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FINAL

Report of the Diplomatic Conference on Future Multilateral
Cooperation in the Northwest Atlantic Fisheries

Ottawa, Canada

11-21 October 1977

TABLE OF CONTENTS

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

	<u>Page</u>
Report of the Diplomatic Conference on Future Multilateral Cooperation in the Northwest Atlantic Fisheries.....	3
APPENDIX I. List of Participants.....	7
APPENDIX II. Address by the Honourable Roméo LeBlanc, Minister of Fisheries and the Environment.....	13
APPENDIX III. Agenda.....	17
APPENDIX IV. Opening Statement by the Delegation of the European Economic Community.....	19
APPENDIX V. Déclaration de la délégation espagnole.....	21
APPENDIX VI. Opening Statement by the Norwegian Delegation.....	25
APPENDIX VII. Statement by the Head of the USSR Delegation.....	27
APPENDIX VIII. Opening Statement by J.C. Esteves Cardoso, Deputy Head of the Portuguese Delegation.....	33
APPENDIX IX. Opening Statement by the Icelandic Delegate.....	35
APPENDIX X. Statement by the Head of the Delegation of the German Democratic Republic.....	37
APPENDIX XI. Opening Statement by Larry L. Snead, Head of the US Delegation	39
APPENDIX XII. Statement of the Polish Delegation.....	41
APPENDIX XIII. Opening Statement by the Cuban Delegation.....	43
APPENDIX XIV. Statement of the Danish Delegation.....	45
APPENDIX XV. Rules of Procedure.....	47

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	<u>Page</u>
APPENDIX XVI. Report of Working Group on Financial Arrangements.....	51
Annex 1. Proposal in the Second Revised Draft, Article XIII, para. 3.....	56
Annex 2. Examples of calculated contributions to the annual budget based on the proposal in Annex 1.....	57
Annex 3. Proposal by USSR Delegation, Article XIII, para. 3.	58
Annex 4. Revised proposal of Spanish Delegation, Article XIII, para. 3.....	59
Annex 5. Calculated example for the revised Spanish proposal in Annex 4.....	60
Annex 6. Proposal of the US Delegation, Article XIII, para. 3.....	61
Annex 7. Proposal of Icelandic and Norwegian Delegations, Article XIII, para. 3.....	62
Annex 8. Calculated example for Icelandic-Norwegian proposal of Annex 7.....	63
Annex 9. Proposal suggested by Working Group on Financial Arrangements, Article XIII, para. 3.....	64
Annex 10. Calculated example for the proposal of Annex 9.....	65
Annex 11. EEC proposal on transitional arrangements.....	66
Annex 12. Budget allocations for the transition period based on the EEC proposal in Annex 11.....	68
APPENDIX XVII. Calculated example of contributions to the annual budget of NAFO.....	69
APPENDIX XVIII. Budget allocations for the transitional period based on the EEC proposal in Annex 11.....	71
APPENDIX XIX. Draft Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries.....	73
Annex 1. Annex I to the Convention - List of Species for the Determination of the Nominal Catches to be Used in Calculating the Annual Budget.....	88
Annex 2. Annex II to the Convention - Transitional Financial Arrangements.....	89
Annex 3. Annex III to the Convention - Scientific and Statistical Subareas, Divisions and Subdivisions.....	91

FINAL

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

Ottawa, Canada

11-21 October 1977

PREPARATORY CONFERENCE

1. In accordance with a recommendation by the International Commission for the Northwest Atlantic Fisheries (ICNAF) at its Ninth Special Meeting in December 1976 that action be taken early in 1977 to pursue the development of a framework for future multilateral cooperation, including appropriate institutional arrangements with regard to the fishery resources of the Northwest Atlantic, international preparatory conferences were convened at the invitation of the Government of Canada in Ottawa, Canada, from 14 to 25 March 1977 and on 6, 7, and 10 June 1977. The preparatory conferences accepted the invitation of the Government of Canada to host a diplomatic conference in Ottawa, Canada, from 11 to 21 October 1977, which would finalize the text of a convention to replace the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of 8 February 1949.

PARTICIPATION

2. The Diplomatic Conference was attended by accredited Delegations from Bulgaria, Canada, Cuba, the European Economic Community, Denmark, France, the Federal Republic of Germany, Italy, the United Kingdom, the German Democratic Republic, Iceland, Japan, Norway, Poland, Portugal, Romania, Spain, the Union of Soviet Socialist Republics, and the United States of America. A list of participants is at Appendix I to this Report.

WELCOME

3. The Conference was formally opened by the Honourable Roméo LeBlanc, the Minister of Fisheries of Canada, at 1100 hrs, 11 October 1977, in the Conference Room of the Lester B. Pearson Building, Ottawa. The text of the Minister's address is at Appendix II to this Report.

CONFERENCE OFFICERS

4. The Conference elected Dr A.W.H. Needler (Canada) Chairman, with Mr A. Volkov (the Union of Soviet Socialist Republics) and Capt J.C.E. Cardoso (Portugal) as First and Second Vice-Chairmen. Mr L.R. Day (International Commission for the Northwest Atlantic Fisheries) was appointed Rapporteur.

AGENDA

5. The Conference approved the Agenda as at Appendix III to this Report.

OPENING STATEMENTS

6. Following an invitation from the Chairman of the Conference, opening statements were made by the delegate of the European Economic Community (Appendix IV), the delegate of Spain (Appendix V), the delegate of Norway (Appendix VI), the delegate of the Union of Soviet Socialist Republics (Appendix VII), the delegate of Portugal (Appendix VIII), the delegate of Iceland (Appendix IX), the delegate of the German Democratic Republic (Appendix X), the delegate of the United States of America (Appendix XI), the delegate of Poland (Appendix XII), the delegate of Cuba (Appendix XIII), and the delegate of Denmark (Appendix XIV).

