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the Northwest Atlantic Fisheries

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Review of differences between the Schemes of Joint International
Enforcement of ICNAF and NEAFC, at the end of 1975

by

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1. In the ICNAF regulations there is a paragraph 4(ii) which reads: "Fishery support vessels in transit and not for the time being connected with fishing or transferring unprocessed fish are not subject to boarding under this Scheme."

NEAFC has no such a paragraph. It is felt that paragraph 4(i) makes it clear that the vessels mentioned in 4(ii) are not subject to boarding, therefore 4(ii) is unnecessary and may confuse the issue since there are a number of other types of vessel not subject to boarding.

If the idea is to make sure that fishery support vessels connected with fishing or transferring unprocessed fish must be subject to boarding it would be better to write:

"For the purpose of this Scheme, fishery support vessels for the time being connected with fishing or transferring unprocessed fish are deemed to be employed for the time being in fishing or the treatment of fish."

We feel that this would be applicable to the NEAFC area too.

2. The last sentence of paragraph 5(i) reads in ICNAF:

"Copies of the report shall be given to the master of the vessel and transmitted, within 30 days whenever possible, to an appropriate authority of the flag state of the vessel and to the Commission."

Whereas the corresponding sentence in NEAFC reads:

"A copy of the report shall be given to the master of the vessel and a copy shall be transmitted, within 30 days whenever possible, to an appropriate authority of the flag state of the vessel and a copy of a report of an apparent infringement shall also be forwarded to the Commission."

It is felt that the NEAFC version is clearer and reduces the bureaucratic load on the Commission's Secretariat.

3. After paragraph 5(i), NEAFC inserts four paragraphs, that is 5(ii), 5(iii), 5(iv) and 5(v), which specify how to inspect meshes and which correspond broadly to paragraph 1(a) of Mesh Size Regulations in force in Subareas 1, 2, 3, 4 and 5 of ICNAF and the last but one sentence and the last sentence of paragraph 1 of the same Regulations.

In ICNAF, then they read as follows:

"Mesh sizes are measured by a flat wedge-shaped gauge having a taper of 2 centimetres in 8 centimetres and a thickness of 2.3 millimetres, inserted into the meshes under a pressure or pull of 5 kg.

"The mesh size of a net shall be taken to be the average of measurements of any series of twenty consecutive meshes, at least ten meshes from the lacings, and when measured in the codend of the net beginning at the after end and running parallel to the long axis.

"These mesh sizes relate to manila twine netting when measured wet after use or the equivalent thereof when measured dry before use. The Commission may, on the basis of scientific advice as to selectivity equivalents, determine the appropriate mesh sizes when trawl nets made of materials other than manilla are used or when seine nets are used."

Now here we have one of the main differences between NEAFC and ICNAF rules.

- a) Firstly, ICNAF rules, as opposed to NEAFC, allow the nets to be measured dry before use. In practice, however, this permission is meaningless, because the Commission rules in force only specify their minimum measurements when measured wet after use and not their equivalents when measured dry before use.
- b) Secondly, it is necessary to compare the rules relating to mesh differentials.

In ICNAF:

- i) In Subareas 1 to 3 there is a minimum mesh size specified for trawl nets made of hemp, polyamide fibres or polyester fibres and a different one specified for manila and any other material.
- ii) In Subareas 4 to 5 there is a minimum mesh size specified for trawl nets made of cotton, hemp, polyamide fibres or polyester fibres and a different one specified for manila and any other material.

REMARK - There is an apparent lack of scientific logic here; the explanation must be that cotton nets are not in use in Subareas 1 to 3. There is also no mention of twine, single or double.

In NEAFC:

- i) In Region 1 there is a minimum mesh size specified for trawl nets made of cotton, hemp, polyamide fibres or polyester fibres and a

ii) In Region 2 there is a minimum mesh size specified for trawl nets made of single twine not containing either manila or sisal, a different one specified for nets made of double twine not containing either manila or sisal and still a different one for nets made of manila or sisal.

iii) In Region 3 the rules are as in Region 2.

It is obvious that no scientific basis can justify these discrepancies.

