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ANNUAL MEETING - JUNE 1977

Second Preparatory Meeting on Future Multilateral Cooperation in the Northwest Atlantic Fisheries
Ottawa, Canada, 6, 7, and 10 June 1977

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SECOND PREPARATORY MEETING ON FUTURE MULTILATERAL COOPERATION IN THE NORTHWEST ATLANTIC FISHERIES

Ottawa, Canada

6, 7, and 10 June 1977

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S T A T E M E N T S

1. In accordance with the decision of the International Preparatory Conference on Future Multilateral Cooperation in the Northwest Atlantic Fisheries which was held in Ottawa, Canada from 14 to 25 March, 1977, a Second Preparatory Meeting was held on June 6-7, 1977 in conjunction with the 27th Annual Meeting of ICNAF in Ottawa, Canada.

P A R T I C I P A T I O N

2. The meeting 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 I.

C O N F E R E N C E O F F I C E R S

3. Dr. A.W.H. Needler (Canada) continued to act as Chairman, with Dr. D. Booss (Federal Republic of Germany) and Mr. A. Volkov (USSR) as Vice-Chairmen. Mr. E.B. Young (Canada) was appointed Rapporteur.

4. The meeting operated without an agenda, but in essence discussed the Second Revised Draft Convention which appears at Annex XV in the report of the March Conference.

5. Statements were made by several delegations on points of principle and suggested amendments to the Second Revised Draft Convention. Statements were made by the delegate of Japan (Annex II), the U.S. Delegate (Annex III), the U.S.S.R. delegate (Annex IV), the delegate of Portugal (Annex V), the Norwegian delegate (Annex VI), the Cuban delegate (Annex VII), the delegate of the E.E.C. (Annex VIII) and the Bulgarian delegate (Annex IX).

6. The delegate of Canada responded to many of these statements. He stressed the great importance Canada attaches to multilateral cooperation and his hope that the Convention would evolve into an effective framework for such cooperation. He observed that the format of cooperation this June, with informal intergovernmental consultations taking place during the ICNAF meeting time, is in a way a preview of a type of format which might be used under the new Convention. In commenting on the several suggestions, the Canadian delegate pointed out that Canada appreciated the preoccupation of certain countries regarding the conclusions of the Law of the Sea Conference. It was his view that the Law of the Sea Conference will not be able to take account of all situations throughout the world. Canada was seeking practical solutions which meet the unique fisheries situation of the Northwest Atlantic. The attempt to devise a system

of cooperation responding to this unique situation was by no means intended to undermine the Law of the Sea Conference, but rather to come up with a practical means of implementation of the general principles established by the Conference.

W O R K I N G G R O U P S

7. The meeting discussed the reports of the Working Groups dealing with transitional arrangements and with financing. As members of the Working Group on financial arrangements, Mr. K. Løkkegaard (Denmark) and Dr. D. Booss (Federal Republic of Germany) expressed the view that this Group could go no further with financial recommendations. Their report was complete and it remained for the Diplomatic Conference to carry this matter further. The meeting agreed. The Working Group on transitional provisions under the chairmanship of Dr. D. Booss (Federal Republic of Germany) met on the morning of June 7. Its report is attached at Annex X.

8. The Chairman of the Working Group on transitional provisions reported orally on the meeting of that Group, indicating that the written Working Group report (Annex X) would be available as soon as possible. He pointed out that the only amendment to the Revised Draft recommended by the Working Group was in Article XX, paragraph 5, where it was recommended that the initial meeting of the Organization be held no more than six months after the coming into force of the Convention, rather than limiting the interval to ninety days. This is in order that the meeting may be held in May or June, with the Convention entering into force the previous January 1.

9. There was some discussion on the possibility of withdrawal of members from ICNAF during the transitional period. The view was expressed that it would be preferable for members of ICNAF to remain with that Organization until the new Convention comes into force, and continue as members of both Organizations until ICNAF's automatic termination through the amendment of the ICNAF Convention suggested by the Working Group in its report (Annex X).

10. The meeting learned of the death recently of Mr. D. Nedev, Director General of Fisheries in Bulgaria, who had been an ICNAF Commissioner for several years. On behalf of those attending the meeting, the Chairman expressed sincere sympathy to the delegation of Bulgaria.

LIST OF PARTICIPANTS

ANNEX I

(Head of Delegation underlined)

- 1 -

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BULGARIA

Capt. K.N. Gaydarov, Ribno Stopanstvo, Bourgas
Mr. P. Kolarov, Research Institute of Fisheries and Oceanography, Varna
Mr. I. Nedelev, Bulgarian Embassy, Ottawa
CANADA
Mr. D.R. BOLLIVAR, Resource Allocation Branch, Fisheries and Marine Service,
Department of the Environment, Ottawa
Mr. L.J. COWLEY, Fisheries and Marine Service, Department of the Environment,
Newfoundland Region, St. John's
Mr. E.H. DEMONE, National Sea Products Ltd., Lunenburg N.S.
Mr. L.H.J. Legault, International Directorate, Fisheries and Marine Service,
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Mr. G.A. Léger, Fisheries and Environmental Law Section, Department of External
Affairs, Ottawa
Mr. D.A. MacLean, Fisheries and Marine Service, Department of the Environment,
Halifax
Dr. A.W. May, Resource Services Directorate, Fisheries and Marine Service,
Department of the Environment, Ottawa
Dr. B.S. Muir, Fisheries and Marine Service, Department of the Environment,
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Dr. A.W.H. Needler, Fisheries Adviser, St. Andrews New Brunswick
Mr. L.S. Parsons, Resource Assessment, Fisheries and Marine Service, Department
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Department of the Environment, Ottawa
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Mr. G.C. Vernon, International Marine Policy, Fisheries and Marine Service,
Department of the Environment, Ottawa
Mr. E.B. Young, International Directorate, Fisheries and Marine Service,
Department of the Environment, Ottawa
Mr. L.A. Willis, International Directorate, Fisheries and Marine Service,
Department of the Environment.