RULES OF PROCEDURE

7. The Conference adopted Rules of Procedure (Appendix XV to this Report), prepared by the Government of Canada, for the conduct of the meetings.

REVISED CONVENTION TEXTS

8. The Conference had before it the Second Revised Text of a new convention for future multilateral cooperation in the Northwest Atlantic fisheries developed by Canada. It also used as a basis for discussion the views expressed by the participants to the First International Preparatory Conference in March 1977 and the statements on points of view and suggested amendments which had been presented to the Second International Preparatory Conference in June 1977. Following careful study of each of the Articles of the Second Revised Text by the Conference, the Canadian delegation prepared and presented a Third Revised Text, which attempted to accommodate the views and proposals for changes put forward by the various delegations.

WORKING GROUPS

9. The Conference discussed the report of a Working Group on Financial Arrangements (Appendix XVI, including Annexes I-12, to this Report), consisting of representatives from Canada, the European Economic Community, the International Commission for the Northwest Atlantic Fisheries, Japan, the Union of Soviet Socialist Republics, and the United States of America, and chaired by Mr M. Marcussen (the European Economic Community). The Conference agreed to the three criteria set out in paragraph 3 of Article XVI of the new draft Convention (Appendix XIX to this Report) for determining the contributions by Contracting Parties to the annual budget of the proposed new Northwest Atlantic Fisheries Organization (NAFO). The Conference further agreed that contributions should be based on the nominal catches of the 20 species set out in Annex I to the new draft Convention (Annex 1 of Appendix XIX to this Report). An example of the contributions required to meet the annual budget

of NAFO, based on nominal catches for 1976 and the overall budget for ICNAF in 1977/78, is at Appendix XVII to this Report. The Conference further agreed to the financial arrangements set out in Annex II to the new draft Convention (Annex 2 of Appendix XIX to this Report) for the transition from ICNAF to NAFO. An example of the budget allocations for the transitional period 1978 and 1979 is at Appendix XVIII to this Report.

10. The Conference agreed to descriptions of the boundaries of scientific and statistical subareas, divisions and subdivisions provided for by Article XX of the new draft Convention. The descriptions are at Annex III to the draft Convention (Annex 3 of Appendix XIX to this Report), as determined by a Working Group, consisting of representatives from Canada, the European Economic Community, Portugal, the Union of Soviet Socialist Republics, and the United States of America, chaired by Capt A.S. Gaspar (Portugal). As a further aid to the boundary descriptions, the Conference adopted the following resolution:

"The Conference requests the coastal states to prepare as soon as practicable an agreed illustrative chart of the Convention Area indicating the seaward boundary of the areas within which they exercise jurisdiction over fisheries."

DRAFTING COMMITTEE

11. The Conference, following detailed deliberations on each Article of the proposed new Convention, passed the agreed Articles to a Drafting Committee, consisting of representatives from Canada, the European Economic Community, Japan, Norway, Portugal, the Union of Soviet Socialist Republics, and the United States of America, and chaired by Capt J.C.B. Cardoso (Portugal), which reviewed all Articles of the agreed draft Convention to ensure their clarity only.

DEVELOPMENT OF A FINAL CONVENTION

12. The Conference reached a consensus on all Articles and Annexes of the new Convention on Northwest Atlantic Fisheries to create a Northwest Atlantic Fisheries Organization (NAFO), except Article I, paragraph 5, regarding the non-prejudice of national claims; Article XI, paragraph 4, regarding the national allocations of catches in the Regulatory Area; Article XIII, paragraph 5, regarding the requirements to call meetings other than annual; and Article XXII, paragraph 2, regarding reservations to the Convention.

REPORTING PROCEDURE

13. The Conference, in an earnest effort to reach an international agreement and to bring its deliberations to a successful conclusion, considered several procedural proposals. However, consensus

could not be achieved. Finally, the Conference agreed that only a factual draft Report of the Conference should be prepared by the Chairman and Rapporteur and circulated as soon as possible. The Report would have a draft of the new Convention and Annexes (Appendix XIX to this Report). Those paragraphs in Articles I, XI, XIII and XXII, on which consensus could not be reached, would have the alternative suggestions recorded in square brackets.

APPRECIATION

14. Delegations emphasized the importance of future multilateral cooperation in Northwest Atlantic fisheries and expressed the hope that full agreement on the new Convention would be reached in the near future.
15. The Conference recorded its gratitude to the host Canadian Government and its appreciation of the work of the Chairman of the Conference, of the Working Groups, and of the Secretariat.

APPENDIX I

DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL COOPERATION

IN THE NORTHWEST ATLANTIC FISHERIES

Ottawa, Canada

11-21 October 1977

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APPENDIX II

Address

to the

DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL COOPERATION

IN THE NORTHWEST ATLANTIC FISHERIES

by

The Honourable Roméo LeBlanc
Minister of Fisheries and the Environment

11 October 1977

On behalf of the Government of Canada I would like to welcome all of you to this Conference. It is an honour for Canada to host this meeting and I wish, at the outset, to underline the importance my government attaches to the success of the negotiations which begin today.

