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ad hoc Working Group on Subarea 5 Fisheries

27-29 May 1970

The ad hoc Working Group on Subarea 5 Fisheries met 27-29 May 1970, with delegates from the United States, Canada, USSR, Poland, Romania, Fed. Rep. Germany, Spain and Portugal, and observers from Japan (Appendix I) present.

Mr E.B.Young of Canada was unanimously elected Chairman of the Working Group's meeting. Mr H.R.Beasley was appointed Rapporteur.

The meeting was convened to consider the possible application to haddock of the concepts concerning national quotas that were previously discussed by the Standing Committee on Regulatory Measures (STACREM).

At the opening of the Working Group meeting, however, the United States explained that its concern over the stocks needing special protection in Subarea 5 had been broadened to include yellowtail flounder as well as haddock. Noting that these resources had traditionally been a major support of its trawl fisheries in the ICNAF Area, the United States pointed out that the present low yield from haddock (bearing out forecasts of scientists) is causing serious hardship for its fishermen. The United States now believes these hardships will be aggravated by the need to place strict controls on fishing for yellowtail flounder, which in the light of 1969 preliminary catch data, is being fished greatly beyond the level of estimated sustainable yield.

In these circumstances, the United States asked that the Working Group consider yellowtail flounder as well as haddock. The United States also asked that the Working Group consider both "interim" and "long-term" management schemes for these resources, since existing conditions in both stocks are abnormal.

The US proposal on national quotas is attached as Appendix II. Under the US proposal, all of the allowable catch (except incidental catches) during the "interim" or recovery period would be reserved almost entirely for the United States, since it is the US fishermen almost alone who feel the impact of the depletion of the haddock stocks. After the resources had recovered, another phase of longer-range quota allocation could begin within the frame of reference developed by STACREM.

The United States reviewed some of the ideas discussed in STACREM at mid-term meetings in 1969 (1969 Meeting Proceedings No.11, Appendix I) and in 1970 (Comm.Doc.70/6), including the concept that quota shares should be allocated mainly on the basis of historical performance, but that they should also take into account other factors, such as catches by non-members and new entrants as well as the special needs of states with developing fisheries, coastal states, and states with fleets incapable of being diverted to other fisheries.

The United States explained that it had attempted to adapt the principles discussed in STACREM to the situation existing in the haddock and yellowtail fishery. The report of the January 1969 meeting of STACREM had suggested that "the portion of the shares to be allocated on a historic basis might be about 80% leaving a balance of about 20% to cover both new entrants and non-members, and any special claims by participants..." The US proposal would set these proportions at 75% and 25% respectively to give slightly greater recognition to special factors.

(over)

STACREM had further suggested that approximately equal weight be given to long-term and short-term trends in determining historical performance as a basis for quota allocations. The US proposal, however, would give greater weight to the former than to the latter. In justification of this aspect of its proposal, the United States said that historical performance should reflect well established conditions.

In response to questions from the delegate from the Federal Republic of Germany, the United States explained (1) that its proposal had equated maximum sustainable yield with long-term average yield and (2) that the proposal envisaged that the "interim" stage of management should continue until stocks had been restored to a substantial percentage of long-term average yield. The German delegate noted how much more easily and quickly stocks can be depleted than they can be restored.

Poland agreed that difficult problems were being encountered in the haddock and yellowtail fisheries, but thought that some additional time would be needed to analyze the US proposal.

The Soviet delegate noted that while STACREM had done useful work, the participants at its meetings had frequently expressed varying viewpoints and the Committee had not developed obligatory rules. Unfortunately, the Commission at the present moment cannot pass resolutions relating to the proposals on a "long-term" basis. In examining quota allocations on a historical basis, the Soviet Union could consider in the future a base period of 3-5 years, but not a longer period. The Soviet Union as a contracting party to the 1958 Geneva Convention on the High Seas is committed to the principles set forth therein. These include the concept that the high seas beyond 12 miles from shore are free for the use of all nations. Accordingly, the Soviet Union cannot recognize in principle preferential rights for particular nations, and has refused to accept proposals for such rights in STACREM as well as in other international bodies.

The United States suggested that practical ways to alleviate problems of coastal fisheries could be explored without raising legal questions. The Soviet delegate noted that as far as the proposals on an "interim" basis are concerned, they practically close the fisheries to all the countries except coastal states, and they are unacceptable to the USSR. The Soviet delegate pointed out that USSR fleets do not now conduct specialized fisheries for haddock in Subarea 5, in order to facilitate the restoration of haddock stocks, but this does not mean that the Soviet Union has decided to abstain from fishing for haddock in Subarea 5 forever. Regulatory measures for haddock fishing adopted by ICNAF last year entered into force some months ago, and it would be premature to assess their effectiveness. It was also noted by the Soviet Union that it had presented conservation proposals at ICNAF Annual Meetings in 1968 and 1969 calling on all member countries to limit their catches throughout the ICNAF Area to the average level of the last three years, but these proposals had not been approved.