CUBA

Mr. R. Cabrera, Ministerio de la Industria Pesquera, Havana
Ms. E. Fabregas, Ministerio de la Industria Pesquera, Havana
Mr. A. Margolles, Ministerio de la Industria Pesquera, Havana
Dr. J.A. Varea, Dirección de Relaciones Internacionales, Ministerio de la
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DENMARK

Mr. J. Djurhuus, Government of the Faroe Islands, Faroe Islands
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Mr. E. Lemche, Ministry for Greenland, Copenhagen
Mr. K.K. Løkkegaard, Ministry of Fisheries, Copenhagen
Mr. P. Reinert, Government of the Faroe Islands, Faroe Islands

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Mr. J. Farnell, Commission of the European Communities, Directorate General for
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Mr. A.W. Koers, Commission of the European Communities, Brussels
Mr. M. Marcussen, Commission of the European Communities, Directorate General
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Mr. J.P. Van Rij, EEC Delegation in Canada, Ottawa
Mr. D. Vignes, Service Juridique, EEC, Brussels

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Mr. R.H. Letaconoux, Institut Scientifique et Techniques des Pêches Maritimes, Nantes

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GERMAN DEMOCRATIC REPUBLIC

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Mr. B. Vaske, Institut für Hochseefischerei, Rostock-Marienehe

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Dr. J. Jonsson, Marine Research Institute, Reykjavik

ITALY

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Mr. E. Dobosz, FEDERPESCA, Rome
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Dr. F. Nagasaki, Far Seas Fisheries Research Laboratory, Shizuoka
Mr. S. Ohkuchi, Nippon Suisan Kaisha Ltd., Tokyo
Mr. M. Sato, Ministry of Foreign Affairs, Tokyo
Mr. X. Seki, 2nd International Economic Affairs Division, Ministry of Foreign Affairs, Tokyo

NORWAY

Mr. N. Bølset, Ministry of Foreign Affairs, Oslo
Mr. F. Bergesen Jr., Embassy of Norway, Washington,
Mr. H. Rasmussen, Directorate of Fisheries, Bergen

POLAND

Mr. E. Antczak, Representative of Polish Deep Sea Fisheries, Halifax
Mr. F.Z. Kierzkowski, Ministry of Foreign Trade and Shipping, Warsaw
Dr. J. Piechura, Sea Fisheries Institute, Gdynia
Mr. W. Sonta, Fisheries Central Board, Szczecin

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Capt. J.C.E. Cardoso, Fisheries Administration, Lisbon
Capt. A.S. Gaspar, Lisbon
Mr. A. Leitao, S.N.A.B., Lisbon
Mr. A.F.P. Pontes, Portugal Shipowners Association.

ROMANIA

Mr. S. Anastasescu, Romanian Embassy, Ottawa
Mr. O. Ernest, Ministry of Transportation and Telecommunications, Bucharest
Mr. L. Popescu, Ministry of Transportation and Telecommunications, Bucharest

SPAIN

Mr. V. Bermejo, St. John's Newfoundland
Mr. J. Conde, Dirección General de Pesca, Madrid
Mr. G. Gago, Cooperativa Armadores, Vigo
Mr. J. Lopez-Jacoiste, Embassy of Spain, Ottawa
Mr. A. Martin-Mateo, Federación Armadores Bacaladeros, Madrid
Mr. J. Puerta, Pescapuerta S.A., Vigo
Mr. J. Gonzalez-Sama, Agrupación Bacaladeros, Madrid
Mr. A.R. Vazquez, Instituto de Investigaciones Pesqueras, Vigo

USSR

Mr. G.M. Chursin, Ministry of Fisheries, Moscow
Mr. V.M. Kamentsev, Ministry of Fisheries, Moscow
Capt. A. Kuznetsov, Moscow
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Dr. A.S. Seliverstov, Polar Research Institute of Marine Fisheries, Murmansk
Mr. V. Solodovnik, Foreign Department, Ministry of Fisheries, Moscow
Mr. A.A. Volkov, Soviet Fisheries Representative in Canada, Halifax
Mr. I. Znamenski, USSR Embassy, Washington

UNITED KINGDOM

Mr. H.B. Brown, Ministry of Agriculture, Fisheries and Food, London
Mr. B.W. Jones, Sea Fisheries Laboratory, Pakefield, Lowestoft, Suffolk.

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Mr. T.A. Norris, New England Regional Fisheries Management Council, Boston
Mr. W. Peil III, Mid-Atlantic Regional Fishery Management Council, Greenport N.Y.
Mr. G. Posz, U.S. Embassy, Ottawa
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JAPANESE PROPOSED AMENDMENTS TO
SECOND REVISED DRAFT CONVENTION

OPENING REMARKS MADE BY MR. OHKUCHI
HEAD OF JAPANESE DELEGATION
TO THE SECOND PREPARATORY MEETING ON
FUTURE MULTILATERAL COOPERATION IN THE
NORTHWEST ATLANTIC FISHERIES

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Thank you Mr. Chairman.

First of all, I would like to express on behalf of my delegation, our sincere appreciation and gratitude to our Canadian colleagues for the excellent arrangements which have been made for the second round of the Preparatory Conference.

I do hope that during the period of this Conference we will succeed in making further progress, in a spirit of cooperation, toward the final achievement of a new framework on fisheries management in the Northwest Atlantic at the Diplomatic Conference this October.

I have requested the floor at this time to explain to my colleagues in this room a new development which has taken place in the fishery policy of my country. It was decided in my country last month to establish a 200-mile fishing zone around Japan. The new limit is expected to come into effect by the first day of next month. As you are all well aware, many countries, including Japan's neighbouring country, have extended their fishery jurisdiction out 200 miles. This has had a tremendous adverse effect on our fishery. In the light of these drastic changes, Japan had to take effective action to protect the interests of Japanese fishermen in conservation and rational utilization of the resources off our coasts. Consequently, the position of my country regarding the 200-mile regime has now changed from that expressed in March.

In spite of these circumstances, however, as I mentioned at our previous meeting, we greatly value the contribution ICNAF has made in the past to the rational utilization and effective management of marine resources. These achievements have been the result of close cooperation on the part of ICNAF's member countries. Our basic attitude towards the establishment of a multilateral consultative organization in the Northwest Atlantic, the "son of ICNAF", remains unchanged. I believe we must make every effort to reach our common goal at this Conference.

Thank you.

1. Preamble, paragraph 2.

Delete "pursuant to ... international law" since international law regarding the 200-mile fishery jurisdictional waters has not been fully established by international understanding.

2. Article I.

(1) The new Convention should cover the same species of fish as the ICNAF Convention; therefore, the definition of "fisheries" should be as precise as possible.

(2) The interrelationship between "fisheries" and "fisheries jurisdiction" is confusing.