For close to three decades the fisheries on the Grand Banks of Newfoundland and other important fishing areas off the Atlantic coast of North America have been the subject of international cooperation through ICNAF. Canada and its fishing partners in the area have participated actively in the process of developing and implementing new management and conservation measures, endeavouring to meet the challenges of advancing technology and increasing world demand.

As we all know, even the concerted efforts of ICNAF Members and improved cooperative techniques, unfortunately, proved incapable of arresting the alarming decline of fish stocks in the area. Similar problems have arisen in other parts of the world. As a result, through the Law of the Sea Conference, a world consensus has emerged favouring coastal state management and conservation of living resources in 200-mile fishing zones off their coasts. On the basis of this consensus, Canada and all other ICNAF coastal states have established such zones.

The establishment of 200-mile zones does not, of course, solve all our problems. Far from it. Nor can it mean an end to the need for multilateral cooperation in fisheries in the Northwest Atlantic area. Geography, and the nature of the area's fisheries, make it clear that the continuation of such cooperation is essential.

The geographical element is obvious. The 200-mile limit is an artificial boundary in the Northwest Atlantic, cutting across the continental margin and cutting through many of the major fish stocks in the area. Whatever magic, the 200-mile limit works in other parts of the world, it works little magic here. The Northwest Atlantic area as an ecological unit clearly transcends the 200-mile limit, and it must be

managed in a way that makes sense, within the area under national jurisdiction and outside.

But geography is not the only important factor. The other preponderant fact is that the fleets of many countries fish in the Northwest Atlantic. Our scientists and managers have developed an impressive record of cooperation in the past, and we all recognize the value of that cooperation. We all recognize that it should continue. That is why we are here today.

The states represented at this Conference have lost no time, in the first year of extended jurisdiction, in beginning to build for the future on the basis established by our cooperation under ICNAF. We have agreed that a new convention should be negotiated to replace ICNAF, taking into account the new jurisdictional situation. My country has been honoured to host the two preparatory meetings held in March and June, and to host the present Conference, because of the importance we place on future multilateral cooperation in the Northwest Atlantic Ocean.

As Minister of Fisheries, and as a Member of Parliament from one of Canada's Atlantic provinces, I have a personal stake in the successful outcome of this Conference, and particularly in a convention which safeguards the interests of Canadian coastal communities. These communities, in many cases, are dependent on the fisheries for their livelihoods and for their very survival. I know these people. I travel to their areas and meet with them in their communities and in their homes. They work hard, and often risk their lives maintaining the traditions of their ancestors, using the skills and knowledge passed on to them by their fathers and which they hope to pass on to their own children. The fisheries are the foundation of their social structure. They are part of the backbone of our society. They contribute significantly to the food we eat. And they look to us, who do our work in comfortable surroundings such as this, to protect them, their families and their communities, and finally, to protect the resources on which we all depend for survival.

It has often been said that the fishing grounds off the East Coast of North America are unique in expanse, in variety and in potential. This area is also one of the major fishing grounds of the world projecting extensively beyond 200 miles, with significant stocks straddling that limit. The geography of the area, its proximity to coastal fishing communities, and the preponderance of the living resources within the area under national fishing jurisdiction, all contribute to the basis for the coastal state's special interest in these fish stocks. Canada also, accordingly, has a special interest in the successful outcome of these negotiations, which we hope will lead to a renewed and strengthened framework for cooperation in the Northwest Atlantic.

To help to establish this framework, Canada has formulated proposals which, in our view, would provide a management regime appropriate to the Northwest Atlantic area. This regime should deal with both the human and the resource elements, by providing for the needs of the coastal communities, for the needs of the stocks, including the need for consistency

between measures applying inside and outside the 200-mile limit, and for the international cooperation required to serve the interests of all the countries represented here today. It must be clear to all that an appropriate regime will, in fact, serve not only the interest of the coastal states, but also the interest of the many states which fish in this area, and of the people who ultimately depend on these resources as part of their food supply.

I wish you success.

APPENDIX III

DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL COOPERATION
IN THE NORTHWEST ATLANTIC FISHERIES

Ottawa, Canada

11-21 October 1977

Agenda

1. Formal opening on Tuesday, 11 October, at 11:00 a.m. in the Conference Room, Department of External Affairs, Lester B. Pearson Building, Sussex Drive.
2. Election of Chairman and other Conference Officers.
3. Approval of Agenda.
4. Procedures and arrangements.
5. Opening statements.
6. Rules of Procedure.
7. Development of a convention concerning multilateral cooperation in the Northwest Atlantic fisheries.
8. Adjournment.

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

APPENDIX IV

Opening Statement

at the

DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL COOPERATION

IN THE NORTHWEST ATLANTIC FISHERIES

by

the European Economic Community

11 October 1977

Mr Chairman:

The European Economic Community, in accepting the principles developed by the United Nations' Third Conference on the Law of the Sea as regards the conservation and utilization of living resources, recognizes the need for a continued multilateral cooperation of these matters in the Northwest Atlantic.

The Community, which has substantial traditional fishing interests, as well as the obligations of a coastal state in this area, very much appreciates, therefore, the initiative taken by the Canadian Government with a view to the establishment of an appropriate new framework for such cooperation and the leading role that it has played in this work.

I should like to extend through you, Mr Chairman, and also on behalf of the delegations of the Member States of the European Community, our thanks to our Canadian colleagues for all the work they have done to prepare this Conference and for the competence with which they have organized the preparatory meetings.

The Community finds that the last draft Convention submitted by the Canadian Delegation constitutes a good basis for the work of this Conference, and this draft is, with a few exceptions, acceptable to our Delegations.

