the 1963 proposal was designed to eliminate, and that there is little chance that the 1963 proposal will enter into force as long as these conditional acceptances stand.

Therefore, all conservation action is currently blocked by the chafing gear problem. Even the 1964 proposal, on the use of mesh measuring devices and the use of synthetic net materials, although approved by all 13 governments, has not entered into force for Subareas 1 through 4 because it is written as an amendment to previous proposals which are blocked by the chafing gear problem.

The Commission has reviewed the Soviet chafing gear on several occasions. At the 1964 and 1965 Annual Meetings the Commission requested additional information on the Soviet chafing gear. The United States Government hopes that the requested information will be available at the 1966 meeting and that the problem can be solved in such a way as to permit early entry into force of the many outstanding proposals.

The United States Government recognizes, however, that this happy solution may not be found and believes that the Commissioners should be prepared for a full discussion of the chafing gear problem. Therefore, the United States has requested all member governments to give serious consideration to this matter, and to be prepared to have their national sections take extraordinary action at the 1966 Annual Meeting to solve the chafing gear problem and to proceed with the necessary regulation of fisheries in the Convention area. The United States fears that if this is not done, the posture of the Commission will suffer irreparable harm and its effectiveness as an international instrument for the conservation of a great natural resource will be seriously impaired.

Meanwhile, the United States Government notes the dozens of proposals and conditional acceptances outstanding, including the 1965 proposal for codification of all proposals for Subareas 1 through 4. In view of the chaotic situation created by this large number of proposals, amendments, and conditional acceptances, and the basic problem of chafing gear which must be overcome, the United States Government has notified the other Governments that it does not intend to act on these outstanding matters prior to the 1966 meeting unless the chafing gear problem is resolved.

Should Governments fail to solve the problem through appropriate action and withdrawal of the reservations, the United States has suggested that the Commission give consideration to withdrawing all outstanding proposals and adopting in substitution therefore a new simplified set of proposals for all subareas. The United States has in mind changes in form rather than in substance, and believes that the 1965 codification proposals can serve as a basis for such new proposals.

If the Governments are unable to resolve this problem within the framework of existing regulations and proposals, we, as Commissioners, must consider alternate action to achieve the purposes of the Convention. The United States Commissioners must raise this question at the 1966 meeting. We hope that you will seriously consider it, in consultation with your Government, prior to that time and that you will be prepared to make whatever recommendations to Governments that are necessary to overcome this serious problem. Unless the Commission can successfully achieve the objectives of the Convention some other means must be found to conserve the great natural resources in question.

The United States hopes that the other parties to the Convention share its view that Commission action to achieve the desired end is preferable.

Thomas A. Fulham
United States Commissioner

Ronald W. Green
United States Commissioner"

2. The subject of this memorandum will be discussed under Plenary Agenda Item 11 of the 1966 Annual Meeting of the Commission.