3. Article II, paragraph 2(d)

In the light of Article III paragraph 5, it would seem as if the Secretariat functions only when the Organization is holding its meetings.

4. Article III, paragraph 5.

It would seem to be logically impossible that the General Council, which has not been convened, should convene a meeting of the Organization.

It would therefore be better that the Chairman of the General Council should convene meetings of the Organization.

5. Article IV

(1) Paragraph 2.

There is no mention of a quorum. (The same applies as regards Article VIII and Article XI.)

9. Article XV

Delete this Article since the first sentence is already covered by the latter half of the first sentence of Article XIV and it does not seem necessary to provide in the Convention for the details mentioned in the second sentence.

10. Article XVII

This Article should be amended so that the General Council should have the authority to change the boundaries of the Subareas and Divisions; otherwise it would be necessary to go through the elaborate procedure of amending the Convention, each time it becomes necessary to change these boundaries.

11. Article XXI

A drafting point: delete "adhering" and insert "ratifying, accepting, approving or adhering".

(2) Paragraph 5.

It is difficult to understand the need to allow for coastal state prevalence as regards special meetings of the various bodies. (The same applies as regards Article VIII and Article XI.)

6. Article V, paragraph 1.

Delete "environmental ... factors" as these terms have very broad meanings and it would be unsuitable to deal with strictly environmental matters in a Convention concerning the conservation and management of fisheries.

7. Article IX

(1) Paragraph 6.

This paragraph should be brought into line with Article 52 of Part II of the Revised Single Negotiating Text of the United Nations Law of the Sea Conference.

(2) Paragraph 7.

This paragraph should be deleted as a "special interest" of a coastal state as regards fisheries beyond the 200-mile zone cannot be admitted.

8. Article XIV

Delete "and each Contracting Party ..." as it is redundant in view of the first sentence of this Article.

UNITED STATES PROPOSALS
FOR AMENDMENTS TO
SECOND REVISED DRAFT OF
NAFCO CONVENTION

Deletions enclosed in [square brackets]
Additions underlined

(A copy of Portions of the Second Revised Draft incorporating these changes is attached)

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 ... Baffin Bay south of 78°10' north latitude]

[2. The Convention Area ... to this Convention.]

2. The "Regulatory Area" means that part of the Convention Area which lies beyond national fishery limits, north of 35° 00' north latitude and west of 42°00' west longitude.

3. ... (c) anadromous species.

["Regulatory Area" means ... limits.]

4. Nothing in this Convention ... the territorial sea, or [the limits or extent of maritime] its jurisdiction [.] over fisheries.

Article V

1. The functions of the Scientific Council shall be:

- (a) to provide ... scientific information [and views] relating to the fisheries of the Convention Area, ...
- (d) to provide scientific advice to the Fisheries Commission, [either on its own initiative] through periodic reports or pursuant to Article VII.

Article IX

1. The Fisheries Commission ...

6. In the exercise of its functions ...

(b) any related measures or decisions taken by that coastal state with respect to fishing activities within [the area under] its fisheries jurisdiction.

7. (Note:

While not presenting proposed language, the US reserves its position on this paragraph.)

Article XIII

1. Each ... Convention.

2. The General Council ... Organization.

[3. The General Council ... for which catch statistics are available]

3. In the first and second financial years after this Convention enters into force in accordance with Article XX of this Convention, the Contracting Parties shall be assessed such sums as they respectively contributed in 1976 to the International Commission for the Northwest Atlantic Fisheries (ICNAF). The General Council shall determine the sum to be assessed from any Contracting Party which was not a member of ICNAF in 1976.

4. In respect of the third and subsequent financial years, the Contracting Parties shall contribute sums calculated in accordance with a scheme to be prepared by the General Council and accepted by all the Contracting Parties. This scheme may be modified by the General Council with the agreement of all Contracting Parties.

[4.] 5. The General Council shall notify each Contracting Party of the sum due from that Party as calculated under [paragraph 3] paragraphs 3 and 4 of this Article ...

(paragraphs 5 - 10 are accordingly re-numbered 6-11.)

Article XVII

The General Council may [subdivide any Division described in the Annex] divide the Convention Area into Subareas, and Divisions of Subareas provided that any coastal state exercising fisheries jurisdiction ...

Article XVIII

[Delete Article]

(NOTE: Following pages are copied from ICAAF Comm.Doc.77/VI/11, Serial No.5017, and US amendments proposed in June 1977 are incorporated.)

Second Revised Draft Convention - March 23, 1977 ANNEX XV
NOT FOR PUBLICATION

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.]

ANNEX III
Attachment

- 2 -

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

(a) tuna,

(b) sedentary species of the continental shelf, or

(c) anadromous species.

2. ^{2.1} The "Regulatory Area" means that part of the Convention Area which lies beyond national fishery limits ^{of 35°00' north latitude and west of 42°00' west longitude.}

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 ^{its jurisdiction over fisheries.} [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.

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, ~~through periodic reports~~ ^{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. 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} ~~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.] *The U.S. reserves its position on para. 7.*

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. ^{See U.S. proposal for alternate paras. 3 and 4.} 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.]

~~5.A.~~ 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.

~~6.B.~~ 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.

~~7.B.~~ 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.

~~8.A.~~ 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.

~~9.8.~~ 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.

~~10.9.~~ 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.

~~11.10.~~ 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

divide the Convention Area into Subareas, and Divisions of Subareas,
The General Council may ~~subdivide~~ *divide* 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 Depositary 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 of receipt of written notification of approval by three-fourths of all Contracting Parties unless any other Contracting Party notifies the Depositary that it objects to the amendment within ninety days of the date on the notification by the Depositary 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

STATEMENT
BY THE HEAD OF THE USSR DELEGATION
AT THE SECOND SESSION OF THE INTERNATIONAL
PREPARATORY CONFERENCE ON FUTURE MULTILATERAL
COOPERATION IN THE NORTHWEST ATLANTIC FISHERIES
OTTAWA, CANADA, JUNE 1977

Due to extension by the coastal states of their jurisdiction and establishment of 200 mile zones, the December ICNAF meeting accepted the proposal that restricts authority of the Commission to the area beyond national fisheries limits. With new jurisdictional reality taken into account, there is necessity now to find active forms of multilateral cooperation in the field of fisheries.

The USSR was always seeking decisions of international problems on a multilateral basis and that is why now the Soviet Delegation is prepared to take the most active part in elaboration of the draft of the new Convention.