I should like, on this occasion, to outline the Community's position on the same problems which we see as still unresolved, taking into account the said draft Convention and the discussions during the preparatory meeting in June.

- My delegation finds that it is desirable that the Convention text should include a precise delimitation of the Convention Area. However, if this is not acceptable to all delegations, we are prepared to examine alternative solutions to the practical delimitation problems.

- The organization established by the Convention needs, in our view, a higher degree of administrative coordination than foreseen in the Canadian draft. We have presented some proposals to this effect in the June meeting.

- An important problem is how to avoid inconsistencies between measures adopted by the coastal state and those adopted by the Fisheries Commission in relation to stocks occurring both within the coastal state's fishery zone and the Regulatory Area. This problem is likely to be less important in practice than in theory. The Community could accept the formula that the Fisheries Commission should endeavour to ensure consistency between its own proposals and the measures adopted by the coastal state, although this formulation implies a unilateral concession to the interests of the coastal state.

- A second important problem relating to proposals to be adopted by the Fisheries Commission is the definition of the criteria which the Commission should apply when allocating quotas in the Regulatory Area.

- We find that the draft Article IX, paragraph 7, of the Second Revised Draft, gives a weight to the interests of the coastal state for which we fail to see the justification. These interests are taken into account by the sovereign rights granted to the coastal state over its 200-mile zone.

- The provisions concerning the budgetary contributions of the Contracting Parties must, in our view, be established now and not, as it has been proposed by some delegations, postponed until after the entry into force of the Convention.

- As regards the transition between ICNAF and the new Convention, the suggestions and the time schedule presented in June by the *ad hoc* working group are satisfactory to the Community. We wish, however, that the transitional arrangements be worked out so as to take into account that some parties to ICNAF may choose to withdraw already as of 31 December 1978. The Community for its part will wish to accede to the new Convention from 1 January 1979 and the Member States of the Community which are parties to ICNAF will accordingly withdraw as of 31 December 1978.

Finally, I should make it clear that the Community, as a Contracting Party to the new Convention representing alone the interests of its Member States, wishes to be considered where appropriate as a single coastal state.

In concluding, I shall assure you, Mr Chairman, that my Delegation is prepared to contribute to a successful outcome to this Conference.

APPENDIX V

Déclaration

à la

CONFERENCE DIPLOMATIQUE POUR LA COOPERATION MULTILATERALE

DANS L'ATLANTIQUE NORD-OUEST EN MATIERE DE PECHE

par

la délégation espagnole

11 octobre 1977

Monsieur le Président,

Au cours de cette première intervention, je crois plus utile de limiter mon propos à souligner les points fondamentaux qui, pour ma délégation, constituent des questions importantes en vue d'une rédaction définitive de la Convention qui doit créer la nouvelle Organisation qui remplacera l'ICNAF.

1. En premier lieu, la délégation espagnole considère que le nom de la nouvelle Organisation ne reflète pas avec exactitude les fonctions et les compétences que l'on veut lui octroyer. A notre avis, Monsieur le Président, elle n'a pas été complètement définie. En effet, ou nous vous limitons à l'appeler "Organisation Internationale pour les Pêches dans l'Atlantique nord-ouest" ou si nous voulons conserver le mot "consultative", nous devrions la nommer, d'une façon plus exacte "Organisation Consultative et Régulatrice pour les Pêches dans l'Atlantique nord-ouest". C'est-à-dire, soit que le nom décrive toutes les fonctions de la future Organisation, soit que cette dernière soit intitulée de façon générale sans inclure aucune référence particulière à l'une de ses fonctions.

2. En deuxième lieu, Monsieur le Président, la délégation espagnole considère que ce que l'on pourrait appeler "système bicaméral" que l'on a l'intention d'établir pourrait être non seulement désuet mais peut-être aussi dispendieux et peu efficace. La Commission pourrait assumer les fonctions du Conseil général qui, de l'avis de ma délégation, tel qu'il est défini, n'a pas suffisamment d'entité. Cherchant une formule conciliatrice - bien qu'elle ne soit peut-être pas assez satisfaisante - les Vice-Présidents du Conseil général, élus par ce dernier, devraient être à la fois les Présidents de la Commission et du Conseil scientifique lesquels fonctionneraient alors comme organismes dépendants du Conseil général, qui est le seul à être doté de personnalité juridique internationale. Néanmoins, nous pensons que la meilleure solution serait de ne créer qu'une Commission internationale dont les fonctions et compétences seraient consultatives et régulatrices. De plus, cette dernière fixerait les normes de procédure et adopterait les mesures budgétaires; ainsi, le rôle du Conseil scientifique serait directement soumis aux décisions de la Commission consultative et régulatrice, le seul organisme, comme je l'ai déjà mentionné, doté de la

capacité juridique internationale suffisante et nécessaire. En résumé, ma délégation éprouve de la difficulté à accepter la pluralité d'organismes qui, selon le projet de la Convention, constitueraient la future Organisation des Pêches de l'Atlantique nord-ouest.

