



Serial No. 5017
(B.w.)

ICNAF Comm. Doc. 77/VI/11

ANNUAL MEETING - JUNE 1977

Report of the International Preparatory Conference on Future Multilateral Cooperation
in the Northwest Atlantic Fisheries
Ottawa, Canada, 14-25 March 1977

CONTENTS

(NOTE: The page numbers referred to are those given at the bottom of the pages)

	<u>Page</u>
Report of the International Preparatory Conference on Future Multilateral Cooperation in the Northwest Atlantic Fisheries.....	3
ANNEX I. List of Participants.....	5
ANNEX II. Notes for a Speech by the Secretary of State for External Affairs at the opening of the International Conference on the future of Northwest Atlantic fisheries, on March 14, 1977.....	8
ANNEX III. Agenda.....	9
ANNEX IV. First Draft Convention by Canada.....	10
ANNEX V. Statement by the EEC Delegation to the International Preparatory Conference on the future of ICNAF, Ottawa, March 14-25.....	19
ANNEX VI. Synopsis of the Canadian Draft Convention on international cooperation in Northwest Atlantic fisheries.....	20
ANNEX VII. Opening statement by Mr S. Ohkuchi, Head of Japanese Delegation, before the Preparatory Meeting regarding a Draft Convention on future fisheries cooperation in the Northwest Atlantic, Ottawa, Canada, March 15, 1977.....	23
ANNEX VIII. Opening statement by Larry L. Snead, Head of US Delegation, before the Preparatory Meeting regarding a Draft Convention on future fisheries cooperation in the Northwest Atlantic, Ottawa, Canada, March 15, 1977.....	25
ANNEX IX. Statement by Head of USSR Delegation to the Preparatory Meeting regarding the future of ICNAF, March 15, 1977.....	26
ANNEX X. Statement by the Norwegian Delegate to the Preparatory Meeting regarding the future of ICNAF, March 15, 1977.....	28
ANNEX XI. Déclaration du Représentant roumain à la réunion sur l'avenir de l'ICNAF, le 15 mars, 1977.....	29
ANNEX XII. Statement by the Delegate of the German Democratic Republic to the Preparatory Meeting regarding a Draft Convention on future fisheries cooperation in the Northwest Atlantic, March 21, 1977.....	31
ANNEX XIII. Statement by the Spanish Delegation to the Preparatory Meeting regarding the future of ICNAF, March 22, 1977.....	32
ANNEX XIV. Statement by the Bulgarian Delegate to the Preparatory Meeting regarding the future of ICNAF, March 22, 1977.....	33

	<u>Page</u>
ANNEX XV. Second Revised Draft Convention, March 23, 1977.....	35
ANNEX XVI. Report of the Working Group on Transitional Provisions, March 21, 1977.....	55
ANNEX XVII. Report of the Working Group on Financial Arrangements, March 22, 1977.....	57

REPORT OF THE INTERNATIONAL PREPARATORY CONFERENCE ON
FUTURE MULTILATERAL COOPERATION IN THE
NORTHWEST ATLANTIC FISHERIES

Ottawa, Canada

14 to 25 March 1977

- 1 -

- 2 -

TERMS OF REFERENCE

1. The International Commission for the Northwest Atlantic Fisheries (ICNAF) at its Ninth Special Meeting in December 1976 adopted the following resolution:

The Commission

Noting recent and impending developments affecting international fisheries in the Northwest Atlantic;

Having Considered the Report of the Group of Experts on the Future of the International Commission for the Northwest Atlantic Fisheries;

Having Adopted amendments of an interim nature to Articles I and VI of the Convention to provide for the continued functioning of the Commission pending further consideration of future multilateral cooperation with regard to the fishery resources of the Northwest Atlantic;

Recommends that action be taken as soon as possible in the first half of 1977 to pursue the development of a framework for such future cooperation, including appropriate institutional arrangements.

PARTICIPATION

2. In pursuance of the resolution, the Government of Canada issued invitations to attend a preparatory conference in Ottawa, Canada, from 14 to 25 March 1977. The Conference was attended by delegates from all ICNAF member countries, from the European Economic Community and from the USA as well as representatives of the ICNAF Secretariat. A list of participants is at Annex 1.

WELCOME

3. The Conference was formally opened and the representatives welcomed by the Secretary of State for External Affairs

at 10:00 hours, 14 March 1977, in the Conference Room, Department of External Affairs, Ottawa. The text of the Secretary's address is at Annex II.

CONFERENCE OFFICERS

4. The Conference elected Dr. A.W.H. Needler (Canada) Chairman, with Dr. D. Booss (Federal Republic of Germany) and Mr. A. Volkov (U.S.S.R.) as Vice-Chairmen. Mr. L.R. Day (ICNAF) was appointed Rapporteur.

AGENDA

5. The Conference approved the agenda as at Annex III.

CANADIAN DRAFT CONVENTION

6. The Chairman drew attention to a draft Convention which had been prepared by Canada in an effort to suggest a firm basis in treaty law for the continuation of multilateral cooperation in Northwest Atlantic fisheries within a framework tailored to the new regime of extended coastal state jurisdiction. The draft had been prepared as a basis for discussion and all delegates were invited to participate fully in any discussions on an informal basis. The text of the draft Convention proposed by Canada is at Annex IV.

OPENING STATEMENTS

7. Following a half-day adjournment so that delegates might study the Canadian draft Convention, opening statements were made by the delegate of the E.E.C. (Annex V) and by the Canadian delegate (Annex VI), who introduced and summarized the draft Convention. In addition, statements were made by the Japanese delegate (Annex VII), the U.S. delegate (Annex VIII), the U.S.S.R. delegate (Annex IX), the Norwegian delegate (Annex X), the Romanian delegate (Annex XI), and the delegate from the German Democratic

4 Republic (Annex XII). Statements were also made by the delegates of Spain (Annex XIII) and Bulgaria (Annex XIV) following the introduction of the revised draft.

DEVELOPMENT OF DRAFT CONVENTION

8. Following a detailed discussion of the draft Convention proposed by Canada, the Canadian delegation prepared two revised drafts, taking into account views expressed by various delegations. (The second revision appears at Annex XV). It was agreed that this draft would provide a useful basis for further discussion. It was understood, however, that this procedure does not involve any commitment by any delegation in respect to the revised draft or any of its suggested provisions.

9. Major questions requiring further study and discussion include, inter alia:

- the draft provisions respecting the functions, competence and responsibilities of the proposed Fisheries Commission (Article IX, second revised draft);
- the draft provisions respecting the financing of the proposed new Organization (Annex XVII and Article XIII);
- arrangements for a smooth transition from the ICNAF regime to the proposed new multilateral arrangements (Annex XVI);
- species to be excluded from the proposed new Convention.

FURTHER MEETING

10. The Conference agreed that there should be a second preparatory meeting to take place from 6 to 8 June 1977 in conjunction with the 27th Annual Meeting of ICNAF in Ottawa, Canada.
11. The Conference agreed to recommend that a diplomatic conference be convened in October 1977 to consider the adoption of a new Convention on future multilateral cooperation in the Northwest Atlantic Fisheries. The Conference received with favour the invitation of the Government of Canada to host the Diplomatic Conference at Ottawa, Canada, from 11 to 21 October 1977.

12. Following a suggestion by the Chairman of the International Commission for the Northwest Atlantic Fisheries, it was agreed that a special meeting of the Commission might be convened, if required, on 21 October 1977 in conjunction with the Diplomatic Conference, for the purpose of ensuring a smooth transition to the proposed new multilateral arrangements.

LIST OF PARTICIPANTS

Preparatory Conference on the Future of ICNAF

March 14 - 25, 1977

(Head of Delegation Underlined)

BULGARIA

Kolarov, Peter; Institute of Fisheries, Varna.

Nedelev, Ivan; Counsellor, Bulgarian Embassy, 325 Stewart St., Ottawa.

CANADA

Applebaum, B. I. M.; Sr. Policy Adviser, International Directorate, Department of Fisheries and the Environment.

Bollivar, D. R.; Coordinator, International Agreements, Fisheries and Marine Service.

Evans, W. G.; Fisheries Officer, St. John's, Newfoundland.

Legault, L. H.; Director-General, International Directorate, Fisheries and Marine Service.

Léger, G. A.; Legal Operations Division, Department of External Affairs, Ottawa.

May, Dr. A. W.; Director-General, Resource Services, Fisheries and Marine Service.

Muir, Barry S.; Director, Resource Branch, Fisheries Management Maritimes, Halifax.

Needler, Dr. A. W. H.; Adviser, St. Andrews, New Brunswick.

Parsons, L. Scott; Associate Director, Resource Assessment, Fisheries and Marine Service.

Phillips, M. B.; Legal Operations Division, Department of External Affairs, Ottawa.

Roberts, R. R.; International Directorate, Department of Fisheries and the Environment.

Willis, L. A.; Legal Adviser, International Directorate, Department of Fisheries and the Environment.

CUBA

Alvarez, Felipe R.; First Secretary, Embassy of Cuba, Ottawa.

Martinez Samalea, Martha J.; Directora Juridica, Ministerio de la Pesca, c/o Cuban Embassy, Ottawa.

Miranda, Olga; Head of the Legal Department, Ministry of Foreign Affairs, Cuban Embassy, Ottawa.

Oltuski, Osaki Enrique; Vice Ministro, Ministry of Fisheries.

Rivas, Roberto; Counsellor, Embassy of Cuba, Ottawa.

DENMARK **

Lemche, E.; Adviser, Ministry for Greenland.

Lokkegaard, Knud; Head of Department, Ministry of Fisheries.

Svenningsen, Erik W.; Counsellor, Danish Embassy, Ottawa.

EUROPEAN ECONOMIC COMMUNITY

Brückner, Peter; Legal Adviser, General Secretariat of the Council of the European Communities, Brussels.

Fischer, Robert C.; Legal Adviser, Commission of the European Communities, Brussels.

Hamilton, Christine; Assistant Chief, Economics Section, Delegation of the Commission of the European Communities, Ottawa.

Koers, A. W.; Legal Expert, Fisheries Division, Commission of the European Communities, Brussels.

Stein, Erik H.; Principal Administrator, General Secretariat of the Council of the European Communities, Brussels.

FRANCE

Hery, Daniel; Directeur Adjoint des Pêches Maritimes, Paris.

Letacounoux, Robert J. H.; Directeur Adjoint, Institut des Pêches Maritimes.

GERMAN DEMOCRATIC REPUBLIC

Ranke, Walter; Head of Department for International Affairs in Fisheries, German Democratic Republic.

GERMANY, FEDERAL REPUBLIC OF

Booss, D.; Bundesministerium für Ernährung, Landwirtschaft und Forsten, Bonn.

von Rom, Dr. A.; First Secretary, Embassy of the Federal Republic of Germany, Ottawa.

ICELAND

Jonasson, J. B.; Head of Division, Ministry of Fisheries, Iceland.

ITALY

Blefari Schneider, Anna; First Secretary, Embassy of Italy, Ottawa.

Monaco-Sorge, Giorgio; First Secretary, Consulate General of Italy, Montreal.

JAPAN

Iino, Kenro; Second Secretary, Embassy of Japan, Ottawa.

Mizoguchi, Michio; Deputy-Director General, Economic Affairs Bureau, Ministry of Foreign Affairs.

Ohkuchi, Shunichi; Vice President, Nippon Suisan Co. Ltd., Tokyo.

Shima, Kazuo; Deputy-Director, International Affairs Division, Fishery Agency, Tokyo.

Takahashi, Fumiaki; Official of Ministry for Foreign Affairs, Tokyo.

NORWAY

Bergesen, Finn; Fisheries Attaché, Embassy of Norway, Washington, D.C.

Bolset, Nils; Head of Division, Ministry of Foreign Affairs, Oslo.