Canada said that the US proposal appeared to fall within the frame of reference of discussions in STACREM, bearing in mind, of course, that STACREM had not been able to do more than consider general principles. It seemed that further elucidation of questions associated with national quotas would require analysis of a specific proposal. Thus, Canada was interested in thorough discussion of the US proposal.

Canada favoured giving equal weight to short-term and long-term trends in determining historical performance as a basis for quota allocation. Canada strongly favoured recognition of the special needs of coastal states, illustrated, for example, by the relatively immobile small fishing vessels that provide a livelihood for many residents of Newfoundland.

In view of the importance of the issues involved, and the impossibility of reaching definite agreement at the present meeting, Canada suggested that another meeting be arranged to allow governments to discuss these matters further, preferably considerably before the 1971 ICNAF Annual Meeting.

Romania noted that it did not take a significant catch of haddock in Subarea 5, but as a member of ICNAF was concerned about the conservation of fishery stocks in the ICNAF Area. As a contracting party to the 1958 Geneva Convention on the High Seas, Romania believed fisheries management proposals should be developed in accord with principles of international law. Romania expressed concern that the US proposal did not make sufficient allowance for countries that are now developing their fisheries. Romania, however, also noted the desirability of reconciling differing points of view, and supported the proposal of Canada for further discussions at a mid-year meeting of the Working Group.

The United States again reminded the Working Group of its deep concern over the yellowtail flounder resource in Subarea 5. The United States was shocked to learn of the vast increase in catch in 1969. Romania and Poland indicated that they understood the US concern about the conservation of this species, and that in the near future they did not intend to develop a fishery for the species, although some incidental catches of this species may be taken in the capture of other species of fish in Subarea 5.

Other members of the Working Group supported the proposal for an interim meeting and it was recommended that the time and place of such a meeting might be further considered when Panel 5 was convened during the Plenary Session of the Commission.

APPENDIX I

ad hoc Working Group on  
Subarea 5 Fisheries

List of Participants and Observers

Canada - A.W.H.Needler  
K. Henriksen  
S.G.Lake  
H.D.Pyke  
J.G.Hutchison  
C.R.Levelton  
E.B.Young (Chairman)  
R. Collie  
G.F.M.Smith

Fed. Rep. Germany - A. Meyer

Poland - F. Chrzan

Portugal - T. de Almeida

Romania - V. Tipa  
L. Popescu

Spain - J.L.Arambarri

USSR - V.M.Kamentsev  
A.A.Volkov  
A.S.Noskov  
I.V.Timofeev  
V.N.Novikova

USA - D.L.McKernan  
R. Green  
J. Dykstra  
H. Graham  
W. Terry  
W.L.Sullivan, Jr.  
H.R.Beasley (Rapporteur)  
J.B.Skerry

Japan - T. Saito  
T. Matsumoto

US PROPOSAL ON NATIONAL QUOTAS  
IN THE AD HOC WORKING GROUP ON SUBAREA 5 FISHERIES

U. S. Proposes that the conclusions of STACREN be applied to the haddock stocks in Sub-area 5 - and assuming that the Commission takes regulatory action on yellow-tail flounder, to those stocks in Sub-Area 5 - in two stages, and "interim" stage and a "long-term" stage.

1. - For the "interim" stage the U.S. proposes that, to off-set the catastrophic effects on the U.S. coastal fishery of the depletion of haddock stocks, fishing for haddock stocks in sub-area 5 be reserved to the U.S., with incidental catches only permitted to the fishermen of other member governments and with some special consideration for Canadian fishermen in view of the long-standing special relationship between Canada and U.S. in the haddock fisheries in sub-areas 4 and 5. The U.S. proposes further that this interim regime continue in force until the haddock stocks in sub-area 5 are restored to normal yield levels.

2. - For the "long-term" stage the U.S. proposes the following:

- a. the allowable catch of haddock in sub-area 5 be divided  
- into two portions, one equal to 75% of the total, the other equal to 25% of the total;
- b. of the 25% portion, 80% be allotted to the coastal state and the remaining 20% be left unallotted as an allowance for non-member states fishing in sub-area 5 and new entrant states;
- c. the 75% portion of the quota be allotted among commission members on two bases, 80% in proportion to the average catches of haddock during the ten-year period ending on December 31, 1964, the remaining 20% in proportion to the average catches during the three-year period 1967 - 1969 inclusive;
- d. in the event that it is necessary in any year to reduce the quota below the maximum sustainable yield as calculated by STACRES, the coastal state share will not be reduced below an absolute amount equal to the coastal states percentage applied to the maximum sustainable yield;

- e. in the event that a member country takes more than its allocation in any year, its allocation in the following year is automatically reduced by an amount equal to the excess plus an amount determined by STACRES to be necessary to offset the impact of the excess catch on the stock;
- f. the regime will remain in effect for a period of five years with a mandatory review during the fifth year and other reviews at the option of a majority of the members of Panel 5 during the five years.