3. Un autre point important pour ma délégation est celui de la reconnaissance des intérêts de l'Etat côtier et des besoins de ses populations côtières à l'extérieur de la zone de 200 milles. Si nous voulons être conséquents avec la formulation du paragraphe 1 du préambule du Projet de Convention, nous devons reconnaître que la formulation du paragraphe 7 de l'Article IX s'oppose aux principes en cours d'établissement à la III Conférence des Nations Unies sur le Droit de la Mer, Principes recueillis dans le "texte Intégré Officiel pour Fins de Négotiation" (A/CONF.62/WP.10, du 15 juillet 1977); ce texte ne reconnaît pas les intérêts particuliers de l'Etat côtier à l'extérieur de la zone de 200 milles; il ne reconnaît pas non plus "les besoins des Communautés riveraines de l'Etat côtier" comme principe de la coopération internationale dans le cas d'espèces des stocks interrelationnés à l'intérieur ou à l'extérieur de cette limite.

4. En dernier lieu, Monsieur le Président, un autre point discuté dans le projet de la Convention est celui du budget tel qu'il est énoncé à l'Article XIII. La délégation espagnole est d'avis que l'on doit étudier la contribution des Etats de flottilles de pêche à distance. Si ces derniers devaient contribuer pour un tiers du budget dans la même proportion que les Etats côtiers, cette règle égalitaire comporterait une inégalité réelle au bénéfice des pays plus favorisés. En effet, les Etats côtiers pourraient disposer, selon le libellé actuel de la Convention, d'une organisation internationale subventionnée par toutes les Parties contractantes, pour étudier les grandes zones soumises à leur juridiction exclusive.

Il faut reconnaître que le critère pour déterminer l'établissement des autres deux-tiers du budget est aussi discutable. En effet, d'après la rédaction actuelle du Projet de Convention, la contribution à l'Organisation des Pêches de l'Atlantique nord-ouest serait versée, sans discrimination de zones, proportionnellement aux captures réalisées dans la Zone de la Convention. Normalement, cette contribution devrait être établie exclusivement en fonction de la pêche effectuée dans la Zone de Règlementation établie dans la Convention. A notre avis, que l'on doive contribuer à l'Organisation internationale selon les captures effectuées à l'intérieur des zones exclusives des Etats côtiers fixées par des Accords bilatéraux, ne semble pas non plus trop logique.

Nous pensons, Monsieur le Président, que les régulations de la future Convention ayant trait au budget doivent s'appuyer fondamentalement sur la contribution spéciale des Etats côtiers et de façon complémentaire sur celle des Etats de pêche à distance. Ces derniers ne sont soumis volontairement en faveur des Etats côtiers, à une réglementation restrictive des zones de haute-mer - donc soumises au régime de la liberté de pêche - zones adjacentes aux eaux soumises à la juridiction des Etats côtiers.

5. Voilà, pour le moment, Monsieur le Président, les points que ma délégation a jugé utiles de soumettre à la Conférence. Nous sommes ouverts à la négociation et à la coopération internationale. Nous formulons tous nos vœux pour la réussite de cette réunion à laquelle la délégation espagnole fera de son mieux pour apporter une contribution positive.

APPENDIX VI

Opening Statement

at the

DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL COOPERATION

IN THE NORTHWEST ATLANTIC FISHERIES

by
the Norwegian Delegation

11 October 1977

Mr President,

First of all, I want to thank the Canadian Government for once more convening a meeting on the future multilateral cooperation in the Northwest Atlantic fisheries, this time a diplomatic conference that has been given the important task to adopt a new convention to replace ICNAF, which has governed fishing in the Northwest Atlantic Ocean for a good many years.

After most countries bordering on the North Atlantic Ocean have now introduced 200 mile zones, the coastal states have been provided with far greater opportunities than previously for protecting the resources and the interests of the fishermen by means of regulatory measures on a national basis.

However, as we have repeatedly stated, the Norwegian Government has never regarded national regulation as an alternative to continuing international cooperation in respect of such regulation. The Norwegian Government has, on repeated occasions, maintained that international cooperation within the Fisheries Commissions for the Northwest and North-East Atlantic should be extended and made more comprehensive. The relationship between national and international regulation has thus never been regarded as an either-or, but rather as complementary factors. This attitude has found expression *inter alia* in our participation in the preparatory meetings preceding this Conference.

As these preparatory meetings have shown, however, countries and governments, for geographical and other reasons, have different interests to pursue. If we, therefore, are to succeed at this Conference, we all have to work hard, in good faith and in the spirit of the necessary compromise. The progress that we have already made at our two previous meetings I find rather promising.

A major question requiring special consideration by this Conference will have to be the provisions with respect to the functions and competence of the proposed Fisheries Commission.

On this issue we have witnessed a considerable gap of views around the conference table at the two preparatory meetings.

- 2 -

In its opening statement at the June meeting the Norwegian Delegation indicated possible compromise texts, and I would like to draw your attention to what we said on that occasion, and which I hope will be of some help in our further deliberation when we come to that particular issue. I think at least that it is along those lines we will have to pursue.

Mr President, this and other issues will be focused during the two weeks that we have ahead of us.

However, we have come to Ottawa with a common objective, that of fulfilling the task that has been set, viz. to adopt a new Convention. To this end we are willing to work and to work hard and in good faith.

The Norwegian Delegation is prepared to do whatever it possibly can to make the Conference a success. Our point of departure, that is the second revised draft from the March meeting, may be more or less acceptable to various delegations. On the whole, my Delegation considers that this draft is well suited as the basis for a new Convention. But we come here with an open mind and we are ready to work with all other delegations in order to find solutions which are generally acceptable, and which will enable us to complete our task.

Thank you, Mr President.

APPENDIX VII

Opening Statement
at the

DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL COOPERATION

IN THE NORTHWEST ATLANTIC FISHERIES

by

the Head of the USSR Delegation

11 October 1977

Mr Chairman:

The Soviet delegation would like to express appreciation to the Government of Canada for the organization of this Conference and for the huge scope of preparatory work made by it as well as for the hospitality we are enjoying here.