Rasmussen, Hallstein; Directorate of Fisheries, Norway.

POLAND

Antczak, Edward; Representative of Polish Fisheries in Canada, Halifax.

Duch, Z.; Consul and Deputy Trade Commissioner, Montreal.

Sonta, W.; Fisheries Central Board, Poland.

Stanek, E.; Fisheries Research Institute, Poland.

PORTUGAL

Cardoso Esteves, Joaquin Carlos; Director-General of Fisheries Administration, Portugal.

ROMANIA

Anastasescu, I. S.; Third Secretary to the Romanian Embassy, Ottawa.

Popescu, B.; Romanian Ambassador to Canada, Ottawa.

Saulescu, G.; Ministre-Conseiller du Ministère des Affaires Etrangères, Ottawa.

SPAIN

Lopez-Jacoiste, Julio; Counsellor of the Embassy of Spain, Ottawa.

Meseguer, José Luis; Asesor Jurídico de la Dirección General de Pesca Marítima, Madrid.

UNION OF SOVIET SOCIALIST REPUBLICS

Kovalenko, Ivan F.; Counsellor of the USSR Embassy, Ottawa.

Kuznetsov, Alexander; Ministry of Fisheries, Moscow.

Riazantsev, Yuri; VNIRO, Moscow.

Volkov, Alexei; Soviet Fisheries Representative in Canada, Halifax.

UNITED KINGDOM

Burne, Dr. A.R.; U.K. Commissioner, Ministry of Agriculture, Fisheries and Food, London.

UNITED STATES OF AMERICA

Dykstra, J.J.; Point Judith Fishermen's Association,
Narragansett, Rhode Island.
Edwards, Robert; Director, Northeast Fisheries Centre, Woods
Hole, Mass.

Hennemuth, Richard; Assistant Director, NEFC, Woods Hole, Mass.

Hoinkes, Mary E.; Legal Adviser, Department of State.

Posz, Gary S.; First Secretary, U.S. Embassy, Ottawa.

Ryan, Alan F.; Foreign Affairs Officer, Office of International
Fisheries, National Marine Fisheries Service, Department
of Commerce, Washington, D.C.

Snead, Larry L.; Fisheries Office, Department of State,
Washington, D.C.

Sullivan William L.; Director, Office of Marine Science and
Technology Affairs, Department of State, Washington.

ICNAF

Day, Lewis R.; Executive Secretary.

Hodder, V.M.; Assistant Executive Secretary.

CONFERENCE SECRETARIAT

Balcom, Pattie; International Directorate, Fisheries and Marine
Service, Ottawa, Ontario.

Brown, Pat; Legal Operations Division, Department of External
Affairs, Ottawa, Ontario.

Chisholm, Dale; Legal Operations Division, Department of
External Affairs, Ottawa, Ontario.

Pethick, Diana; Executive Assistant to the Director-General,
International Directorate, Fisheries and Marine Service,
Ottawa, Ontario.

** Additional Danish Delegates

Djurhuus, Johan; Director, Faroe Islands, Denmark.
Reinert, Peter; Faroe Islands, Denmark.

March 21, 1977

NOTES FOR A SPEECH BY THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS AT THE OPENING OF THE INTERNATIONAL CONFERENCE ON THE FUTURE OF NORTHWEST ATLANTIC FISHERIES, ON MARCH 14, 1977

During these past cold winter months, I have been reading reports about fisheries negotiations held in such sunny spots as the Canary Islands and Los Angeles. Bearing that in mind, I am a little concerned about any promises made to entice you to Ottawa while the snow is still melting. You are very welcome in any case, and I hope you will enjoy your visit.

Both as Secretary of State for External Affairs and as a Minister from Newfoundland responsible to fishermen, I consider the work you are beginning today to be of the utmost importance. A new course is to be charted here which will have far-reaching effects in future multilateral cooperation in the field of fisheries. Over the past year, agreements have emerged which, to a significant degree, make clear the pattern for future bilateral fishery relations, based on the 200-mile zone concept which has developed within the Law of the Sea Conference. What is less clear, however, is what new forms multilateral fisheries cooperation will take now that the 200-mile zone has been adopted widely.

The December meeting of the International Commission for the Northwest Atlantic Fisheries (ICNAF) took an historic step when it voted to accept an amendment to the Convention that restricts the Commission's management authority to the area beyond national fisheries limits. A second amendment also provided for the Commission to offer scientific advice to coastal states upon their request. These interim measures were, in the Canadian view, essential first steps. The task before you now is to conduct a more comprehensive examination of future multilateral cooperation with regard to the Northwest Atlantic fisheries, building not only on the new jurisdictional realities but on new approaches and new relationships that take into account:

- the fact that in the Northwest Atlantic there are fish stocks outside 200 miles, beyond coastal state jurisdiction but linked in conservation terms and in fishing terms with the interests of the coastal state;
- the fact that multilateral fisheries arrangements in the Northwest Atlantic will be based

not on an organization made up primarily of coastal states with interlinked management problems within their zones, but rather on an organization which seeks to develop useful cooperation between the few coastal state managers and the many nations with traditional fishing practices both within and beyond 200 miles;

- the fact that effective cooperation in the Northwest Atlantic fisheries will inevitably require both multilateral cooperation and bilateral cooperation, and that the two are interlinked.

This conference is being held outside the formal framework of ICNAF, but it has come about mainly because of the spirit of cooperation which has been displayed within the Commission. ICNAF, with all its weaknesses, was probably more successful than any other multilateral fisheries commission, and the lessons it has taught us must not be forgotten. Among its achievements, ICNAF performed a vital service in scientific research, and it would be wise to ensure that the high level of cooperation in science within ICNAF is not lost.

The new arrangements you negotiate may of necessity look somewhat different from those now in place. It seems necessary that new mechanisms be established to provide for scientific cooperation both within 200 miles, and for the management of fish stocks beyond the 200-mile limit. For Canada, it is also vital to ensure that the new arrangements take into account the special interest of the coastal states in areas outside but adjacent to its zone, and in particular to ensure that management measures for stocks outside 200 miles are consistent with those taken by the coastal state within 200 miles.

In conclusion, I do not believe that national management is incompatible with international cooperation. Coastal states now have the opportunity to manage the living resources of their new zones, but if this management is to be effective, it will be essential to maintain various forms of international cooperation and to develop new ones.

I wish you every success in the coming weeks.

PREPARATORY MEETING ON THE FUTURE OF ICNAF
OTTAWA, MARCH 14-25, 1977

ANNEX III

PROPOSED AGENDA.

1. Formal opening by the Secretary of State for External Affairs on Monday, March 14 at 10:00 a.m. in the Conference Room, Department of External Affairs, Lester B. Pearson Building, Sussex Drive.
2. Election of Chairman and Vice Chairman
3. Approval of Agenda
4. Procedures and arrangements
5. Question of participation in the meeting
6. Opening statements
7. Development of a draft Convention for multilateral cooperation with regard to Northwest Atlantic Fisheries
8. Arrangements for Diplomatic Conference to adopt new convention
9. Adjournment

Note: The formal opening of the Meeting will be open to the press and public. All other sessions will be held in private.

First Draft Convention by Canada

The Governments whose duly authorized representatives have subscribed hereto.

NOTING that the coastal states of the Northwest Atlantic have extended their jurisdiction over the living resources of their adjacent waters pursuant to and in accordance with relevant principles of international law, and exercise in those waters sovereign rights for the purpose of exploring and exploiting, conserving and managing these resources;

DESIRING to promote the conservation and optimum utilization of the living marine resources of the Northwest Atlantic area within a framework appropriate to the regime of extended coastal state jurisdiction,

Have agreed as follows:

Article I

1. Except where otherwise provided, the area to which this Convention applies, hereinafter referred to as the "Convention Area", shall be the waters of the Northwest Atlantic Ocean north of 35°00' north latitude and west of 42°00' west longitude, and the waters of the Gulf of St. Lawrence, Davis Strait and Baffin Bay.

2. The Convention Area shall be divided into Subareas and Divisions of Subareas, the boundaries of which shall be those defined in Annex I to this Convention.

3. In this Convention,

"coastal state" means a Contracting Party exercising fisheries jurisdiction in waters forming part of the Convention Area;

"fishery" or "fisheries" does not include any fishery for sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil; and

"Regulatory Area" means that part of the Convention Area which lies beyond national fishery limits.

4. Nothing in this Convention shall be deemed to affect or prejudice the positions or claims of any Contracting Party in regard to internal waters, the territorial sea, or the limits or extent of maritime jurisdiction.

Article II

1. The Contracting Parties shall establish and maintain an Organization whose object shall be to contribute through international consultation and cooperation to the optimum utilization and rational management and conservation of the living resources of the Convention Area. This Organization shall be known as the Northwest Atlantic Fisheries Consultative Organization, hereinafter referred to as the "Organization", and shall carry out the functions set forth in this Convention.

2. The Organization shall consist of:

- (a) a Scientific Council,
- (b) a Fisheries Conservation Commission,
- (c) a General Council, and
- (d) a Secretariat.

3. The Organization shall enjoy in the territories of the Contracting Parties such legal personality and capacity as may be agreed between the Organization and the Contracting Party concerned.

Article III

1. The functions of the Scientific Council shall be:
 - (a) to provide machinery for cooperation and consultation among the Contracting Parties with respect to the study, appraisal and exchange of scientific information and opinion relating to the fisheries of the Convention Area;
 - (b) to provide scientific advice to coastal states, where requested to do so pursuant to Article IV, with respect to the management of fisheries under their jurisdiction within the Convention Area; and
 - (c) to provide scientific advice to the Fisheries Conservation Commission with respect to the management of fisheries within the Regulatory Area.

2. In order to carry out the functions described in paragraph 1, the Scientific Council shall

- (a) compile and maintain statistics and records pertaining to the fisheries of the Convention Area; and
- (b) encourage and promote cooperation among the Contracting Parties in scientific research designed to fill gaps in knowledge pertaining to the fisheries of the Convention Area.

3. Each Contracting Party shall be a member of the Scientific Council.

4. The Contracting Parties shall furnish to the Scientific Council any available statistical and scientific information pertaining to the Regulatory Area requested by the Council for the purposes of this Article.

5. Each coastal state shall furnish to the Scientific Council any available statistical and scientific information pertaining to waters under its fisheries jurisdiction within the Convention Area requested by the Council for the purposes of this Article.

6. The Scientific Council may publish or disseminate reports, information and materials pertaining to the fisheries of the Convention Area.

7. The functions described in this Article may, where appropriate, be carried out in cooperation with other public or private organizations having related objectives.

8. The Scientific Council may establish such Committees and Sub-Committees as it considers desirable for the exercise of its duties and functions.

Article IV

1. The Scientific Council may consider, at the request of a coastal state, any question pertaining to the scientific basis for the management, conservation or utilization of fisheries in waters under the fisheries jurisdiction of that coastal state within the Convention Area.

2. The appropriate coastal state shall, in consultation with the Scientific Council, specify terms of reference for the consideration of any question referred to the Council pursuant to paragraph 1. These terms of reference shall include, along with any other matters deemed appropriate, such of the following as are applicable:

- 12 (a) a statement of the question referred, including a description of the fisheries and areas to be considered,
- (b) where scientific estimates or predictions are sought, a description of any relevant factors or assumptions to be taken into account, and
- (c) where recommendations on management policies or regulations are sought, a description of any applicable objectives the coastal state is seeking to attain and an indication of whether specific recommendations or a range of options should be provided.

