

International Commission for



the Northwest Atlantic Fisheries

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Note by US Commissioners concerning regulation of international fisheries  
in the Convention Area and Statistical Areas 0 and 6  
Intent to make proposals

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The United States recognizes and appreciates the progress made by the International Commission for the Northwest Atlantic Fisheries in developing a conservation and enforcement regime throughout the Convention Area. The United States also recognizes that there are inherent problems in the effective enforcement of the Commission's regulations, particularly by distant-water fishing nations over vessels of their own flag. These difficulties in implementing the Scheme of Joint International Enforcement, in part are a result of the distance from the flag state to the areas where fishing takes place; in part the result of inadequate regulatory authority, both in the Commission's regulations and in the domestic laws of some states; and, in part a lack of appropriate deterrent penalties to ensure compliance as a matter of self-interest for the fishermen.

The Scheme of Joint International Enforcement was established to provide, inter alia, a means of assisting flag states in enforcing the Commission's regulations in the absence of flag state inspectors. In spite of the successes of the Scheme, however, substantial violations of the regulations continue to occur. National quota allocations are frequently exceeded, and the "Others" quota provisions are regularly abused. The problem of by-catch and discards, although partially alleviated by the two-tier quota system in Areas 5 and 6, has not been solved, either from the standpoint of control of this major conservation element

or from the standpoint of proper scientific data needs through adequate logbook records. Further, it is evident to US officials that fishermen are often not aware of the regulations in force for the area in which they are fishing. US inspectors, when an apparent violation is observed expect to follow the procedures in Paragraphs 5 and 6 of the Scheme which provide for the notification of, and response by, designated flag state authorities.

The United States believes that closer adherence to the Commission's regulations must be achieved to ensure the conservation of the stocks, and that meaningful control of violations requires meaningful deterrent penalties. The results will accrue to the benefit of fishermen from all countries. Accordingly, additional measures must be agreed to, and implemented, at the earliest possible time.

Violations of Commission regulations tend to differ in their impact on conservation of the stocks, but fall generally into the following types:

- a) Fishing in a closed area or fishing with gear prohibited for that area.
- b) Fishing under an "Others" quota without prior notification to the Commission Secretariat of an intention to do so.
- c) Taking more fish than allowed by the national quota, or an "Others" quota.
- d) Taking a prohibited amount of by-catch of a regulated species.
- e) Falsification of logbook records (e.g. to show catch taken in a different location than where actually taken). Failure to record catch, by-catch or discards.
- f) Refusing to permit reasonable boarding and inspection by an authorized ICNAF inspector.
- g) Improper mesh size or chafing gear.
- h) Improper or inadequate recording of catch, by-catch and discards.
- i) Failure to possess proper flag state registration documents aboard while fishing or engaged in the treatment of sea fish in the Convention Area.

- j) Other violations of a similar nature.

The United States suggests the following additional enforcement measures for consideration by the Commission as amendments to the Scheme of Joint International Enforcement, and intends to further detail these proposals for placement on the agenda by the Commission at the next meeting in January.

- a) DETENTION - When reasonable cause exists to believe that a violation of Commission regulations has taken place, the ICNAF inspector may detain the vessel, without allowing it to continue to fish, at or near the scene of the boarding or alleged violation, until an authorized official of the flag state arrives on scene to investigate the reported violation on behalf of his government.
- b) WITHDRAWAL OF REGISTRATION - When a violation has been alleged against a vessel and concurred in by the flag state official on scene, the vessel's registration to fish in the Convention Area shall be temporarily withdrawn, pending the resolution of the case under flag state domestic law. Upon conviction of a major or intentional violation, the registration shall be withdrawn for a period of not less than one year for a first offense. For administrative or minor violations, registration may be withdrawn for periods of not less than 30 days.
- c) OVER-QUOTA PENALTY - When a national or "Others" quota has been exceeded, or appears to have been exceeded, the relevant information pertaining to the violation shall be submitted to the Commission at its next meeting. If the Commission concurs in the validity of the quota violation, an amount of 250% of the overage shall be subtracted from the following year's allocation of the offending contracting party. (The reduction shall not be redistributed to the other parties.)