We are stating again our readiness to take part, with a constructive mind, in the preparation of the draft of a new Convention to replace the existing ICNAF Convention, based on the new jurisdictional reality and taking into account the necessity to search for effective forms of multilateral cooperation in the field of scientific researches and utilization of the World Ocean.

The USSR has always strived for the just solution of international problems and is also ready for further cooperation on a multilateral basis in the elaboration and adoption of efficient measures in the field of fisheries, aiming at rational utilization and conservation of fishery resources.

We think that the new organization has to continue to play an important role in the conservation of fishery resources and regulation of the fisheries in the Northwest Atlantic, using the 25 years of experience of ICNAF. It refers to fish stocks which occur in the areas outside fishing zones of the coastal states as well as to the stocks which are fished within 200-mile fishing 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 scientific analysis and projection of the state of fish resources is increasing more and more and due to this, we hope that the new organization will become a forum for cooperation in the field of scientific research linked up with stock assessments, and in providing advice on fisheries regulation.

The Soviet delegation has already expressed its viewpoint on the second revised version of the draft Convention at the Second Meeting of the International Preparatory Conference in June of this year. In our opinion, new major juridical realities are reflected in this draft and

principles of multilateral cooperation in the field of fisheries under new conditions are laid down. However, a number of provisions, wording of Articles, and terms of the draft need more precise definition, some of them are of principal importance, and I would like to draw your attention to such instances.

The position of the USSR delegation on the matter of further international cooperation in the field of Northwest Atlantic fisheries and our approach to the future status of ICNAF/NAPCO are based on the principles which the Soviet delegation sticks to at the UN Law of the Sea Conference where not only regional, as it is the case now, but larger aspects of the World Ocean legal regime are considered. Being consistent and having recognized either these or those positions at the present meeting in Ottawa, we cannot ignore the positions of our countries at the UN Law of the Sea Conference.

From the USSR viewpoint, the fishing zone is considered as the high seas providing, however, for the purpose of exercising the rights of the coastal states over the living resources in this area, the fishing zone would not be considered as the high seas in accordance with the Convention emerging from the UN Conference. The coastal state herewith must provide access to its zone for fishing by foreign fishermen in case it does not take the total allowable catch and it must not introduce unjustified limitations for such fisheries. We are speaking about essential principles because contrary to the will of the majority of States the tendency still exists to transform, in fact, the fishing zone into the territorial sea and one cannot agree to that.

Any deviations from generally accepted principles here could be used as a precedent by supporters of the revision of the Informal Composite Negotiating Text which would prejudice common interests.

Delegations of the majority of the States represented here, including the USSR, basically, as far as living resources are concerned, stick to the provisions of the Informal Composite Negotiating Text (part VII of Article 87) which reads, in particular, that high seas are open to all States whether coastal or land-locked. No State can extend its sovereignty over them. Item 3 of Article 119 contains an important provision which reads that the States concerned should secure that stocks conservation measures and their implementation would not be discriminative neither by form nor in essence against fishermen of any State. These and other provisions of the Negotiating Text leave no doubts that all States share the equal rights on the high seas and nobody can claim for obtaining special rights over living resources.

Governed by this position the Soviet delegation is ready to set forth its consideration on concrete Articles of the second draft Convention during their reviewing.

1. First of all, we are of the opinion that, 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 conserving, 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, in our opinion, reflects the actual events taking place in the Law of the Sea at the present time, and facilitates to take interests of all the States exercising fishing for living resources in this area into account.

2. 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.

3. We are of the view that definition of the area to which the Convention applies should be set forth in Article I of the Canadian draft Convention.

4. 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".

5. 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 following 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 relevant Contracting Party".

6. 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 1 of Article III with the wording that the General Council coordinates organizational and administrative communication between separate bodies of the Organization.

7. 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 on its territory. In this case, a possibility should be provided for convocation of a meeting in another place.

8. 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 61 of the Informal Composite Negotiating Text of the Third UN Law of the Sea Conference.

9. 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 scientific establishment of measures 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 regular 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 does not give such broad right to implement a veto.

11. Paragraph 2 of Article IX is not distinct. 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 shall not be entitled to cast votes or present objections respecting proposals described in this Article".

12. 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".

13. 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 63 of the Informal Composite Negotiating Text of the Third UN Law of the Sea Conference. In order that the content of this paragraph would 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:

"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, with the interests of a coastal state taken into account".

14. NAFCO financing and dues payment system should take into account the contribution of the State conducting scientific surveys in the Convention Area and their expenditures associated with these surveys.

We are ready to do our utmost so that the work of this Conference should be a success.

APPENDIX VIII

Opening Statement

at the

DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL COOPERATION
IN THE NORTHWEST ATLANTIC FISHERIES

by

J. C. Esteves Cardoso
Deputy Head of the Portuguese Delegation

11 October 1977

On behalf of the Portuguese delegation, I have asked for the floor in order to thank our Canadian hosts for the perfect arrangements concerning this Conference and to express our appreciation of the work done by Canada in preparing several drafts for our preparatory discussions.

We do consider the Second Revised Draft an excellent basis for our present deliberations.

We also wish to take the opportunity to congratulate the Chairman and First Vice-Chairman for their election as officers of this important Conference.

Our statement will be very short because we have presented at the end of the June meeting an extensive document which specifies all our proposals of amendment of the text of the Second Revised Draft, document which constitutes an actual and complete record of our present position regarding the matters under discussion.