Article V

1. Each Contracting Party shall have one vote in all proceedings of the Scientific Council, except that no vote shall be taken with respect to any advice to be provided to a coastal state pursuant to Article IV.
2. Decisions of the Scientific Council shall be taken by a majority of the votes of all Contracting Parties present and voting.
3. The delegates of each Contracting Party to any meeting of the Scientific Council may be accompanied by alternates, experts and advisers.
4. The Scientific Council shall select a Chairman and a Vice-Chairman, each of whom shall serve for a term of three years and shall be eligible for re-election but not to a succeeding term. The Chairman and Vice-Chairman must be representatives of different Contracting Parties.

5. Any meeting of the Scientific Council, other than the annual meeting convened pursuant to Article VII, may be called by the Chairman at such time and place as he may determine, upon the request of a coastal state or of any other Contracting Party with the concurrence of a coastal state.
6. The Scientific Council shall prepare for the Contracting Parties an annual report of its activities.
7. The Scientific Council shall adopt, and amend as occasion may require, by-laws for the conduct of its meetings and for the exercise of its functions. It may also adopt and amend such by-laws for any Committee or Sub-Committee established under paragraph 7 of Article III or authorize any such Committee or Sub-Committee to adopt and amend its own by-laws.

Article VI

1. The Fisheries Conservation Commission, (hereinafter referred to as the "Commission"), shall be responsible for the conservation and management of the fisheries of the Regulatory Area in accordance with the provisions of this Article.
2. The membership of the Commission shall consist of
 - (a) each Contracting Party whose vessels participate in the fisheries of the Regulatory Area, and
 - (b) each coastal state exercising fisheries jurisdiction in an area adjoining any portion of the Regulatory Area in which fisheries are conducted, where that state has elected to become a member of the Commission.

The General Council shall annually review and determine the membership of

the Commission on the basis of this paragraph. Any Contracting Party that is not a Commission member may attend meetings of the Commission as an observer.

3. The provisions of Article V apply with respect to the Commission, with such modifications as the circumstances may require, except that each Commission member shall be represented by up to three Commissioners, who may be accompanied by experts and advisers. The vote of each Contracting Party may be cast by any one of its Commissioners.

4. The Commission may adopt proposals for joint action by the Commission members designed to achieve the optimum utilization of the fisheries of the Regulatory Area. In considering such proposals, the Commission shall take into account any relevant advice provided to it by the Scientific Council.

5. Any proposal that applies to a stock or group of stocks which occurs both within the Regulatory Area and within an area under the fisheries jurisdiction of a coastal state, and any proposal that would, because of species interrelationships, have an effect on any stock or group of stocks which occurs in whole or in part within an area under the fisheries jurisdiction of a coastal state, shall be consistent with any related measures taken or proposed by that coastal state within the area under its fisheries jurisdiction. Each coastal state shall keep the Commission informed of any such measures or proposed measures.

6. Proposals adopted by the Commission for the allocation of catches in the Regulatory Area shall take into account the special interest of the coastal state exercising fisheries jurisdiction in the area adjacent to the portion of the Regulatory Area to which the proposal applies, and the needs of its coastal communities.

7. The Commission may also adopt proposals for the amendment of the scheme of joint international enforcement and other regulatory measures set out in Annex II to this Convention.

8. Each proposal adopted by the Commission shall be transmitted to the Depository Government. The Depository Government shall transmit the proposal to the Commission members for their consideration and may make such suggestions as will facilitate acceptance of the proposal.

9. (a) Each proposal adopted by the Commission under this Article shall become effective for all Commission members from a date to be determined by the Commission, which shall not be before the time for presenting objections under this Article has elapsed.

(b) If any Commission member presents to the Depository Government an objection to a proposal within sixty days of the date on the notification of the proposal by the Depository Government, the proposal shall not become effective for any Commission member until the expiration of forty days following the date of the transmittal to the Commission members of a notice of that objection. Thereupon any other Commission member may similarly object prior to the expiration of the additional forty day period, or within thirty days after the date of the transmittal to the Commission members of a notice of any objection presented within that additional forty day period, whichever shall be the later. The proposal shall then become effective for all Commission members, except those which have presented objections, at the end of the extended period or periods for objecting. If, however, objections have been presented by a majority of Commission members, the proposal shall not become effective unless any or all of the Commission members nevertheless agree as among themselves to give effect to it on an agreed date.

(c) Any Commission member which has objected to a proposal may at any time withdraw that objection and the proposal shall become effective with respect to such member, immediately if the proposal is already in effect, or at any such time as it becomes effective under the terms of this Article.

10. At any time after the expiration of one year from the date on which a proposal becomes effective, any Commission member may give to the Depositary Government notice of the termination of its acceptance of the proposal and, if that notice is not withdrawn, the proposal shall cease to be effective for that member at the end of one year from the date of receipt of the notice by the Depositary Government. At any time after a proposal has ceased to be effective for a Commission member under this paragraph, the proposal shall cease to be effective for any other Commission member upon the date a notice of withdrawal by such member is received by the Depositary Government.

11. The Depositary Government shall immediately notify each Commission member of

- (a) the receipt of each objection and withdrawal of objection under paragraph 9,
- (b) the entry into force of any proposal, and
- (c) the receipt of each notice under paragraph 10.

12. The Commission may recommend to the Scientific Council studies and investigations within the scope of this Convention which are deemed necessary in the development of information relating to the Regulatory Area.

Article VII

1. The function of the General Council shall be to supervise the administrative and financial affairs of the Organization and to exercise the authority set out in Articles XIII and XV of this Convention.

2. Each Contracting Party shall be a member of the General Council.

3. The provisions of Article V shall apply with respect to the General Council, with such modifications as the circumstances may require.

4. The General Council shall convene a regular annual meeting of the Organization at its headquarters or at such other place in North America as may be decided upon by the General Council.

Article VIII

1. The Secretariat shall provide services to the Organization in the exercise of its duties and functions.

2. The chief officer of the Secretariat shall be the Executive Secretary, who shall be appointed by the General Council according to such procedures and on such terms as it may determine.

3. The staff of the Secretariat shall be appointed by the Executive Secretary in accordance with such rules and procedures as may be determined by the General Council.

4. The Executive Secretary shall, subject to the general supervision of the General Council, have full power and authority over the Secretariat staff and shall perform such other functions as the General Council shall prescribe.

Article IX

1. Each Contracting Party shall pay the expenses of its own delegation to all meetings held pursuant to this Convention.
2. The General Council shall prepare an annual budget of the proposed expenditures of the Organization.
3. The General Council shall establish the payments due from each Contracting Party under the annual budget on the following basis:
 - (a) fifty percent of the budget shall be apportioned among the Contracting Parties according to a system of shares; for this purpose each Commission member shall have two shares and each other Contracting Party shall have one share; and
 - (b) the remaining fifty percent of the budget shall be apportioned among the Contracting Parties in the proportion that the nominal catch of each Contracting Party in the Convention Area bears to the aggregate nominal catch of all Contracting Parties in that Area, on the basis of the average figures for the last two complete years preceding the year of calculation for which catch statistics are available.
4. The General Council shall notify each Contracting Party of the sum due from that Party as calculated under paragraph 3 of this Article and as soon as possible thereafter each Contracting Party shall pay to the Organization the sum so notified.
5. Contributions shall be payable in the currency of the country in which the headquarters of the Organization is located, except that the Organization may accept payment in the currencies in which it is anticipated

that expenditures of the Organization will be made from time to time, up to an amount established each year by the General Council in connection with the preparation of the annual budgets.

6. At its first meeting the General Council shall approve a budget for the balance of the first financial year in which the Organization functions and shall transmit to the Contracting Parties copies of that budget together with notices of their respective allocations.
7. In subsequent financial years, the General Council shall submit to each Contracting Party drafts of the annual budgets together with a schedule of allocations, not less than six weeks before the annual meeting of the Organization at which the budgets are to be considered.
8. A Contracting Party adhering to this Convention during the course of a financial year shall contribute in respect of that year an amount equal to the sum calculated in accordance with the provisions of this Article multiplied by a fraction whose numerator is the number of complete months remaining in the year and whose denominator is twelve.
9. A Contracting Party which has not paid its contributions for two consecutive years shall not enjoy any rights under this Convention until it has fulfilled its obligations.
10. The financial affairs of the Organization shall be audited annually by external auditors to be selected by the General Council.

Article X

The Contracting Parties agree to take such action as may be necessary to make effective the provisions of the Convention and to implement within the Regulatory Area any proposals which become effective under paragraph 9 of Article VI. Legal penalties imposed in respect of violations of laws implementing such proposals shall be adequate in severity to dis-

courage such violations, and each Contracting Party shall exercise diligence in the control of its nationals and vessels in order to prevent such violations. Each Contracting Party shall transmit to the Commission a statement of the action taken by it for these purposes.

Article XI

The Contracting Parties agree to implement within the Regulatory Area the scheme of joint international enforcement and other regulatory measures set out in Annex II, as modified from time to time.

Article XII

The Contracting Parties agree to invite the attention of any Government not a party to this Convention to any matter relating to the fishing activities in the Regulatory Area of the nationals or vessels of that Government which appear to affect adversely the operations of the Organization or the carrying out of the objectives of this Convention. The Contracting Parties agree, moreover, to confer when appropriate upon the steps to be taken towards obviating such adverse effects.

Article XIII

The General Council may subdivide any Division described in Annex I, provided that any coastal state exercising fisheries jurisdiction in any part of that Division concurs in such action. Such action shall forthwith be reported to the Depositary Government which shall inform the Contracting Parties thereof.

Article XIV

The Annexes, as attached to this Convention and modified from time to time, form an integral part of this Convention.

Article XV

1. Any Contracting Party may propose amendments to this Convention to be considered and acted upon by a regular or special meeting of the General Council, except that amendments to Annex II to the Convention shall be considered and adopted pursuant to the provisions of Article VI. Any such proposed amendment shall be sent to the Executive Secretary at least ninety days prior to the meeting at which it is proposed to be acted upon, and he shall immediately transmit the proposal to all Contracting Parties.
2. A proposed amendment to the Convention shall be adopted by the General Council by a three-fourths majority of the votes of all Contracting Parties, which majority shall include the vote of at least one coastal state. The text of any proposed amendments so adopted shall be transmitted by the Depositary Government to all Contracting Parties.
3. An amendment shall take effect for all Contracting Parties one-hundred and twenty days following the date on the notification by the Depositary Government of receipt of written notification of approval by three-fourths of all Contracting Parties, including at least one coastal state, unless any other Contracting Party notifies the Depositary Government that it objects to the amendment within ninety days of the date on the notification by the Depositary Government of such receipt, in which case the amendment shall not take effect for any Contracting Party. Any

Contracting Party which has objected to an amendment may at any time withdraw that objection. If all objections to an amendment are withdrawn, the amendment shall take effect for all Contracting Parties one-hundred and twenty days following the date on the notification by the Depository Government of receipt of the last withdrawal.

4. Any Party which becomes a party to the Convention after an amendment has been adopted in accordance with paragraph 2 of this Article shall be deemed to have approved of the said amendment.

5. The Depository Government shall promptly notify all Contracting Parties of the receipt of notifications of approval of amendments, the receipt of notification of objection or withdrawal of objections, and the entry into force of amendments.

Article XVI

1. This Convention shall be ratified by the signatory Governments and the instruments of ratification shall be deposited with the Government of _____, referred to in this Convention as the "Depository Government".

2. This Convention shall enter into force upon the deposit of instruments of ratification by four signatory Governments, at least one of which shall be the Government of a state exercising fisheries jurisdiction within the Convention Area, and shall enter into force with respect to each Government which subsequently ratifies on the date of the deposit of its instrument of ratification.

3. Any Government which has not signed this Convention may adhere thereto by a notification in writing to the Depository Government. Adherences received by the Depository Government prior to the date of

entry into force of this Convention shall become effective on the date this Convention enters into force. Adherences received by the Depository Government after the date of entry into force of this Convention shall become effective on the date of receipt by the Depository Government.