We are hopeful that the new organization has to continue to play an essential role with respect to conservation of fishery resources and regulation of fisheries as the ICNAF did. We assume that it refers to fish stocks which occur in the areas outside fisheries zones of the coastal states as well as to the stocks which are fished within 200 mile fisheries zones and beyond these zones, and which may be fished for in both areas.

The Soviet Delegation would like to note that the role of the scientific analysis and forecasting the state of fish resources is getting more increased, and because of this we hope that the new organization will become a forum for cooperation in the field of scientific research linked up with the assessment of the state of stocks and issuing advice on fisheries regulation.

We went thoroughly through the second revised version of the draft Convention which was prepared as a result of the big job carried out during the First Session of the International Preparatory Conference.

Mr. Chairman,
On behalf of the Soviet Delegation, I would like to express appreciation to our Canadian colleagues for the organization of this meeting and the big job that has been done to prepare and hold the Preparatory Conference on future multilateral cooperation in the Northwest Atlantic fisheries. We also express our gratitude to the Canadian Government for the hospitality we enjoy here.

Attaching great importance to development of international cooperation in the field of marine fisheries, we welcome the job which is under way aiming at collaboration of the draft of a new Convention to replace the ICNAF Convention now in force.

As the result of fruitful activity, ICNAF has reached worldwide appreciation by fishery circles as the most progressive and effective organization on regulation of fisheries on a fair and equal basis, serving as a standard for other international fishery organizations.

The ICNAF considered in good time and thoroughly reasonable proposals of fishermen and scientists of the international community aimed at rational exploitation of fish resources of this area. However, a number of Agreements have been signed during recent years which reflected changes due to extension by many coastal states of their jurisdiction over fisheries and declaration of 200 mile fishery zones.

New major jurisdictional realities were reflected in this draft, and principles of multilateral cooperation in the field of fisheries under new conditions were laid down. Yet the draft needs more precise definition of a number of provisions and wording of terms. Some of them have principal importance, and I would like to invite your attention to such moments.

To get a precise understanding of the position of the USSR delegation on the matter of further international cooperation with regard to the Northwest Atlantic fisheries and our approach to the future status of ICNAF/NAFCO, I would like to dwell on some principles which the Soviet delegation is also sticking to while participating at the UN Law of the Sea Conference which is being held at present in New York, and provides the forum to consider not only regional, as it is the case now, but as well larger aspects of the legal regime of the World Ocean. We have to be consistent, and having recognized either these or those provisions during the present meeting in Ottawa, we cannot ignore positions of our countries at the LOS Conference in New York. I would like to recall that delegations of the majority of the countries represented here, including the USSR, basically, as far as living resources are concerned, keep to the provisions of the Single Negotiating Text (Part II) in which Article 76 reads, in particular, that the high seas are open to all states, whether coastal or land-locked. Accordingly, no state may validly purport to subject them to its sovereignty. The background for understanding this Article is that the coastal states are the states which do not refer to land-locked countries. There is no other interpretation of the term "coastal state" in section "High Seas" of the Single Negotiating Text. Despite this, the

Text adheres to the clear-cut principle according to which:

All the countries exercise freedom of navigation and scientific research in the high seas, as well as freedom of fishing under the conditions relating to management and conservation of their living resources (Section 2, pages 104-105). The essential provision is set forth in item 3 of Article 107, which reads that states concerned shall ensure that conservation measures and their implementation do not discriminate in form or in fact against the fishermen of any state. These and other provisions of the Single Negotiating Text do not leave room for doubts on the equal rights which all states have in the high seas, and nobody may pretend for getting any preferential or special rights over living resources.

In our opinion, the NAFCO draft Convention seems to deviate from this principle and we cannot agree to that. Any state has equal rights and commitments beyond the limits of its jurisdiction in respect of living resources of the high seas.

Being governed by this general position, we would like to set forth our considerations on concrete Articles of the draft Convention.

The preamble of the Convention should be as follows:

"NOTING that the coastal states of the Northwest Atlantic have extended space limits of jurisdiction in the sea adjacent to their coast where they exercise sovereign rights over fishing and other resources for the purpose of exploring, exploiting and conservation, and taking into account international tendencies in developing of the Law of the Sea, and in particular the work of the Third UN Law of the Sea Conference;

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 set by the coastal states and which should be brought into the conformity with the provisions of the new Convention after the termination of the Third UN Law of the Sea Conference, and also taking into account that the states are interested in maintaining traditional fisheries for living resources in this Convention area and to this end, to encourage international cooperation in this field,

Have agreed as follows:"

Such wording of the preamble could serve as the basis for further development of Articles of the Convention. It reflects the actual events taking place in the Law of the Sea at the present time, and contributes to accounting interests both of coastal states and states exercising fishing for living resources in this area.

Further, I would like to draw your attention to the definition of the term "coastal state". The text of the draft Convention, except paragraph 3 of Article I where the basic definition of a coastal state meaning is cited, also offers the definition of this meaning in the second paragraph of the preamble and in paragraph 7 of Article IX.

The Soviet delegation proposes to formulate the following wording of definition of a "coastal state" in paragraph 3 of Article I:

"A coastal state means a state having a coast in the Convention area and herewith exercising fisheries jurisdiction in waters adjacent to such coast in part of the Convention area".

Such wording precisely reflects the essence of the matter and is in better correspondence with the wording of the preamble and other Articles.

The wording of paragraph 3(b) of Article I should be as follows:

"Living resources of the Continental Shelf, that is to say, living organisms of 'sedentary species' which during the appropriate time of their growth from harvestable standpoint are either attached to the seabed or under the seabed or able to move only over the seabed or in the subsoil".

The Soviet delegation is in favour of the proposal delivered by the Bulgarian delegation in March for the wording of paragraph 3 of Article II, and proposes the same wording for this paragraph:

"The Organization as a whole or by means of separate bodies, will avail itself of such legal capacity on the territories of the Contracting Parties as can be agreed on between the Organization and the corresponding Contracting Party".

We consider it necessary to provide more definite organizational structure of the Organization and the functions of the General Council. We think that the General Council should carry out broader functions and propose to supplement a subitem to paragraph 7 of Article III with the wording that the General Council coordinates organizational and administrative relations between separate bodies of the Organization.