In consequence, it suffices now to state that we feel that the best form of showing our appreciation of the job well done by our Canadian hosts is to affirm that we are ready to come to a speedy and equitable conclusion by maintaining a flexible and constructive attitude throughout the proceedings.

APPENDIX IX

Opening Statement
at the
DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL COOPERATION
IN THE NORTHWEST ATLANTIC FISHERIES

by
the Icelandic Delegate
11 October 1977

Mr Chairman:

I want to thank the Government of Canada for convening this Conference, for the excellent facilities put at our disposal and the valuable preparatory work which we have before us. I also want to congratulate you, Mr Chairman, and the Vice-Chairman, on your election. Since we are going to work here for two weeks on the text of a new Convention, I do not find it necessary to make a long opening statement. However, I would like to make a few remarks.

As you know, Mr Chairman, Iceland has always supported the work of the regional organizations in this field and even been in favour of strengthening their mandates but always subject to one clear reservation, namely, that these organizations could never be a substitute for national fishery limits. Now this particular problem is behind us because the revised draft is based on the 200-mile limit. The revised text, in fact, is a very good basis for our discussions and we could, in general, agree with most, if not all, of its provisions.

However, there is one practical problem to which I want to draw attention. My country has, on many occasions, emphasized the fact that the fish stocks in the ocean owe their existence and growth primarily to the food reservoir found in the Continental Shelf area and other shallow coastal areas. Therefore, it is highly desirable and reasonable that the same or similar rules for conservation should apply both inside and outside the 200 miles. I would like to mention that an Icelandic law was passed last year (Law No. 34/76) subjecting Icelandic fishing vessels to the same conservation rules, e.g., with regard to mesh sizes and minimum sizes of fish in both areas. Theoretically, this problem can be solved through the proposed Fisheries Commission, but, in any case, this is an important problem on which we will have to ponder during the next two weeks.

Thank you, Mr Chairman.

APPENDIX X

Opening Statement

at the

DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL COOPERATION

IN THE NORTHWEST ATLANTIC FISHERIES

by

the Head of the Delegation of the German Democratic Republic

11 October 1977

Thank you, Mr Chairman.

On behalf of the delegation of the German Democratic Republic, I would like to express our appreciation for the efforts made by the Canadian Government in preparation for this Conference and our thanks for having been invited.

The German Democratic Republic has always given its full support to the work of the international fisheries organizations, especially to that of the Northwest Atlantic.

Since our accession to ICNAF, and even before, we have actively participated in the work of this regional fisheries organization.

We highly appreciate the efforts made by the regional fisheries organizations and their member countries to protect and conserve fish stocks and to ensure their rational utilization. This applies especially to the activities of ICNAF.

As a result of its fruitful activities, ICNAF has found worldwide recognition as the most effective regional fisheries organization that has become an example for other international fisheries organizations.

At the Third UN Law of the Sea Conference, the GDR has always supported the regional and global fisheries organizations and we underlined at that forum the need for international cooperation between the coastal states and the other states interested in fisheries in the relevant area within the framework of the international fisheries organizations. Meanwhile, by the extension of the national fishing zones of the coastal states of the Northwest Atlantic to 200 nautical miles a new situation has emerged in that area since the beginning of 1977.

As far as the future fisheries in the area of the 200 nautical mile fishing zones or economic zones is concerned, we proceed from the informal composite negotiating text of the Third UN Law of the Sea Conference elaborated at its session that was held in New York this year.

Pursuant to that text the coastal state has to give other states

access to the surplus of living resources. In doing so, the economic dislocation in states which have habitually fished in the relevant area and made efforts in research and identification of stocks, should be minimized.

The GDR as a geographically-disadvantaged country which depends on distant-water fishery to supply its own population with fish and fish products has a great interest in the maintenance of the regional fisheries organizations.

On the basis of these principles and taking into account the new developments in the international law of the sea as well as the introduction of the 200 nautical mile fishing zones of the coastal states in the Northwest Atlantic, we are furthermore prepared to actively participate in the elaboration of a new International Convention for the Northwest Atlantic Fisheries.

We hope that the new organization will continue the positive role that ICNAF has played during the last years in the conservation and rational utilization of stocks.

We feel that the special importance of the new organization will be found in the field of coordination of scientific research and in the regulatory functions pertaining to the areas beyond national fisheries jurisdiction.

Mr Chairman, we wish this Conference constructive and positive results for the future multilateral cooperation under the new international convention for the Northwest Atlantic fisheries, and the Delegation of the GDR is prepared to contribute to this end.

Thank you, Mr Chairman.

APPENDIX XI

Opening Statement

at the

DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL COOPERATION
IN THE NORTHWEST ATLANTIC FISHERIES

by

Larry L. Snead

Head of the US Delegation

11 October 1977

On behalf of the United States delegation, I would like to thank our Canadian hosts for the hospitality they have extended to us in arranging this important meeting in Ottawa. We look forward to our stay in Ottawa and to the opportunity to renew our acquaintances among the other delegations taking part in this meeting. May I also take this opportunity to congratulate the Chairman, and the Vice-Chairman, on their election as officers of this Conference.

We believe that the work of the two preparatory conferences has been fruitful, and we commend our Canadian hosts for the efforts they have made to compile and coordinate the preparation of the several drafts that have been produced. While there are still points in the current draft on which we will seek modification or clarification, we are confident that the final result will be a document which the United States can support. The United States proceeds from the fundamental premise that the scientific procedures and techniques developed over the years within ICNAF are a valuable legacy that should not be lost in the future. We are committed to an effort to maintain the traditional links of cooperation in science that we have had with ICNAF Member States in the past.