4. The Depository Government shall inform all signatory Governments and all adhering Governments of all ratifications deposited and adherences received.

5. The Depository Government shall convene an initial meeting of the Organization as soon as practicable after the coming into force of the Convention, and shall communicate the provisional agenda to each Contracting Party not less than one month before the date of the meeting.

Article XVII

1. Any Contracting Party may withdraw from the Convention on December 31 of any year by giving notice on or before the preceding June 30 to the Depository Government which shall communicate copies of such notice to other Contracting Parties.

2. Any other Contracting Party may thereupon withdraw from this Convention on the same December 31 by giving notice to the Depository Government within one month of the receipt of a copy of a notice of withdrawal given pursuant to paragraph 1 of this Article.

Article XVIII

1. The original of this Convention shall be deposited with the Government of _____, which Government shall communicate certified copies thereof to all the signatory Governments and all the adhering Governments.

2. The Depository Government shall register this Convention with the Secretariat of the United Nations.

Additional Article

Possible provision for terminating ICNAF Convention and
succession of the new Organization to ICNAF.

Statement by the EEC Delegation to the
International Preparatory Conference on the Future of
ICNAF, Ottawa, March 14-25

1. The EEC delegation wishes to join the other delegations in thanking the Canadian government for its initiative to convene this preparatory conference on the future of ICNAF. We - and I am also speaking here on behalf of those Member States of the EEC who have accepted the invitation to this conference as members of the present ICNAF - would like to thank the Canadian government for its hospitality in organizing this meeting here in Ottawa.

2. At the 9th special meeting of the ICNAF Commission, last December in Tenerife, it was recognized that recent developments affecting international fisheries in the Northwest Atlantic required further consideration of future multilateral cooperation in this field. Consequently, the ICNAF Commission recommended, at the end of that meeting, that action be taken as soon as possible in the first half of 1977 to pursue the development of a framework for such future co-operation, including appropriate institutional arrangements.

You will also remember that at that same meeting the EEC expressed its interest in multilateral cooperation with regard to these fishery resources and its intention to participate and play an active role in that cooperation.

In accordance with that policy the EEC has accepted the invitation to this preparatory conference and intends to contribute to its success.

3. The interests of the EEC in the Northwest Atlantic fisheries are twofold.

Firstly: The Community has competence to apply certain measures for the conservation and management of fisheries resources within the 200 nautical miles fishery zones off the coasts of Greenland and the St Pierre and Miquelon Islands.

ANNEX V

Secondly, the Community has important fishery interests in the Northwest Atlantic, including areas within the fishery zones of the two other coastal states: Canada and the USA.

Accordingly, the Community has decided that the problems relating to the fisheries in the Northwest Atlantic should be dealt with within an appropriate framework of multilateral cooperation as well as on the basis of bilateral agreements. Moreover, the Community considers that such multilateral and bilateral arrangements should reflect the new situation arising out of the extension of fishery zones in this area.

4. As you know, the Community has already signed a bilateral agreement with the USA concerning fisheries off the coast of that country and has started negotiations with Canada.

It might be of interest to mention that under the same policy, the Community has also opened bilateral negotiations on fisheries within the Northeast Atlantic. The negotiations with the Far-Øer Islands and Sweden were concluded recently and the agreements are now submitted to the ratification procedures of each party. Negotiations have also been opened between the Community and Norway, Spain, the Soviet Union, Poland and the German Democratic Republic, but have not yet been concluded.

With regards to the multilateral cooperation within the Northeast Atlantic, the Community has shown its interest in a continued cooperation under conditions which take into account the new situation in that area and it will participate in the meeting which has been convened in London for March 29.

5. Bearing in mind these interrelations between the multilateral and the bilateral cooperation, in both parts of the Atlantic, and also the impact of the UNLOSÇ which will resume its work in May, the Community intends to cooperate constructively in this Conference.

Ottawa, March 15, 1977.

SYNOPSIS OF THE CANADIAN DRAFT CONVENTION
ON INTERNATIONAL COOPERATION IN
NORTHWEST ATLANTIC FISHERIES

ANNEX VI

Divisions. Our draft would, however, authorize the partitioning of Divisions with the concurrence of the coastal state exercising jurisdiction in the area concerned (Article XIII).

1. Introduction

The purpose of the proposed Convention is to establish a firm basis in treaty law for the continuation of multilateral cooperation in Northwest Atlantic fisheries within a framework that is specifically tailored to the new regime of extended coastal state jurisdiction.

Under the new regime, it is clear that emphasis in international cooperation will shift from management to fisheries science. However, because some fish stocks are found beyond the 200 mile limit in the Northwest Atlantic, the new Convention will have to make provision for international regulation and control of fisheries in areas beyond the 200-mile fisheries limit. Our approach therefore involves a dual regime in order to reflect the fundamental jurisdictional distinctions between the area within 200 miles and the area beyond.

2. Coverage

The Convention Area would comprise the ICAF Convention Area, as well as Statistical Areas 0 and 6 and Baffin Bay. Territorial and internal waters would not, however, be excluded. The area beyond national fishery limits would, for convenience in drafting, be referred to as the "Regulatory Area". We would propose to retain the present ICAF "grid" of Subareas, Divisions and Subdivisions so that the statistical base presently in use can be retained in the interest of continuity. In fact, we have departed from the present Convention for this reason by not providing for alterations in the boundaries of Subareas and

Sedentary species would be excluded from the ambit of the Convention.

3. Organizational Structure

A loosely structured organization, the "Northwest Atlantic Fisheries Consultative Organization" (NAFCO), would serve as an institutional framework linking certain relatively autonomous organs, namely a Scientific Council, a Fisheries Conservation Commission, and a General Council, all served by a single Secretariat.

The "Scientific Council" would provide a forum for scientific cooperation, and the "Fisheries Conservation Commission" would regulate fisheries beyond national fishery limits. We believe it would be useful to place these two bodies under the aegis of a single institution in order to facilitate the coordination of their activities and to avoid duplication by creating a single administrative system. Thus, both the Council and the Commission would have shared facilities, a common budget, and a single Secretariat.

The administrative and financial affairs of the Organization as a whole, including the supervision of the Secretariat, would be placed under the control of a "General Council" whose membership would consist of all Contracting Parties. The General Council would also deal with amendments to the Convention, a matter that could not properly be assigned to either the Scientific Council or the Commission.

4. Scientific Council

Each Contracting Party would be a member of the Scientific Council. As stated in Article III, the Scientific Council would have three functions. First, it would serve as a general consultative forum for the exchange of scientific information and views on fisheries science related to the Convention Area as a whole. Secondly, it would provide scientific advice to the Fisheries Conservation Commission with respect to fisheries management in the area beyond 200 miles. Finally, where requested to do so by a coastal state, it could provide scientific advice to that coastal state with respect to fisheries management in the waters under its jurisdiction within the Convention Area.

It is not envisaged that the Scientific Council would conduct its own research. The Convention would provide that all Contracting Parties would furnish requested information to the Council with respect to the area beyond 200 miles, and that each coastal state would similarly furnish requested information to the Council with respect to that portion of the Convention Area within its jurisdiction. The Scientific Council would also compile and maintain statistics and records, and would "encourage and promote" cooperation among the Contracting Parties in scientific research.

5. The Fisheries Conservation Commission

The membership of the Commission would consist of each Contracting Party whose vessels participate in the fisheries of the "Regulatory Area". Membership would also be open, on an elective basis,

to each coastal state exercising fisheries jurisdiction in an area adjoining a portion of the Regulatory Area in which fisheries are conducted.

The function of the Commission would be to adopt regulatory "proposals" for the management of fisheries beyond national fishery limits, designed to achieve the "optimum utilization" of those fisheries. In order to preserve flexibility, we have not enumerated the types of proposals that could be adopted. However, the Convention would ensure consistency with coastal state regulations, both in the case of stocks that actually overlap the 200 mile limit and in the case of measures that would have an impact on fisheries under national jurisdiction because of species inter-relationships. Proposals for the allocation of catches in the Regulatory Area would take into account the special interest of the adjacent coastal state and the needs of its coastal communities.

We have proposed that a scheme of joint international enforcement and other basic regulations such as mesh size requirements be incorporated into an Annex to the Convention. The purpose of this device would be to ensure that there is no regulatory hiatus while the Convention is being phased into operation. These measures, while forming part of the Convention, would be capable of amendment by the Commission through the "proposal" procedure.

The objections procedure is patterned after the ICNAF Convention, but with shortened periods. It is suggested that the initial objections period be 60 days, and that the extended periods be 40 and 30 days respectively. The extended periods would begin upon the transmittal by the Depository Government of a notice of the objection "triggering" the extension.

6. Procedure

The draft departs from the present Convention in two significant respects. First, voting would be based on a simple majority of Parties present and voting. Secondly, all annual meetings would be in North America.

7. Financial Provisions

Because a Panel structure no longer seems necessary or appropriate, it has been necessary to devise a new formula for contributions which ensures that financial burdens are shared equitably taking into account the relative interests of each Party in the fisheries of the Convention Area. We have suggested that half of the budget be allocated on the basis of shares. Each Party would have one share, and each Commission member would have an additional share. The other half of the budget would be divided on the basis of the proportional share of each Party in the nominal catches of the Convention Area. These suggestions have been put forward on a very tentative basis.

It has also been proposed that where a Party adheres to the Convention during the course of a year, it should contribute a pro-rated amount to the budget, based on the number of months remaining in the year.

The draft provides that a Party in default for two consecutive years forfeits its rights under the Convention. Finally, the draft makes provision for an annual external audit.

8. Enforcement

The draft provides that each Party shall exercise diligence in the control of its nationals and vessels to prevent violations of

Regulatory
regulatory measures in force in the ~~Convention~~ Area, and that legal penalties must be adequate in severity to prevent such violations. Annual reports of such enforcement action would be transmitted by each Party to the Commission.

9. Amendments

The amendment procedure is closely patterned after the existing Convention, except that the concurrence of one coastal state would be required to adopt and bring into force an amendment.

10. Final Articles

Entry into force would require four ratifications, including that of one coastal state.

The provision of withdrawal would be the same as for the ICNAF Convention, except that there would be no fixed initial term of years during which withdrawals would not be permitted.

OPENING STATEMENT

BY

MR. S. OKUCHI

HEAD OF JAPANESE DELEGATION

BEFORE THE

PREPARATORY MEETING REGARDING A DRAFT CONVENTION
ON FUTURE FISHERIES COOPERATION IN THE NORTHWEST ATLANTIC

OTTAWA, CANADA

MARCH 15, 1977

Thank you, Mr. Chairman,

1. I still remember very clearly the first ICNAF conference we attended in 1971, in Halifax, Nova Scotia, after Japan had been admitted to ICNAF. Since then, we have participated in various activities of the Commission, in the spirit of cooperation with the other member countries, and have been impressed by the importance and successes of international cooperation in the conservation and management of fishery resources in the Northwest Atlantic.

During this six-year period, the activities of ICNAF have changed kaleidoscopically. One after another, the Commission has introduced new ideas into the field of regulatory measures, for example, the two-tier quota system in Sub Area 5 and Statistical Area 6 and total effort limitation for demersal species in Sub Areas 2, 3 and 4. These measures, I believe, have been remarkable achievements by the Commission in the conservation and management of fisheries resources in the Northwest Atlantic, and they will be remembered as important landmarks in the history of fisheries management.

However, ICNAF has been accused of being ineffective and of failing in its objectives. But, as you know, Mr. Chairman, many delegates who are here today have devoted themselves to the goals of ICNAF for many years. I wonder who can say that the efforts made by these people have been fruitless.