There is no need to agree upon with a coastal state the question of convocation of the meeting as it is provided for in paragraph 5 of Article IV and in paragraph 5 of Article VIII, because any meeting to be convened should be agreed upon by all states concerned, including a coastal state, and therefore, without the concurrence of a coastal state a meeting could not be convened in its territory. In this case, a possibility should be provided for convocation of a meeting in another place.

shall not be entitled to cast votes or present objections respecting proposals described in this Article."

Paragraph 6(b) of Article IX should be supplemented with the following: "In adopting measures for regulation of stocks in the areas of fisheries jurisdiction, a coastal state should coordinate such measures with any corresponding measures or resolutions adopted by the Commission for the Regulatory Area."

Regarding the wording of paragraph 7 of Article IX, the USSR delegation considers it necessary to emphasize that such wording is not in conformity with paragraph 2 of Article 52 of the Revised Single Negotiating Text of the Third UN Law of the Sea Conference. In order that the content of this paragraph does not contradict what has already been said, it is suggested that paragraph 7 be shortened, and that a full stop be put after the wording "whose vessels have traditionally fished" and then to insert the following wording of paragraph 2 of Article 52 of the RSNT, namely:

"In case when the same stock, or stocks of associated species occurring both within the economic zone and the area beyond the economic zone and adjacent to it, the coastal state and the states fishing for such stocks in the adjacent area coordinate within the framework of the Commission the measures necessary for conservation of such stocks in the adjacent area".

A specific consideration should be given to NAFCO financial arrangements. At the present state, not going into detailed consideration of payment alternatives, I would like to emphasize that all proposals considered at the first Session do not take into account the contribution of the state conducting scientific surveys in the Convention Area and their expenditures associated with these surveys.

Thank you.

In paragraph 3 of Article V, we propose to substitute the wording "to the Regulatory Area" with the wording "to the Convention Area", which would be in conformity with paragraph 5 of Article 50 of the RSNT of the Third UN Law of the Sea Conference. The scientific information pertaining only to the Regulatory Area would not permit to make a qualitative and adequate stock assessment.

In paragraph 1 of Article VI, after the wording "at the request of a coastal state", we propose to add the following wording - "and on appropriate occasions at the request of the Fisheries Commission with the concurrence of a coastal state" which will allow the Commission to have more initiative in carrying out the functions relating to elaboration of a scientific basis for management and conservation of fishery resources".

The wording of paragraph 5 of Article VIII should be the following: "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 any Contracting Party".

In the draft Convention, the condition provided namely "with the concurrence of a coastal state" is in contradiction to the Law of the Sea draft Convention which doesn't give such broad rights to coastal states. As a matter of fact, such wording gives the coastal state the right to implement a veto.

Paragraph 2 of Article IX is not distinct and for it the Soviet delegation proposes to substitute the following -

"2. All Contracting Parties may be members of the Commission. Any Party whose vessels are not participating in the fishery within the Regulatory Area may not be a member of the Commission and in this event

STATEMENT OF THE PORTUGUESE DELEGATION
TO THE SECOND PREPARATORY CONFERENCE ON THE
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OTTAWA, JUNE 1977

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ANNEX V

of the Commission)".

1(a) of Article V Clarify which matters are those referred to by the words "to these matters" at the end of 1(a).

3 & 4 of Article V Make of these two paragraphs one with the following wording:

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

PREAMBLE: Eliminate or otherwise clarify or correct the words - "to this end" in the penultimate line of the paragraph starting "DESIRING ..."
and the words - "in this field" in the last line of the same paragraph.

2. of Article I: Write "Subareas, Divisions and Subdivisions of" instead of only "Subareas and Divisions of".

3. of Article I: Define "Regulatory Area" as "that part of the Convention Area which lies outside the areas under national fishery jurisdiction".

1 of Article II: Eliminate the word "Consultative" in the name of the new Organization, which then could be called "Fisheries Organization for the Northwest Atlantic".

4 of Article IV: Determine immediately the location of the Headquarters of the new Organization as the same as ICNAF by naming the town.

1 of Article III: Add to the functions of the General Council: "to review annually and determine the membership of the Commission on the basis of -----". (Insert appropriate paragraph).

5 of Article IV
5 of Article VIII
5 of Article XI

Any of these special meetings should be called "upon the request of a Contracting Party (or a member of the Commission) with the concurrence of another Contracting Party (or member

6(b) of Article IX Eliminate the word "related" in the first line and add at the end, after "jurisdiction", the following:

", necessary for the management and conservation of the stocks or groups of stocks".

7 of Article IX

Eliminate the word "special" in the fourth line and the words "and the needs of its coastal communities" at the end. These needs are obviously a concern, among the "interests" of the coastal state. The word "interest" after the eliminated "special" would become "interests".

In (a), (b), (c),(d) place "the" instead of "a". This is because the corresponding Articles define "the" General Council, "the" Scientific Council, "the" Fisheries Commission, "the" Secretariat.

Article XIV

Eliminate the whole sentence which starts at "Sanctions" and finishes with "such violations".

1 of Article III In the second line, replace "affairs" by "matters".
Article III to Article XI inclusive

The functions of the different bodies of the Organization, including the Chairman's if any, should be defined in separate Articles.

The functions of the different bodies of the Organization, including the Chairman's if any, should be defined in separate Articles.

Article XVII

"The General Council may alter the boundaries of the Subareas, Divisions and Subdivisions set out in the Annex, on a 2/3 majority vote, provided that any coastal state exercising fisheries jurisdiction in any part of the Convention Area affected by the alteration concurs in such action. Any such alteration shall forthwith be reported to the Depositary which shall inform the Contracting Parties thereof."

We still feel that 2 should read:

"The Chairman of the General Council shall be the chief executive officer and principal representative of the Organization and as such be designated the President of the Organization."

Article XVIII

Amend to:

"The Annex, as attached to this Convention or as modified in accordance to its terms, forms an integral part of this Convention."

Similarly, Article V, concerning the Scientific Council, should only include 1 and 5, which should become 2. Articles VI and VII, also concerning the functions of the Scientific Council, should stay as they are, as amended.

Proposed Drafting Amendments to the Same Second Revised Draft

4 of Article I

Substitute in the first and second line the expression "affect or prejudice" by "affect in any manner".
Reason: You cannot "prejudice" without "affecting".
Prejudice is to "affect adversely".

Article IX, concerning the Fisheries Council, should include 1,5,6,7,8,9,10,11, and 12, renumbered in the proper order and as amended previously.

Article X should stay as it is.