- c) The ICNAF gauge is wedge-shaped, whereas the NEAFC gauge has parallel-sided sections interconnected by wedge-shaped sections. We feel that by now it might be impossible to use a uniform gauge for both NEAFC and ICNAF. Just the same we would like to venture the opinion that the ICNAF gauge is actually simpler to use for the same standard of accuracy and it is important to underline that ICSEAF have already adopted the ICNAF gauge.
4. Another major difference between NEAFC and ICNAF regulations concerning mesh measurements and minimum sizes is that in ICNAF and NEAFC the minimum mesh size applies to the whole of the net (even though in Subarea 5 there are different minima for the codend and for the rest of the net) whereas in NEAFC the gauge and method of measurement appears to apply only to the codend.
5. We could also mention other small detail differences in mesh size and measurement regulations, some of them actually consequent to the main differences already indicated. However, they are better left for further study, should this be considered necessary.
6. In ICNAF Regulation 5(ii) we have a combination of NEAFC regulations 5(vi) and 5(vii). Actually this Regulation 5(vi) is identical to the last sentence of ICNAF Regulation 5(ii).

The relevant difference lies in the fact that in ICNAF the inspector has the authority to inspect all fishing gear on or near the working deck and readily available for use, whilst in NEAFC the inspector has authority to inspect all nets other than those which are dry and stowed away below deck. (See NEAFC Regulation 5(vii).) Furthermore the ICNAF regulations specify in Regulation 5(ii) that fishing gear shall be inspected in accordance with the regulations in force for the subarea in which the inspection takes place. In NEAFC this precision should also be mentioned in relation to the NEAFC regions.

7. When comparing ICNAF Regulation 5(iii) with NEAFC Regulation 5(vii), we find that they are identical except that in the ICNAF regulation a final sentence is added which reads:

"He shall report his findings to the authorities of the flag state of the inspected vessel as soon as possible."

Frankly, the meaning of this sentence is obscure, as the report of the examination of the catch is not made separately from the rest of the report of the inspection.

Furthermore, we find that in ICNAF Regulation 5(ii) authority is given to the inspector to inspect the catch on and below decks.

We are of the opinion that the manner in which this ICNAF regulation is drafted is faulty on this point because Regulation 5(ii) makes no distinction between authority to inspect fishing gear and the authority to inspect catch.

Furthermore, this way there is a clash between ICNAF Regulation 5(ii) and 5(iii), since in 5(ii) the inspector's authority is limited to some storage areas, whereas in 5(iii) he is sole judge of his own bounds.

8. In ICNAF Regulation 5(iv) we find the substance of NEAFC Regulation 5(ix). The only difference occurs in the very last sentence. The NEAFC regulation reads:

"Subjects photographed shall be listed in the report and copies of the photographs shall be attached to the copy of the report to the flag state."

The ICNAF Regulation 5(vii) reverts to the subject of taking photographs and mentions their listing, but limits the photographs to fishing gear.

9. The aforementioned ICNAF Regulation 5(vii) appears to be redundant and out of place. If it is necessary to mention that whilst photographing fishing gear, its identification mark and measurements must be visible, this proviso should be included in ICNAF Regulation 5(iv) and NEAFC Regulation 5(ix).
10. In ICNAF regulations, Contracting Governments should inform the Commission by 1 March each year of the provisional plans for participation in the arrangements in that and the following year. Whereas in the NEAFC regulations the corresponding plans refer only to the following calendar year. It is felt that it does not help much for a government to communicate by 1 March provisional plans for that same year.
11. ICNAF Regulation 12(i) refers to:

"compilation of the inspections of the vessels of their own flag by any authorized ICNAF inspectors".

Whereas NEAFC Regulation 12(i) refers to the inspections themselves.

It is felt advisable that the same wording should apply to both regulations.

12. In ICNAF Regulation 12(ii) the report of the Contracting Government in question should deal with the status of the disposition of each alleged infringement by a vessel of its flag. Also, when dealing with the punishment imposed the amount of any monetary penalty actually paid and the length of any imprisonment actually served shall be obligatorily included in the report. It is felt advisable that the same wording should apply to both regulations.

The above assessment is relevant only to the Schemes of Enforcement of NEAFC and ICNAF as of the end of 1975. It does not take into consideration subsequent proposals to the ICNAF Scheme. This is due to the fact that the recent evolution of regulations in the ICNAF Area has led them to transcend the scope of the most probable objectives to be attained by the Scheme in the NEAFC area.