ICNAF has contributed not only to the conservation and management of the fisheries resources in the Northwest Atlantic, but has greatly influenced the activities of other regional and global fisheries organizations as a model of a multi-lateral cooperative organization. We should recognize our responsibility, because we are going to transform this important organization to a new body at this conference.

2. Although our basic position against unilateral action by any government in the absence of an international agreement on the 200 mile fishing zone has not changed, we must acknowledge that one country after another has subscribed membership of so-called "Unilateral Club" following the United States' unilateral action last year and, consequently, the present regime of the sea works on the basis of a 200 mile zone concept. We are now struggling to find a realistic solution to survive under the new regime.

3. Should all coastal countries extend their jurisdiction over 200 miles, 35% of the world's oceans, and 90% of the fisheries resources of these oceans will fall under the jurisdiction of these countries. If you look at the distribution of these resources, you will see that most of the resources are in the waters off the coasts of those countries that have large land areas and rich land resources. On the other hand, many small, densely populated countries lacking natural resources, like Japan, are not necessarily blessed with sufficient marine resources adjacent to them. I should like to stress that those countries, like the United States and Canada, which are blessed with large land areas and rich land resources as well as vast and rich coastal waters, must bear a grave responsibility for the effective use of those marine resources for the benefit of mankind.

I do hope that in adopting management resources for the marine resources off their coasts, these countries will ensure that these measures will be based on sufficient scientific evidence, and will take fully into account the historical performance of other countries.

4. Finally, I would like to stress from the aforementioned view point the need to establish a multilateral

consultative organization in this area. My delegation has come to this meeting with this view, and I believe other delegates present here who have cooperated in the work of ICNAF hold a similar view. I believe we must make every effort toward the accomplishment of our common purpose.

Thank you, Mr. Chairman.

OPENING STATEMENT
BY
LARRY L. SNEAD
HEAD OF U. S. DELEGATION
BEFORE THE
PREPARATORY MEETING REGARDING A DRAFT CONVENTION
ON FUTURE FISHERIES COOPERATION IN THE NORTHWEST ATLANTIC
OTTAWA, CANADA
MARCH 15, 1977

On behalf of the United States Delegation, I would like to express gratitude to our Canadian hosts for the excellent arrangements made for this meeting. We appreciate the kind words of welcome which were expressed by Secretary Jamieson on this important occasion. We look forward to our stay in Ottawa and the opportunity to renew acquaintances among other delegations taking part in this meeting.

We welcome this opportunity to work toward the drafting of a new Convention for the Northwest Atlantic. We hope this meeting will result in a draft which will be consistent with our domestic responsibility to manage fisheries within 200 miles, and which will afford the United States an opportunity to participate in a new framework for international cooperation in fisheries in the Northwest Atlantic Ocean.

During the Tenerife ICNAF meeting, we supported, in concept, a proposal for a two-body organization in the future. One body would be responsible for management outside 200 miles, with appropriate coordination with coastal states. The other would deal with scientific cooperation both inside and outside 200 miles. Either body would be open to all

governments participating in fisheries in the Convention area. The new multilateral organization would not preclude the opportunity to consult or cooperate on a bilateral basis. The United States Delegation is hopeful that this meeting will result in a draft convention which contains these general concepts for the consideration of our respective governments.

Any U. S. participation in a new organization to replace ICNAF is expected to be limited to consultation and cooperation in the scientific area. We foresee no role for the United States in a successor organization to ICNAF in the area of fishery management.

Mr. Chairman, I again wish to express the appreciation of the United States Delegation for the hospitality of the Canadian Government and the opportunity to take part in this meeting.

We will have more specific comments to offer on the draft convention prepared by Canada as the meeting proceeds.

26. Statement by Head of U.S.S.R. Delegation
to the Preparatory Meeting
Regarding the Future of ICNAF

- 1 -

In connection with some reports carried in the foreign press relating the legal act recently adopted by the USSR, reports where the description of the contents of the new law might have been given in an inaccurate or distorted way, I would like to take this opportunity to provide necessary clarification in respect of the essence of this law.

On December 10, 1976, the Supreme Soviet of the USSR issued the law concerning interim measures for conservation of living resources and regulation of fisheries in the sea adjacent to the coast of the USSR. The law notes that during the recent period of time, an increasing number of states, in particular states neighbouring on the USSR, have extended their economic and fisheries jurisdiction up to 200 nautical miles without waiting for the conclusion of an international convention developed at the third U.N. Law of the Sea Conference.

It is stated in the law that the USSR will continue to advocate multilateral settlement of currently central problems of the legal regime for the World Ocean, and conclusion of a convention for that purpose which would provide a comprehensive consideration of such problems, inter alia the problem of utilization of living resources of coastal waters, and which would also duly regard the relationship of these problems, and the vested interests of all nations.

Realizing that prior to the conclusion of a convention there is need for immediate action to protect the interests of the Soviet Union relation to the conservation, reproduction and optimum utilization of living resources in the waters adjacent to the coast of the USSR,

Mr. Chairman,
First of all I would like to thank the Government of Canada and the Canadian delegation for taking the initiative to call this preparatory meeting on the future of ICNAF, and for having drafted articles which, in our view, make a good basis for the discussion of the contents of a future convention.

We believe that the rapidly changing situation in the most important fishing areas of the world ocean and the revision of traditional concepts of sea law make it very essential to find a well-balanced approach to the existing problems with due regard of the interests of all fishing nations.

As we view it, even under unilateral extension of fisheries jurisdiction by coastal states there is need to strengthen and develop international cooperation, in particular in the North-western Atlantic Ocean, without which any further progress in the exploration and rational utilization of resources in the world ocean for the benefit of all nations is unthinkable. We cannot let the most valuable food resources be lost uselessly because of their under-utilization in closed fisheries zones. Nor can we allow for over-fishing which may give rise to grave economic and social consequences for fishermen. Here we ought to seek a reasonable and balanced solution which would satisfy the interests of all nations.

the Soviet Union has established interim measures for the conservation of living resources and regulation of fisheries within the 200 mile limit.

Optimum utilization of fish and other living resources will be conducted on the basis of appropriate scientific data and, when needed, will take into account advice of competent international organizations. In particular, for that purpose there will be established the total annual allowable catch of each species and the portion of the annual allowable catch which may become available to foreign fishing vessels if the volume of the total allowable catch from a stock of commercial species exceeds the Soviet fishing capacity.

The provisions of this law will remain in force until the adoption of another legal act of the USSR, following the third U.N. Law of the Sea Conference, which would determine the regime of the sea adjacent to the Soviet coast.

I have explained the objectives of our law in hopes that this will facilitate the understanding by this meeting of the position of the Soviet delegation.

Thank you.

Ottawa, March 15, 1977

Statement by the Norwegian Delegate to the
Preparatory Meeting Regarding the Future of ICNAF

Mr. Chairman,

The Norwegian authorities have considered the question of the future role of the International Fisheries Commissions in the light of the new jurisdictional situation which now exists.

My government has come to the conclusion that there will be a continuing need for multilateral fisheries co-operation. It will, however, be necessary to bring this co-operation into line with the existing realities. The Norwegian Government is therefore taking an active part in the work that is being done at restructuring both the ICNAF and the NEAFC. Norway has for a long time worked towards multilateral solutions of international problems, and she will remain committed to this approach. It is that commitment, Mr. Chairman, which has also brought us to the present meeting.

We are prepared to work together with other member countries in order to try and find appropriate conservation measures in the Northwest Atlantic in the years to come.

It is the view of the Norwegian authorities that the Organization that is going to succeed ICNAF could continue to play an important role in several contexts:

First, with regard to fish stocks which occur only in areas beyond national fisheries limits;

Secondly, with regard to stocks that occur both within

200 miles and beyond this limit, and which could be exploited in both areas;

Thirdly, it is our hope and belief that ICNAF, or rather its successor, can continue to play an important role as a forum for cooperation in scientific research. As indeed a non-expert, I think I am right in saying that ICNAF in the past has been successful in the field of research. We should therefore be mindful of the value of what has been developed under the present Convention.

I think further, Mr. Chairman, that the Canadian delegation in the draft that was presented to us yesterday, has tried to preserve what is good under our old arrangements.

At this early stage I shall not go into details as to the draft, but I would like to express our gratitude towards the Canadian delegation for presenting us with such a thorough piece of work, one which I am convinced will form a very useful basis indeed for our deliberations in the next days.

Thanking you, Mr. Chairman.

Ottawa, March 15, 1977.

Déclaration du Représentant roumain
à la Réunion sur l'Avenir de l'ICNAF

Monsieur le Président,

Mes premiers mots seront pour vous adresser au nom de la délégation roumaine, les plus cordiales félicitations au sujet de votre élection à la présidence de notre réunion.

En même temps nous tenons exprimer tous nos remerciements au gouvernement canadien pour la manière dont il a organisé cette importante réunion internationale et pour l'accueil chaleureux qu'il nous a réservé.

Nous apprécions également le travail fait par les autorités canadiennes quant à la préparation des documents concernant le projet de la future organisation qui va remplacer l'actuel ICNAF.

La Roumanie attache une grande importance à la pêche dans la future de l'organisation, étant donné qu'elle est un pays en voie de développement, riverain à une mer presque fermée, pauvre en ressources biologiques. Les quantités de poisson pêchées annuellement tout au long du littoral roumain de la Mer Noire ne dépassent pas 5000 tonnes, quantité insuffisante pour compléter le nécessaire en protéines de la population. Cette situation a obligé la Roumanie d'accorder une attention particulière à la pêche expéditionnaire.

Monsieur le Président, la délégation de la République Socialiste de Roumanie participe à la présente réunion animée du

désir de contribuer à l'élaboration d'une nouvelle Convention sur la coopération multilatérale dans le domaine des pêches de l'Atlantique Nord-Ouest, respectivement au delà des zones des pêcheries de 200 milles établies par les états riverains dans cette zone.

Nous estimons que le projet préparé par les autorités canadiennes constitue un bon point de départ pour nos travaux.

Nous sommes favorables à la consécration des principes de coopération et de collaboration internationales dans le domaine des pêches dans les eaux adjacentes des zones qui se trouvent sous la juridiction des états côtiers.

Nous estimons que la nouvelle Convention devrait résoudre tous les problèmes reliés à l'exploration, l'exploitation, la conservation et la gestion des ressources biologiques dans la zone qui fera l'objet de celle-ci, y compris les recherches scientifiques.

Dans ce contexte, nous considérons en principe que les structures de la future organisation qui ont été envisagées dans le projet préparé par la partie canadienne, peuvent répondre à ces buts.

La Roumanie est prête à participer à la coopération multilatérale visant la conservation des ressources biologiques dans la zone future de l'organisation, leur exploitation rationnelle, ainsi que la recherche scientifique dans ces domaines.

Monsieur le Président, permettez-moi d'exprimer quelques considérations préliminaires concernant les stipulations de l'Article IX du projet de la nouvelle Convention, en ce qui concerne les modalités d'assurer le budget de l'Organisation.

Selon l'opinion de la partie roumaine, il sera plus équitable que la répartition des contributions des États membres pour le budget de l'Organisation soit faite seulement dans un rapport strictement proportionnel avec les prises autorisées à être péchées annuellement pour chaque pays.

En ce qui concerne les autres stipulations du projet de la Convention, nous nous réservons le droit d'intervenir ultérieurement au fur et à mesure que ses articles seront discutés.

En terminant, Monsieur le Président, j'aimerais exprimer la satisfaction de mon pays pour l'activité déployée jusqu'à présent par l'ICNAF et nous sommes convaincus que notre réunion aboutira à préparer une nouvelle Convention qui donnera des satisfactions pour nous tous.

Merci Monsieur le Président.