An Article V A should be the new paragraph that replaces present 3 and 4 of Article V.

Another set of Articles should define the membership, how to appoint representatives, etc., and how to convene meetings and to establish committees etc.

Thus an Article III A should have 3 of Article III. Then a replacement of present 4 of Article III and 3 of Article IV, reading:

"Each Contracting Party shall appoint its own representatives, as well as their alternates, experts and advisers."

Then a modification of the present 5 of Article III, reading:

"The General Council shall convene a regular annual meeting of the Organization at its Headquarters or at such other place as may be decided upon by the General Council, provided that it never takes place away from its Headquarters two succeeding years."

Then 5 of Article III as amended.

Finally, there should be a final paragraph reading:

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

Similarly for the Scientific Council:

First, corresponding to 2 of Article V.

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

Then, another paragraph reading, (see 3 of Article VIII):

"Each Contracting Party shall appoint its own representatives to the Scientific Council, as well as their alternates, experts and advisers."

Then follows 5 of Article VIII as amended.

Then finally we should have 6 of Article V.

Similarly for the Fisheries Council:

First 2 of Article IX as amended.

Then a paragraph corresponding to 3 of Article IX, completed as before, to correspond to 3 of Article XI:

"Each Commission Member shall appoint its own representatives, as well as their alternates, experts and advisers."

Then follows a paragraph corresponding to 4 of Article IX:

"Any Contracting Party that is not a Commission Member may appoint observers to attend meetings of the Commission".

Then follows 5 of Article XI, as amended.

Then finally we should have 13 of Article IX.

Another set of Articles should define the voting and decision taking, election of Chairman and Vice-Chairman, reports and rules of procedure.

Thus we firstly should have a paragraph corresponding to 1 of Article IV, reading:

"1. Each Contracting Party shall have one vote in all decisions of the General Council, cast by its representative designated for the purpose".

Then comes 2 of Article IV.

Then an amended 4 of Article IV:

"The General Council shall elect from among the representatives of the Contracting Parties 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 an immediately succeeding term. The Chairman ... (rest as in 4 of Article IV)."

Then follows 6 of Article IV.

Then finally 7 of Article IV after substituting for the word

"by-laws" the word "rules".

Similarly for the Scientific Council:

First 1 of Article VIII.

Then 2 of Article VIII, replacing the word "by-laws" by the

words "rules of procedure" and adding at the end the following:

"cast by its representative designated for the purpose".

Then an amended 4 of Article VIII:

"The Scientific Council ... and shall be eligible for re-election but not to one immediately succeeding term. The

Chairman ... (remainder as in 4 of Article VIII)."

Then follows 6 of Article VIII and then, finally 7 of

Article VIII after substituting for the word "by-laws"

the word "rules".

Similarly for the Fisheries Council:

First 1 of Article XI amended as follows:

"1. Each Commission member shall have one vote in all

decisions of the Commission, cast by its representative

designated for the purpose."

Then comes 2 of Article XI.

Then an amended 4 of Article XI, reading:

"The Commission shall elect, from among the representatives of its members, a Chairman ... for re-election, but not to one immediately succeeding term. The Chairman ... (remainder as in 4 of Article XI)".

Then follows 6 of Article XI and 7 of Article XI, after substituting for the word "by-laws" the word "rules".

For the General Council, the Scientific Council and the Fisheries Council, a paragraph should indicate how many

representatives each member may appoint. We believe it should be 2 for each member.

STATEMENT OF THE NORWEGIAN DELEGATION
TO THE SECOND PREPARATORY CONFERENCE ON THE
FUTURE OF ICNAF

Ottawa, June 1977

Firstly, the provisions with respect to the functions and competence of the proposed Fisheries Commission.

Secondly, the provisions respecting the financing of the new Organization, and

Thirdly, arrangements for the transition from the present ICNAF regime to the proposed NAFCO.

As to the first question, that connected with the functions and competence of the Fisheries Commission, I have noted that the Canadian delegation has been able to accommodate some of the views that were brought forward by other delegations when commenting upon the first two drafts.

Nevertheless, it seems still to be a gap of views around this table, and my delegation had hoped that this meeting would be able to narrow this gap.

In Article IX, paragraph 6, in the new draft, it is proposed that "in the exercise of its functions under paragraph 5, the Commission shall ensure consistency between 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".

This seems to be - if I may say so - too much of a one way traffic to be generally accepted here. I wonder, therefore, if it could be of some help, for instance, to say something like, that the Commission shall endeavour to ensure such consistency.

Mr. Chairman,

First of all, I want to thank the Canadian Government for once more convening a preparatory meeting on the future multilateral cooperation in the Northwest Atlantic Fisheries.

Our task is an important one. As the Norwegian Delegation said in its opening statement at the March meeting, my Government holds the view that there will be a continuing need for multilateral fisheries cooperation, but that it will be necessary to bring this cooperation into line with the new jurisdictional situation in fisheries.

On this background I therefore, welcome the opportunity this meeting offers us to try and work out a convention text that will meet the requirements of today.

However, as we witnessed at our last meeting and as we have heard just here, our work is not quite easy. Countries and governments for geographical and other reasons, have different interests to pursue.

Major questions requiring further consideration seem to be:

Another feasible, and in my opinion perhaps better, way of drafting it would be to say that in the case of stocks occurring both in the Regulatory area and within an area under the fisheries jurisdiction of a coastal state, the Fisheries Commission shall ensure appropriate consistency of regulatory measures, thus for stocks substantially within the zone of a coastal state, proposals adopted by the Commission should be complementary to and consistent with measures adopted by the coastal state, it being understood that in a vice versa case, the coastal state would act correspondingly.

As to the proposed new paragraph 7 of Article IX, I wonder whether it would be a bit more acceptable to other delegations if the last words, those referring to the needs of the coastal state's coastal communities, were left out. We still would have the reference in the paragraph to the special interest of the coastal state. My delegation could at least support such a drafting.

In conclusion, let me say that as far as the financing of the new organization is concerned, I feel convinced that my Government will be able to accept a formula that a majority round this table could take.

I also feel convinced that adequate transitional arrangements from the present regime to the new one will be achieved.

Thank you, Mr. Chairman.