Ottawa,
le 15 mars

STATEMENT BY THE DELEGATE OF THE GERMAN DEMOCRATIC REPUBLIC
TO THE PREPARATORY MEETING REGARDING A DRAFT CONVENTION
ON FUTURE FISHERIES COOPERATION IN THE NORTHWEST ATLANTIC

on the distant water fishery and has a great interest in the maintenance of regional fishery organizations or, if it is necessary, in the creation of new fishery conventions.

Mr. Chairman,

Allow me to make a statement concerning the participation of the German Democratic Republic in this preparatory meeting for a new fishery convention in the Northwest Atlantic area.

First of all I would like to thank the Government of Canada for preparing a draft of a new convention. We do appreciate this effort undertaken by Canada.

The German Democratic Republic has always given support to the work of regional fishery organizations, especially in the North Atlantic and the adjacent waters. As you know, the GDR became a member of ICNAF and NEAFC in 1974, and since that time we have taken active part in the work of both Commissions.

We appreciate the efforts undertaken by those organizations and their members in the past and in most recent years to protect the stocks and to organize a reasonable management and rational utilization of the stocks.

In the Third U.N. Law of the Sea Conference we stand for regional and global fishery organizations and have stressed the need for a cooperation between coastal states and other states interested in the fishery in a specific area within international organizations.

THE GDR, as a geographically disadvantaged state, is dependent

On the basis of these principles, and taking into account the new development in the Law of the Sea and the establishment of national fishing zones by the coastal states in the Northwest Atlantic in the beginning of 1977, we are ready to contribute to the creation of a new fishery convention covering the Northwest Atlantic area.

Ottawa, March 21, 1977.

STATEMENT BY THE SPANISH DELEGATION TO THE PREPARATORY MEETING
REGARDING THE FUTURE OF ICNAF

Mr. Chairman:

After reading the revised draft of the Convention, supplied by the Canadian delegation yesterday, I am pleased to say that it is evident that a great effort has been made to take into account many of the suggestions proposed by the representatives of several countries in the past few days. Certainly, the new text may bring closer the positions of the participants to this Conference, though further discussions will, of course, be necessary. But this is part of the negotiation.

On behalf of my delegation, I wish to express my satisfaction that the spirit of the suggestions we made on Tuesday the 15th is somehow included in the new text. In particular, I am referring to the improvement made with respect to the functions of the Scientific Committee, the Commission and the General Council and very specifically to the strengthening of the General Council, to which my delegation also referred when Article VII of the first draft was discussed.

I am also very pleased to see that the content of paragraph 1 of Article V of the first draft regarding the vote in the Scientific Committee has been noticeably clarified in paragraph 1 of Article VII of the new draft.

As for the allocation of catches referred to in paragraph 6

of Article VII of the first draft, it is evident that the new wording used in paragraph 6 of Article VII has improved considerably. It is also obvious that the reference to the Continental Shelf we recommended to be made has been included in subparagraph b) of paragraph 3 of Article I of the new draft, thus simplifying the allusion to the sedentary species made in the first draft in paragraph 3 of Article I.

I also wish to refer to the addition to the new text of some conclusions on which a great number of delegations had reached a so-called moral consensus, like for instance, the way of billing the payments due to the Organization by the system of one-third equally divided among the Contracting Parties and two-thirds in proportion to their catches.

Also worth mentioning is the inclusion of part of the transitional regime from ICNAF to NAFCO proposed by the working group. And, although paragraphs 5 and 6 of Article VII of the new draft cannot but lead to a certain degree of reservation from all of us, it is now evident that we may go ahead with the goal that we all have in mind. We do not make any more comments for the moment as we may intervene later when the new articles are discussed.

Thank you very much, Mr. Chairman.

Ottawa, 22 March, 1977.

Statement by the Bulgarian Delegate to the
Preparatory Meeting Regarding the Future of ICNAF

Mr. Chairman,

For many years, the International Convention for the Northwest Atlantic Fisheries was appreciated as a model of managing the utilization of the living resources. Now that the conditions on fisheries have changed as a result of the unilateral decision of a number of countries on expansion of the fishing zone, this Convention should be looked upon as a past stage. But, undoubtedly at the present preparatory Convention and especially at its later concluding stage, world society will seek an example of international cooperation in the field of fisheries.

This is inevitable, bearing in mind that under the new conditions, we are all looking for the first time for rational ways for the achievement of this purpose. This alone is enough to appreciate the high responsibility of our mutual work.

At a number of international forums, including at the sessions of ICNAF, Bulgaria's delegates have declared that we acknowledge the rights of the coastal states in the economic zone for management and utilization of the living resources in their adjacent waters. At the same time, we have always paid attention to the responsibility which is taken by the coastal states with the declaration of their economic rights on the resources in the expanded zone. In accordance with the basic directions in the course of the Conference on Sea Law, we see this responsibility chiefly in a rational satisfaction of everyone's own

needs and distribution of the overstock between the other interested countries on the basis of historical performance.

These are the starting points of our delegation in its consideration of the draft for a new Agreement. The new organization should give a possibility for joining all member countries of ICNAF, who are interested in this. A form for such a participation may be looked for in Article II. But, proceeding from the evident necessity for a definite organizational relation between the different bodies of the Organization, we see their naming in the same Article II in a different way. The General Council should be at the first place followed by the Fisheries Regulatory Commission, the Scientific Council and the Secretariat. At the same time, a new third and fourth paragraph should be formed with the following provisions. For example:

"3. The General Council exercises the organizational and administrative relation between the separate bodies of the Organization. The contracting parties have a representative of their Government in the General Council."

"4. The membership in the Organization can go together with the membership in all its bodies, or only in the Scientific Council. In case of a membership of a certain country in the Scientific Council only, the same country may participate, if it wishes to, in the General Council as an observer."

After these formulations, we preserve paragraph three from the draft as paragraph five, as we make changes in its contents only at the beginning, and namely: "The Organization as a whole or by means of separate bodies will avail itself of such a legal capacity on the territories of the contracting parties, as can be agreed on between the Organization and the corresponding contracting party."

4 In accordance with the abovementioned reasons, Article VII should become Article III. We propose for Article XIII from the draft to be turned into a paragraph of the article in which the provision of the General Council is treated.

In this case the new Article III should settle the following

problems:

1. Programming and approval of the work of the Scientific Council and the Fisheries Regulatory Commission;
2. Approval of the budget of the Organization and distribution of the payments to it by the contracting parties;
3. Settles the relations and control on the work of the

Secretariat as an executive body in the period between the sessions of the General Council.

In short, in our opinion, the General Council may take up the functions of the plenary sessions of the present Commission.

We have no objections to paragraphs 3 and 4 of Article VII of the draft. At the same time, we hope that it is possible for Canada to reconsider its position on the carrying out of the sessions in North America. In connection with the already suggested order of the bodies of the Organization in the text, the provision for the Fisheries Regulatory Commission should be placed immediately after the provision for the General Council, followed by the provision for the Scientific Council.

We have the following notes on the problem of the payments, treated in Article IX of the draft:

First, paragraph seven of Article IX of the draft in practice provides for the General Council to gather before the yearly session of the Organization in order to prepare a draft budget for the next year and send it to the contracting parties at least six weeks in advance.

All this means travelling and expenses, which will be repeated for the carrying out of the yearly session. If we accept that the payments of each country will be carried out on the basis of two shares for membership and realized catch, the calculation will inevitably be submitted to certain starting numbers. In this case, the fixing of the due sums may be done directly at the yearly session, in which case one preliminary gathering of the General Council will be saved.

Second, the correlation 50:50 in fixing the volume of the payments, is not fair to the countries with a small volume of fisheries. In our opinion, the basic part of the payments should reflect the volume of the catch of each of the contracting parties. We suggest for this correlation to be changed to 20:80, i.e., 20 percent to be paid for membership and 80 percent on the basis of the realized catch.

Thank you, Mr. Chairman.

Ottawa

March 22, 1977

The Signatories whose duly authorized representatives have subscribed hereto,

NOTING that the coastal states of the Northwest Atlantic have extended their jurisdiction over the living resources of their adjacent waters pursuant to and in accordance with relevant principles of international law;

DESIRING to promote the conservation and optimum utilization of the living marine resources of the Northwest Atlantic area within a framework appropriate to the regime of extended coastal state jurisdiction, and to this end to encourage international cooperation and consultation in this field;

Have agreed as follows:

Article I

1. Except where otherwise provided, the area to which this Convention applies, hereinafter referred to as the "Convention Area", shall be the waters of the Northwest Atlantic Ocean north of 35°00' north latitude and west of a line extending due north from 35°00' north latitude and 42°00' west longitude to 59°00' north latitude, thence due west to 44°00' west longitude, and thence due north to the coast of Greenland, and the waters of the Gulf of St. Lawrence, Davis Strait and Baffin Bay south of 78°10' north latitude.

2. The Convention Area shall be divided into Subareas and Divisions of Subareas, the boundaries of which shall be those defined in the Annex to this Convention.

3. In this Convention,

36

"coastal state" means a Contracting Party exercising fisheries jurisdiction in waters forming part of the Convention Area;

"fishery" or "fisheries" does not include any fishery for

- (a) tuna,
- (b) sedentary species of the continental shelf, or
- (c) anadromous species.

"Regulatory Area" means that part of the Convention Area which lies beyond national fishery limits.

4. Nothing in this Convention shall be deemed to affect or prejudice the positions or claims of any Contracting Party in regard to internal waters, the territorial sea, or the limits or extent of maritime jurisdiction.

Article II

1. The Contracting Parties shall establish and maintain an Organization whose object shall be to contribute through international consultation and cooperation to the optimum utilization, rational management and conservation of the living resources of the Convention Area.

This Organization shall be known as the Northwest Atlantic Fisheries Consultative Organization, hereinafter referred to as the "Organization", and shall carry out the functions set forth in this Convention.

2. The Organization shall consist of:

- (a) a General Council,
- (b) a Scientific Council,
- (c) a Fisheries Commission, and
- (d) a Secretariat.

3. The Organization shall have legal personality and shall enjoy in the territories of the Contracting Parties such legal capacity as may be necessary to perform its functions and achieve its ends.
4. The headquarters of the Organization shall be in North America at a place to be chosen by the General Council.

Article III

1. The functions of the General Council shall be
 - (a) to supervise and coordinate the administrative, financial and other internal affairs of the Organization,
 - (b) to coordinate the external relations of the Organization, and
 - (c) to exercise the authority conferred by Articles XVII and XIX of this Convention.
2. The Chairman of the General Council shall be the chief executive officer and principal representative of the Organization.
3. Each Contracting Party shall be a member of the General Council.
4. Each Contracting Party shall appoint its own representatives to the General Council.
5. The General Council shall convene a regular annual meeting of the Organization at its headquarters or at such other place in North America as may be decided upon by the General Council.

Article IV

1. Each Contracting Party shall have one vote in all proceedings of the General Council.
2. Decisions of the General Council shall be taken by a majority of the votes of all Contracting Parties present and voting.
3. The representatives of each Contracting Party to any meeting of the General Council may be accompanied by alternates, experts and advisers.
4. The General Council shall elect a Chairman and a Vice-Chairman, each of whom shall serve for a term of three years and shall be eligible for re-election but not to more than two successive terms. The Chairman shall be a representative of a Contracting Party that is a Commission member, and the Chairman and Vice-Chairman shall be representatives of different Contracting Parties.
5. Any meeting of the General Council, other than the annual meeting convened pursuant to Article III, may be called by the Chairman at such time and place as he may determine, upon the request of a coastal state or of any other Contracting Party with the concurrence of a coastal state.
6. The General Council shall submit to the Contracting Parties an annual report of its activities.
7. The General Council shall adopt, and amend as occasion may require, by-laws for the conduct of its meetings and for the exercise of its functions.