STATEMENT OF THE CUBAN DELEGATION
TO THE SECOND PREPARATORY CONFERENCE
ON FUTURE MULTILATERAL COOPERATION
IN THE NORTHWEST ATLANTIC FISHERIES

OTTAWA, JUNE 6-7, 1977

The Cuban delegation wishes to express its appreciation to the Canadian Government for organizing this Conference, as well as for the great amount of work that has been done to provide a Draft Convention which intends to harmonize the different criteria of all the Member Countries of ICNAF in regard to the future multilateral collaboration in the Northwest Atlantic.

After studying carefully the Second Revised Draft Convention, Cuba considers that there are still some changes to be made in the Draft Convention that will facilitate its acceptance at the Plenipotentiary Conference to be held in October of this year.

In this regard, Cuba will propose the following changes to the Draft Convention:

In the Preamble, although we do not suggest any specific wording, Cuba would prefer to have incorporated in it a reference stating that this Convention also takes into account the negotiations now taking place in the United Nations Law of the Sea Conference.

Article I, paragraph 3, to be changed as follows: In this Convention "coastal state" means a state which is a signatory of this Convention and who has a coast-line in the Convention Area and exercises fisheries jurisdiction in waters forming part of the Convention Area.

Article III, paragraph 5, to be changed as follows: The General Council shall convene a regular annual meeting of the Organization at its Headquarters or at such other country signatory of the Convention as may be decided upon by the General Council.

Article IV, paragraph 5, fourth line, after "Contracting Party", to be changed as follows: ... with the concurrence of any other two Member Countries.

Article VI, paragraph 1, first line, to change: ... the Scientific Council may ... for ... the Scientific Council shall ...

Article VIII, paragraph 5, fourth line: to delete the words "with the concurrence of a coastal state".

Article IX, paragraph 6, second line, to be changed as follows: ... the Commission shall seek consistency between ...

Article IX, paragraph 7, sixth line, to delete the words "... , and the needs of its coastal communities".

Article XI, paragraph 5, fifth line, after the words "... with the concurrence of ...", delete "a coastal state that is a Commission Member" and substitute "... any other two Commission Members".

OPENING STATEMENT OF THE EEC DELEGATION
AT THE SECOND PREPARATORY CONFERENCE
ON FUTURE MULTILATERAL COOPERATION
IN THE NORTHWEST ATLANTIC FISHERIES

OTTAWA, JUNE 6-7, 1977

On behalf of the European Economic Community, I wish to express our appreciation of the considerable work undertaken by the Canadian government with a view to establishing a successor organization to ICNAF, and of the constructive and cooperative manner in which the Canadian delegation has conducted the First Preparatory Conference.

During the March Conference, substantial progress was achieved, and the delegation of the Community finds that the Second Revised Canadian Draft constitutes a sound basis for a successful outcome of the Diplomatic Conference scheduled for October of this year. My delegation also finds that most issues were sufficiently analysed during the First Preparatory Conference, and that further discussion of these issues is most appropriately left to the Diplomatic Conference.

The delegation of the European Economic Community has therefore not come to this Conference with proposals for changes of substance in the Second Revised Draft. It will, however, contribute in a positive spirit to the discussion of problems on which further clarification may contribute to a successful outcome of the Diplomatic Conference.

<u>Preamble</u>	delete "pursuant to and"			
<u>Article I.</u>	Retain delimitation of Convention Area	<u>Article XI.</u>	Para 7.	Delete "special" (line 4) and "and the needs of its coastal communities" (line 6).
Para 1.	Transfer of this para. to first para. of Article XVII.		Para 5.	See Article IV.5. above.
Para 2.	Maintain existing text. EC opposed to USSR amendment (definition of "coastal state")	<u>Article XIII.</u>	Para 6.	Replace "Commission members" by "General Council".
Para 3.	Support U.S.A. amendment to last line, ("its jurisdiction over fisheries").			EEC opposes USA proposed amendment, as finalization of financial provisions would be necessary before signature of Convention..
Para 4.	Delete "in North America".	<u>Article XVII.</u>		Introduce para 2. of Article I.
Para 5.	Replace "proceedings" by "decisions".			
Para 6.	Support Portugal's amendment ("with the concurrence of a second Contracting Party"): this amendment should also be made, <i>mutatis mutandis</i> , to Articles VIII.5. and XI. 5.			
Para 7.	Replace "its activities" by "the activities of the Organization".			
Para 8.	Delete "including relevant environmental and ecological factors".			
Para 9.	Support Canada's proposal for merging these two paras.			
Para 10.	See IV. 5 above.			
Para 11.	Replace "Contracting Parties" by "General Council".			
Para 12.	Provision needed in this Article for notification by each Contracting Party of whether it has elected not to be a member of the Commission, (thus removing the need for review of membership in Article III.1. (d) - Portugal's proposal).			
Para 13.	In second line, insert "endeavour to" after "shall".			
Para 14.	(b) Support Portugal's amendment (deletion of "related", addition of "necessary for the conservation and management of stocks" in last line).			

STATEMENT

BY THE BULGARIAN DELEGATION TO THE
SECOND PREPARATORY MEETING ON

FUTURE MULTILATERAL COOPERATION IN THE
NORTHWEST ATLANTIC FISHERIES

ANNEX IX

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and the same person. This will make it possible for the countries with a smaller volume of fishing activities to participate in the sessions with smaller delegations.

As to the text concerning the Fisheries Commission; considering the importance of paragraphs 5 and 6 of Article IX, we suggest that they should stand immediately after paragraph 2 of the same Article.

The text concerning the Regulatory Area is of a special importance. We stand to the concept that all Contracting Governments should have rights on an equal basis in this area. This will improve the mutual cooperation between the Contracting Governments, including the coastal states, in the waters beyond the 200 mile zone. Therefore, we suggest a new text of paragraph 7 of Article IX as follows:

"The Contracting Governments participate in the utilization of the living resources in the Regulatory Area in accordance with the decisions of the Commission for optimum utilization, management and conservation of their resources. The suggestions approved by the Commission in connection with the quota allocation of the catches in the Regulatory Area should be in conformity with the interests of all member countries of the Commission."

Mr. Chairman,

Taking into consideration the changes in the fishing jurisdiction in the waters of the Northwest Atlantic which have taken place, we hope that the spirit of multilateral cooperation for a rational utilization and management of the living resources in the Convention Area will be preserved and expanded during the coming years.

Thank you!

Mr. Chairman,
We take this opportunity to express our appreciation for the efforts of the Canadian Government and the delegations of the member countries of ICNAF and the job so well done towards establishing a new international organization for research, optimum utilization and management of the living resources in the Northwest Atlantic. This cooperation corresponds to the traditions and the acquired experience which we inherit in a different form and to a different degree from ICNAF.

Our position on the first Canadian draft was stated in Annex XIV of ICNAF Comm. Doc. 77/VI/II.

Now concentrating our attention on the second draft, we believe that all the paragraphs dealing with extraordinary sessions of the General Council, the Scientific Council and the Fisheries Commission need a supplementary regulation. In this connection, we suggest the calling of these bodies at extraordinary sessions to be organized with the consent of at least 1/4 of all the member countries, including one of the coastal states.

We evaluate the draft as a document between Contracting Governments, according to which the Convention after coming into force will be subject to ratification or some other form of approval by the Governments. That is why we consider that in the text the term "Party" should be changed for "State" or "Contracting Government".

Our delegation supports the opinion that the representatives in the General Council, the Scientific Council and the Fisheries Commission can be one

Report of the Working Group on Transitional Arrangements

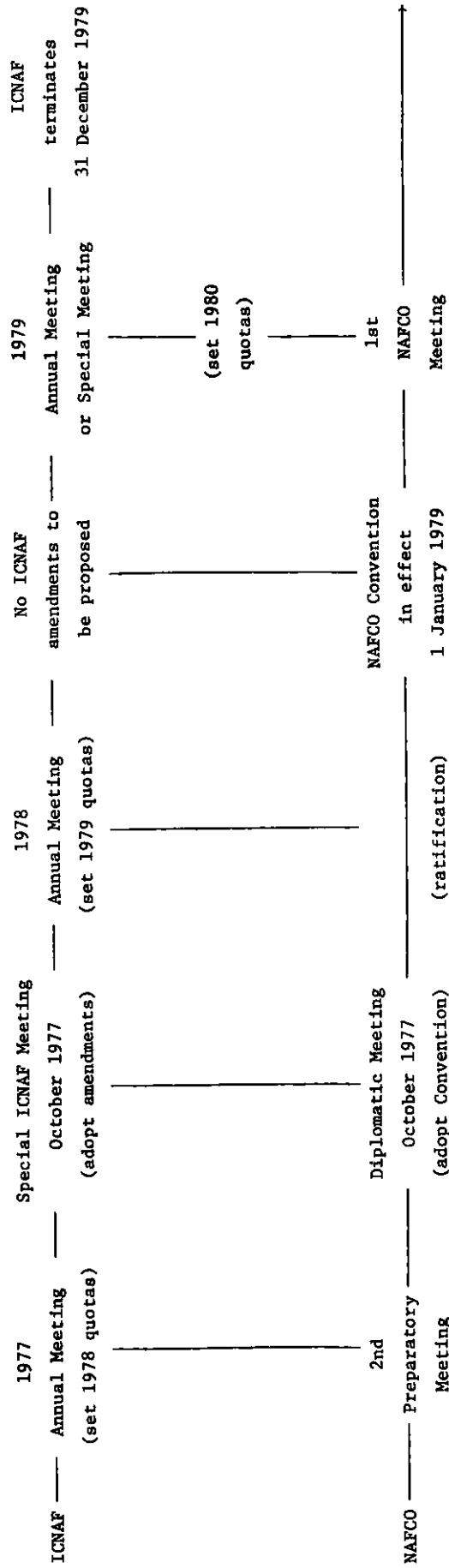
1. The Working Group met under the chairmanship of the Chairman of ICNAF with representatives in their personal capacity from Canada, Denmark, EEC, the Federal Republic of Germany, Italy, Japan, Portugal, USSR, and ICNAF, to give further consideration to the matter of the succession from ICNAF to the new fisheries organization (NAFCO) as a legal personality (see Annex XVI of the Report of the International Preparatory Conference on Future Multi-lateral Cooperation in the Northwest Atlantic Fisheries, Ottawa, 14-25 March 1977).
2. The representative of Canada presented the results of studies on the legal status of ICNAF. The Group noted that no legal personality existed under Canadian law. There was, however, a legal personality under international law which the Group agreed gave ICNAF the right to dispose of its own assets and liabilities. The Group considered the need for an amendment to the ICNAF Convention regarding the transfer of assets and the financial discharge of its obligations prior to its termination, and agreed that such a procedure was not necessary as these needs could be accommodated within the internal framework of ICNAF. The Group wished to point out that ICNAF could include in its financial regulations, when NAFCO had already come into existence, some instruction for the discharge of its financial obligations and the transfer of assets to NAFCO.
3. The Group discussed the transfer of the Executive Secretary and staff from ICNAF to NAFCO. No legal difficulty was envisaged. There were no long-term contracts with the Executive Secretary and staff so that appointments could be terminated quickly and easily. The Group noted that when NAFCO would come into force, for example in 1979 (see suggested timetable for transition from ICNAF to NAFCO at Appendix I), and ICNAF was still in force, at the first NAFCO meeting, the Executive Secretary and staff of ICNAF could be appointed to serve NAFCO, thereby serving ICNAF and NAFCO at the same time, without pay from NAFCO until it is funded. The staff would then serve only NAFCO upon the termination of ICNAF at the end of 1979. The Group noted that paragraph 5 of Article XX of the proposed new Convention required that the first meeting of NAFCO should be convened 90 days after the new Convention came into force and suggested that consideration be given to amending the time to six months. There would then be

parallel meetings and shared staff by ICNAF and NAFCO at the normal June meeting time.

4. The Group considered a draft amendment to the ICNAF Convention which would provide for termination of the ICNAF Convention on 31 December of the year NAFCO entered into force. The suggested amendment is presented at Appendix II for consideration in ICNAF.

7 June 1977

Suggested timetable for transition ICNAF - NAFCO



Resolution to amend the International Convention for the Northwest Atlantic Fisheries

The Commission

Noting the results of the recently concluded (Diplomatic Conference on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, held in Ottawa, October __ to October __);

Desirous of effecting an orderly transition from ICNAF to the proposed (NAFCO);

Adopts the following amendment to the International Convention for the Northwest Atlantic Fisheries pursuant to Article XVII of that Convention, as amended:

"Article XVIII is renumbered Article XIX, and a new Article XVIII is inserted to read as follows:

Article XVIII

1. This Convention shall terminate 31 December of the year the (name of NAFCO Convention) entered into force.
2. Following the entry into force of the (name of NAFCO Convention), the Commission shall not adopt any proposal under Article VIII."