Article V

1. The functions of the Scientific Council shall be:

- (a) to provide a forum for cooperation and consultation among the Contracting Parties with respect to the study, appraisal and exchange of scientific information and views relating to the fisheries of the Convention Area, including relevant environmental and ecological factors, and to encourage and promote cooperation among the Contracting Parties in scientific research designed to fill gaps in knowledge pertaining to these matters;
 - (b) to compile and maintain statistics and records and to publish or disseminate reports, information and materials pertaining to the fisheries of the Convention Area, including relevant environmental and ecological factors;
 - (c) to provide scientific advice to coastal states, where requested to do so pursuant to Article VI; and
 - (d) to provide scientific advice to the Fisheries Commission, either on its own initiative or pursuant to Article VII.
2. Each Contracting Party shall be a member of the Scientific Council and shall appoint its own representatives to the Council.
3. The Contracting Parties shall furnish to the Scientific Council any available statistical and scientific information pertaining to the Regulatory Area requested by the Council for the purposes of this Article.
4. Each coastal state shall furnish to the Scientific Council any available statistical and scientific information pertaining to waters under its fisheries jurisdiction within the Convention Area requested by the Council for the purposes of this Article.

5. The functions of the Scientific Council may, where appropriate, be carried out in cooperation with other public or private organizations having related objectives.
6. The Scientific Council may establish such Committees and Sub-Committees as it considers desirable for the exercise of its duties and functions.

Article VI

1. The Scientific Council may, at the request of a coastal state, consider and report on any question pertaining to the scientific basis for the management and conservation of fishery resources in waters under the fisheries jurisdiction of that coastal state within the Convention Area.
2. The coastal state shall, in consultation with the Scientific Council, specify terms of reference for the consideration of any question referred to the Council pursuant to paragraph 1. These terms of reference shall include, along with any other matters deemed appropriate, such of the following as are applicable:
 - (a) a statement of the question referred, including a description of the fisheries and areas to be considered,
 - (b) where scientific estimates or predictions are sought, a description of any relevant factors or assumptions to be taken into account, and
 - (c) where applicable, a description of any objectives the coastal state is seeking to attain and an indication of whether specific advice or a range of options should be provided.

Article VII

1. The Scientific Council shall consider and report on any question referred to it by the Fisheries Commission pertaining to the scientific basis for the management and conservation of fishery resources within the Regulatory Area.

2. For the purposes of paragraph 1, the Scientific Council shall take into account the terms of reference specified by the Fisheries Commission in respect of any question referred to the Scientific Council pursuant to this Article.

Article VIII

1. Scientific advice to be provided by the Scientific Council pursuant to this Convention shall be determined by consensus. Where a consensus cannot be achieved, the Council shall set out in its report all views advanced on the matter under consideration.

2. Decisions of the Scientific Council with respect to the election of officers, the adoption and the amendment of by-laws and other matters pertaining to the organization of its work shall be taken by a majority of votes of all Contracting Parties present and voting, and for these purposes each Contracting Party shall have one vote.

3. The representatives of each Contracting Party to any meeting of the Scientific Council may be accompanied by alternates, experts and advisers.

4. The Scientific Council shall elect a Chairman and a Vice-Chairman, each of whom shall serve for a term of three years and shall be eligible for re-election but not to more than two successive terms. The Chairman and Vice-Chairman must be representatives of different Contracting Parties.

5. Any meeting of the Scientific Council, other than the annual meeting convened pursuant to Article III, may be called by the Chairman at such time and place as he may determine, upon the request of a coastal state or of any other Contracting Party with the concurrence of a coastal state.

6. The Scientific Council shall submit to the Contracting Parties an annual report of its activities.

7. The Scientific Council shall adopt, and amend as occasion may require, by-laws for the conduct of its meetings and for the exercise of its functions.

Article IX

1. The Fisheries Commission, (hereinafter referred to as the "Commission"), shall be responsible for the management and conservation of the fishery resources of the Regulatory Area in accordance with the provisions of this Article.

2. The membership of the Commission shall consist of all Contracting Parties, except that any Party whose vessels are not participating in the fisheries of the Regulatory Area may elect not to be a member and in any event shall not be entitled to cast votes or present objections respecting proposals described in this Article.

3. Each Commission member shall appoint its own representatives to the Commission.

4. Any Contracting Party that is not a Commission member may attend meetings of the Commission as an observer.

5. The Commission may adopt proposals for joint action by the Commission members designed to achieve the optimum utilization of

the fishery resources of the Regulatory Area. In considering such proposals, the Commission shall take into account any relevant information or advice provided to it by the Scientific Council.

6. In the exercise of its functions under paragraph 5, the Commission shall ensure consistency between

- (a) any proposal that applies to a stock or group of stocks occurring both within the Regulatory Area and within an area under the fisheries jurisdiction of a coastal state, or any proposal that would have an effect through species interrelationships on a stock or group of stocks occurring in whole or in part within an area under the fisheries jurisdiction of a coastal state, and
- (b) any related measures or decisions taken by that coastal state with respect to the area under its fisheries jurisdiction.

The appropriate coastal state and the Commission shall accordingly promote the coordination of such proposals, measures and decisions. Each coastal state shall keep the Commission informed of such measures or decisions for the purposes of this Article.

7. Proposals adopted by the Commission for the allocation of catches in the Regulatory Area shall take into account the interests of Commission members whose vessels have traditionally fished within that area and the special interest of the coastal state exercising fisheries jurisdiction in waters adjacent to the portion of the Regulatory Area to which the proposal applies, and the needs of its coastal communities.

8. The Commission may also adopt proposals for international measures of control and enforcement within the Regulatory Area for the purpose of ensuring within that area the application of this Convention and the measures in force thereunder.

9. Each proposal adopted by the Commission shall be transmitted to the Depositary. The Depositary shall transmit the proposal to the Commission members for their consideration and may make such suggestions as will facilitate acceptance of the proposal.

10. Each proposal adopted by the Commission under this Article shall become effective for all Commission members from a date to be determined by the Commission, which shall not be before the time for presenting objections under Article X has elapsed.

11. The Commission may, in accordance with Article VII, refer to the Scientific Council any question pertaining to the scientific basis for the management and conservation of fishery resources within the Regulatory Area.

12. The Commission may invite the attention of any or all Commission members to any matters which relate to the objectives and purposes of this Convention within the Regulatory Area.

13. The Commission may establish such Committees and Sub-Committees as it considers desirable for the exercise of its duties and functions.

Article X

1. If any Commission member presents to the Depositary an objection to a proposal within sixty days of the date on the notification of the proposal by the Depositary, the proposal shall not become effective

for any Commission member until the expiration of forty days following the date of the transmittal to the Commission members of a notice of that objection. Thereupon any other Commission member may similarly object prior to the expiration of the additional forty day period, or within thirty days after the date of the transmittal to the Commission members of a notice of any objection presented within that additional forty day period, whichever shall be the later. The proposal shall then become effective for all Commission members, except those which have presented objections, at the end of the extended period or periods for objecting. If, however, at the end of such extended period or periods, objections have been presented and maintained by a majority of Commission members, the proposal shall not become effective unless any or all of the Commission members nevertheless agree as among themselves to give effect to it on an agreed date.

2. Any Commission member which has objected to a proposal may at any time withdraw that objection and the proposal shall become effective with respect to such member, immediately if the proposal is already in effect, or at such time as it becomes effective under the terms of this Article.

3. At any time after the expiration of one year from the date on which a proposal becomes effective, any Commission member may give to the Depository notice of the termination of its acceptance of the proposal, and, if that notice is not withdrawn, the proposal shall cease to be effective for that member at the end of one year from the date of receipt of the notice by the Depository. At any time after a

proposal has ceased to be effective for a Commission member under this paragraph, the proposal shall cease to be effective for any other Commission member upon the date a notice of withdrawal by such member is received by the Depository.

4. The Depository shall immediately notify each Commission member of:

- (a) the receipt of each objection and withdrawal of objection under paragraph 1,
- (b) the entry into force of any proposal under Article IX, and
- (c) the receipt of each notice under paragraph 2.

Article XI

1. Each Commission member shall have one vote in all proceedings of the Commission.

2. Decisions of the Commission shall be taken by a majority of the votes of all Commission members present and voting.

3. The representatives of each Commission member to any meeting of the Commission may be accompanied by alternates, experts and advisers.

4. The Commission shall elect a Chairman and a Vice-Chairman, each of whom shall serve for a term of three years and shall be eligible for re-election but not to more than two successive terms. The Chairman and Vice-Chairman must be representatives of different Commission members.

5. Any meeting of the Commission, other than the annual meeting convened pursuant to Article III, may be called by the Chairman at such time and place as he may determine, upon the request of a coastal state that is a Commission member or of any other Commission member with the concurrence of a coastal state that is a Commission member.

6. The Commission shall submit to the Commission members an annual report of its activities.
7. The Commission shall adopt, and amend as occasion may require, by-laws for the conduct of its meetings and for the exercise of its functions.

Article XII

1. The Secretariat shall provide services to the Organization in the exercise of its duties and functions.
2. The chief administrative officer of the Secretariat shall be the Executive Secretary, who shall be appointed by the General Council according to such procedures and on such terms as it may determine.
3. The staff of the Secretariat shall be appointed by the Executive Secretary in accordance with such rules and procedures as may be determined by the General Council.
4. The Executive Secretary shall, subject to the general supervision of the General Council, have full power and authority over the Secretariat staff and shall perform such other functions as the General Council shall prescribe.

Article XIII

1. Each Contracting Party shall pay the expenses of its own delegation to all meetings held pursuant to this Convention.
2. The General Council shall prepare and adopt an annual budget of the Organization.
3. The General Council shall establish the payments due from each Contracting Party under the annual budget on the following basis:

(a) one-third of the budget shall be divided equally among the Contracting Parties; and

(b) two-thirds of the budget shall be apportioned among the Contracting Parties in the proportion that the nominal catch of each Contracting Party in the Convention Area bears to the aggregate nominal catch of all Contracting Parties in that Area, on the basis of the average figures for the two most recent complete years for which catch statistics are available.

4. The General Council shall notify each Contracting Party of the sum due from that Party as calculated under paragraph 3 of this Article, and as soon as possible thereafter each Contracting Party shall pay to the Organization the sum so notified.

5. Contributions shall be payable in the currency of the country in which the headquarters of the Organization is located, except that the Organization may accept payment in the currencies in which it is anticipated that expenditures of the Organization will be made from time to time, up to an amount established each year by the General Council in connection with the preparation of the annual budgets.

6. At its first meeting the General Council shall approve a budget for the balance of the first financial year in which the Organization functions and shall transmit to the Contracting Parties copies of that budget together with notices of their respective allocations.

7. In subsequent financial years, drafts of the annual budgets shall be submitted to each Contracting Party together with a schedule of allocations, not less than sixty days before the annual meeting of the Organization at which the budgets are to be considered.

8. A Contracting Party adhering to this Convention during the course of a financial year shall contribute in respect of that year a portion of the sum calculated in accordance with the provisions of this Article that is proportional to the number of complete months remaining in the year.

9. A Contracting Party which has not paid its contributions for two consecutive years shall not enjoy any right of casting votes and presenting objections under this Convention until it has fulfilled its obligations, unless the General Council decides otherwise.

10. The financial affairs of the Organization shall be audited annually by external auditors to be selected by the General Council.

Article XIV

The Contracting Parties agree to take in regard to their own nationals and vessels such action as may be necessary to make effective the provisions of the Convention and to implement within the Regulatory Area any proposals which become effective under paragraph 10 of Article IX and any measures which have force and effect under this Convention pursuant to Article XXI. Sanctions imposed in respect of violations of laws implementing such proposals or measures shall be adequate in severity to discourage such violations, and each Contracting Party shall exercise diligence in the control of its nationals and vessels in order to prevent such violations. Each Contracting Party shall transmit to the Commission a statement of the action taken by it for these purposes.

Article XV

The Contracting Parties agree to maintain in force and to implement within the Regulatory Area a scheme of joint international enforcement as applicable pursuant to Article XXI or pursuant to proposals adopted by the Commission under paragraph 8 of Article IX. This scheme shall include provision for reciprocal rights of boarding and inspection by the Contracting Parties and for flag state prosecution and sanctions on the basis of evidence resulting from such boardings and inspections.

Article XVI

The Contracting Parties agree to invite the attention of any Government not a party to this Convention to any matter relating to the fishing activities in the Regulatory Area of the nationals or vessels of that Government which appear to affect adversely the operations of the Organization or the carrying out of the objectives of this Convention. The Contracting Parties agree, moreover, to confer when appropriate upon the steps to be taken towards obviating such adverse effects.

Article XVII

The General Council may subdivide any Division described in the Annex, provided that any coastal state exercising fisheries jurisdiction in any part of that Division concurs in such action. Such action shall forthwith be reported to the Depositary which shall inform the Contracting Parties thereof.

Article XVIII

The Annex, as attached to this Convention and modified from time to time, forms an integral part of this Convention.

Article XIX

1. Any Contracting Party may propose amendments to this Convention to be considered and acted upon by a regular or special meeting of the General Council. Any such proposed amendment shall be sent to the Executive Secretary at least ninety days prior to the meeting at which it is proposed to be acted upon, and he shall immediately transmit the proposal to all Contracting Parties.

2. A proposed amendment to the Convention shall be adopted by the General Council by a three-fourths majority of the votes of all Contracting Parties, which majority shall include the vote of at least one coastal state. The text of any proposed amendments so adopted shall be transmitted by the Depository to all Contracting Parties.

3. An amendment shall take effect for all Contracting Parties one-hundred and twenty days following the date on the notification by the Depository of receipt of written notification of approval by three-fourths of all Contracting Parties unless any other Contracting Party notifies the Depository that it objects to the amendment within ninety days of the date on the notification by the Depository of such receipt, in which case the amendment shall not take effect for any Contracting Party. Any Contracting Party which has objected to an amendment may at any time withdraw that objection. If all objections to an amendment are withdrawn, the amendment shall take effect for all Contracting

Parties one-hundred and twenty days following the date on the notification by the Depositary of receipt of the last withdrawal.

4. Any Party which becomes a party to the Convention after an amendment has been adopted in accordance with paragraph 2 of this Article shall be deemed to have approved the said amendment.

5. The Depositary shall promptly notify all Contracting Parties of the receipt of notifications of approval of amendments, the receipt of notification of objection or withdrawal of objections, and the entry into force of amendments.

Article XX

1. This Convention shall be ratified, accepted or approved by the Signatories and the instruments of ratification, acceptance or approval shall be deposited with _____, referred to in this Convention as "the Depositary".

2. This Convention shall enter into force upon the first day of January following the deposit of instruments of ratification, acceptance or approval by not less than _____ Signatories if

- (a) at least one of these Signatories exercises fisheries jurisdiction in waters within the Convention Area, and
- (b) the total catches of the vessels under the jurisdiction of all these Signatories within the Convention Area represent not less than _____ per cent of the aggregate nominal catches of the Convention Area, based on the average figures for the two most recent complete years for which catch statistics are available.

The Convention shall thereafter enter into force with respect to each

Signatory which subsequently ratifies, accepts, or approves on the date of the deposit of its instrument of ratification, acceptance or approval.

3. Any party which has not signed this Convention may adhere thereto by a notification in writing to the Depositary. Adherences received by the Depositary prior to the date of entry into force of this Convention shall become effective on the date this Convention enters into force. Adherences received by the Depositary after the date of entry into force of this Convention shall become effective on the date of receipt by the Depositary.

4. The Depositary shall inform all Signatories and all adhering Parties of all ratifications, acceptances or approvals deposited and adherences received.

5. The Depositary shall convene an initial meeting of the Organization to be held not more than ninety days after the coming into force of the Convention, and shall communicate the provisional agenda to each Contracting Party not less than one month before the date of the meeting.

Article XXI

Upon the entry into force of this Convention, each proposal that has been transmitted or is effective at that time under Article VIII of the International Convention for the Northwest Atlantic Fisheries ("the ICNAF Convention") shall, subject to the rights of objection set out in the ICNAF Convention, become effective within the Regulatory Area for each Contracting Party under this Convention, either immediately or at such time as the proposal enters into force under the ICNAF Convention, and shall remain effective for each Contracting Party, including

Contracting Parties subsequently adhering to this Convention, until such time as it expires or is replaced by a proposal adopted by the Commission pursuant to Article IX of this Convention; provided that no such proposal shall be replaced by the Commission before this Convention has been in force for one year.

Article XXII

1. Any Contracting Party may withdraw from the Convention on December 31 of any year by giving notice on or before the preceding June 30 to the Depositary, which shall communicate copies of such notice to other Contracting Parties.
2. Any other Contracting Party may thereupon withdraw from this Convention on the same December 31 by giving notice to the Depositary within one month of the receipt of a copy of a notice of withdrawal given pursuant to paragraph 1 of this Article.

Article XXIII

1. The original of this Convention shall be deposited with the _____, which shall communicate certified copies thereof to all the Signatories and to all the adhering Parties.
2. The Depositary shall register this Convention with the Secretariat of the United Nations.

Additional Article

Possible provision for terminating ICNAF Convention and succession of the new Organization to ICNAF.

Report of the Working Group on
Transitional Provisions

The group met under the chairmanship of the Chairman of ICNAF with representatives in their personal capacity from Canada, Denmark, E.E.C., the Federal Republic of Germany, Portugal, U.S.S.R. and ICNAF with a view to elaborating a solution to the questions issuing from the probable termination of ICNAF and the creation of a new fisheries organization (hereafter referred to as NAFCO).

The group agreed that some ICNAF regulations, including the Joint Enforcement Scheme, should be taken over by NAFCO for the Regulatory Area, as proposed in the Canadian draft Convention. The group felt, however, that those regulations might have to be amended -- and would have to be amended in the case of annual quota regulations -- before the entry into force of the NAFCO Convention. These amendments would have to be proposed and adopted within ICNAF in a manner to ensure that there was neither a lack nor an overlap of regulations during the transition from ICNAF to NAFCO.

Under these circumstances, the group felt that the approach expressed in Article VI, paragraph 7, Article XIV and Article XV of the Canadian draft, insofar as it referred to the incorporation of an Annex II in the Convention, was not appropriate by not allowing amendments to be made to the existing ICNAF regulations after the signing of the ICNAF Convention.

Instead, the group proposed the following procedure:

I. NAFCO

1. The Convention should include under Article VI a special reference to a Scheme of Joint International Enforcement.
2. In order to avoid unduly long parallel existence of ICNAF and NAFCO, it is proposed that the NAFCO Convention should only come into effect when a certain number of Contracting Parties -- the number mentioned was eight -- had ratified or otherwise accepted it; being understood that those Parties would not earlier withdraw from ICNAF than when they were, according to their domestic procedures, ready for ratifying, etc., the NAFCO Convention. Furthermore, it was suggested that there should be set a minimum figure of catches taken in the Convention area, which should be represented by the ratifying states, before the Convention could enter into force.
3. Because of the application of the quota regulations on a calendar year basis, the Convention should come into effect on the 1st January after the necessary number of ratifications, etc., has been reached.
4. From the day of entry into force of the Convention, the Contracting Parties should apply in the Regulatory area the relevant ICNAF proposals which are then in force or

56

pending entry into force. Those regulations should be applied until such time as they expire (as in the case of quota regulations) or until they are amended by the NAFCO procedure, provided for in Article VI of the Canadian draft.

II. ICNAF

1. To give an incentive to ICNAF members to join NAFCO, the preparatory conference should encourage ICNAF -- in the form of a resolution -- to provide by its own amendment procedure of Article XVII of the ICNAF Convention its termination in the following way:
 - a) ICNAF shall not, after the time of entry into force of the NAFCO Convention, adopt any new proposals with respect to the regulatory area of NAFCO.
 - b) ICNAF Convention shall be terminated one year after the entry into force of the NAFCO Convention.

Those amendments should be considered at a Special Meeting of ICNAF to be held in conjunction with the Diplomatic Conference.

2. It was noted that the above proposed arrangements might require an amendment to ICNAF financial regulations with respect to its financial year period.

3. Consideration was given to the need to secure the succession from ICNAF to NAFCO as a legal personality. Further information on the present legal status of ICNAF was found necessary in this respect, so that the group invited the representatives of Canada to study further this matter.

March 21, 1977

- 1 -
REPORT OF THE WORKING GROUP ON
FINANCIAL ARRANGEMENTS

The Working Group consisted of members in their personal capacity from Canada, Denmark, the Federal Republic of Germany, Portugal, U.S.S.R. and the U.S.A. Dr. Booss of the Federal Republic of Germany was selected as Chairman.

The Working Group considered several payment alternatives, including the following:

- a) that contained in Article IX of the Canadian draft Convention;
- b) a system based on equal payments for one-third of the budget, with the remaining two-thirds of the budget shared in proportion to catches;
- c) equal payments for all Contracting Parties.

Comparisons between the present ICNAF billings for 1976/77 and those under schemes a) and b) above are shown in the attached table. Payments under scheme c) would be \$17,333 for each Contracting Party.

The Working Group reached a consensus that a scheme based on equal shares for part of the budget was more appropriate than assigning shares on the basis of Commission membership, as it was considered that there should be no financial disincentive to belonging to the Commission. The Working Group generally felt that an approach based on scheme b) was the most acceptable, though further consideration was required on what proportion would be shared equally, and what proportion would be shared in proportion to catches.

March 22, 1977

COMPARISON OF VARIOUS NAFCO PAYMENT ALTERNATIVES

Country	ICNAF 76/77 Billings	As Proposed in Article IX of Canadian Draft		As Discussed by Working Group 2/3 Based on Recent Catches			Total
		IX.3(a)*	IX.3(b)	Total	1/3 Equal Share	2/3 Based on Recent Catches	
Bulgaria	\$ 14,347	\$ 5,200	\$ 1,145	\$ 6,345	\$ 5,777	\$ 1,718	\$ 7,495
Canada	23,582	10,400	33,419	43,819	5,777	50,129	55,905
Cuba	18,965	5,200	138	5,338	5,777	207	5,984
Denmark	18,965	10,400	2,803	13,206	5,777	4,205	9,982
France	23,582	10,400	1,559	11,959	5,777	2,339	8,116
Germany, Federal Republic of	18,965	5,200	3,218	8,418	5,777	4,827	10,604
German Democratic Republic	14,347	10,400	4,816	15,216	5,777	6,927	12,704
Iceland	9,730	10,400	316	10,716	5,777	474	6,251
Italy	5,112	5,200	178	5,378	5,777	267	6,044
Japan	14,347	10,400	1,066	11,466	5,777	1,598	7,376
Norway	18,965	10,400	2,211	12,611	5,777	3,316	9,094
Poland	23,582	10,400	7,955	18,355	5,777	11,932	17,709
Portugal	18,965	10,400	4,836	15,236	5,777	7,254	13,031
Romania	14,347	5,200	237	5,437	5,777	355	6,132
Spain	23,582	10,400	6,040	16,440	5,777	9,060	14,837
USSR	23,582	10,400	45,874	56,274	5,777	68,811	74,588
United Kingdom	14,347	10,400	336	10,736	5,777	504	6,281
USA	14,347	5,200	39,854	45,054	5,777	59,781	65,558
	\$312,000	\$156,000	\$156,000	\$312,000	\$104,000	\$208,000	\$312,000

* arbitrary assumptions regarding Commission membership, for illustrative purposes only.