The United States delegation generally shares the views expressed by other delegations today that the second revised draft developed during the preparatory meetings provides a good basis for developing the framework for a successor organization to ICNAF. At the same time, the United States has certain problems with the existing draft as we explained in the two preparatory meetings. Our primary concerns are with regard to the definition of the Convention and Regulatory Areas, the inclusion of an Annex to divide the Convention Area and the need to establish what we believe would be a more equitable basis for funding the organization. We will express our views on these and other items in the current draft in more detail during the course of this Conference.

We wish again to express our gratitude to the Canadian Government for the fine work they have done in arranging and coordinating this Conference, and in inviting our participation.

APPENDIX XII

Opening Statement

at the

DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL COOPERATION
IN THE NORTHWEST ATLANTIC FISHERIES

by

the Polish Delegation

11 October 1977

Mr Chairman:

On behalf of the Polish delegation, it is my honour to thank the Government of Canada for the invitation to this Diplomatic Conference.

We would like to express gratitude to our Canadian colleagues for convening this Conference, as well as the good work that has been done during the two preparatory meetings on the future multilateral cooperation in the Northwest Atlantic fisheries.

On various occasions Poland proved its preoccupation in the protection and the maintenance of the living resources in the Northwest Atlantic region.

Polish science has always been very active in research on the resources of this region and the Polish fishery has always respected in practice each and every resolution of ICNAF in regard to the quotas as well as the measures of protection.

Irrespective of the fact that the legal status of the region being considered has been essentially transformed, Poland considers that international cooperation in the protection, maintenance and utilization of the living resources of the Northwest Atlantic is still a very essential part of economic activity in this region.

Therefore, any activity bound to maintain the continuation of such cooperation shall be supported by our delegation.

The draft of the Convention elaborated by the Canadian delegation, based on the reality of actual fishery jurisdiction and which proposes a new legal framework for continuation of international fishery cooperation in the region of the Northwest Atlantic is appreciated by our delegation as a sound base for the work of this Diplomatic Conference.

The Polish delegation is taking a positive attitude to this draft; nevertheless, some improvement and correction of the drafting should be considered.

We are of the opinion that the Convention should take into account

the interest of the States which traditionally participated in the fisheries in the Northwest Atlantic region as well as the interest of the coastal states.

Mr Chairman, the Polish delegation will make very effort necessary to attain the common aim of this Conference. This means agreeing on the new Convention for fisheries and protecting the living resources of the Northwest Atlantic.

We are very convinced that the good tradition of cooperation which has been observed in ICNAF will be maintained and possibly improved by the new organization of NAFCO.

Thank you, Mr Chairman.

APPENDIX XIII

- 2 -

Opening Statement

at the

DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL COOPERATION

IN THE NORTHWEST ATLANTIC FISHERIES

by

the Cuban Delegation

12 October 1977

Mr Chairman:

The Cuban delegation wishes to express once more its appreciation to the Canadian Government for organizing this Plenipotentiary Conference as well as for the excellent arrangements that have been made for this meeting.

Mr Chairman, I would also like to express my best wishes to the distinguished delegates present here today.

Our delegation would like to state our government's opinion in regard to the new situation in fishery jurisdiction in this area, by saying that we believe that multilateral cooperation still has a role to play and even can be strengthened to achieve optimum utilization and conservation of the living resources in this area.

We are prepared to work toward this objective and are willing to make the greatest efforts to contribute to a successful outcome of this Conference.

Cuba would like to state that the Conference has special characteristics since the text presented here for the development of future multilateral cooperation will have repercussions over other fishery regions and may serve as a precedent to other organizations.

Mr Chairman, Cuba considers the main goals of this Conference to be:

1. To find ways that will ensure the conservation and optimum utilization of the living resources in the Northwest Atlantic.
2. To ensure that the multilateral cooperation in the Northwest Atlantic fisheries will continue.
3. To create a convention pursuant to the international practice which is exercised over fishery jurisdiction, considering the development of the Third United Nations Law of the Sea Conference and the special characteristics of the Atlantic region.

During the Second Preparatory Conference, Cuba presented some comments on the Second Revised Draft Convention and we still feel that these comments can serve as a basis for our participation in this meeting, as well as some other considerations on our part which will be presented in due time in the process of discussions of the Second Revised Draft Convention during this meeting.

APPENDIX XIV

Opening Statement

at the

DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL COOPERATION
IN THE NORTHWEST ATLANTIC FISHERIES

by

the Danish Delegation

11 October 1977

Mr Chairman:

First of all I want to, like my predecessors, thank the Canadian Government for the invitation to this Conference and for their hospitality. I would also like to express my gratitude for the preparatory work done by the Canadian Delegation prior to this meeting.

As mentioned by the delegate of the European Economic Community, Denmark is present at this Conference under two different headings. Firstly, we play a part of the EEC Delegation insofar as the waters around Greenland are concerned. Secondly, we are here in our own capacity, representing the interests of the Faroe Islands which are not a part of the European Economic Community.

We too find, that the second draft so ably made by the Canadian Delegation, constitutes an extremely good basis for our work in the coming ten days. We can adhere to most of the content of this draft, although there are a number of points to which we would like to come back. On this occasion I would only mention one question related to Article IX, Paragraph 7, where we, like the European Community, do not find it necessary to go beyond the results achieved at the Third United Nations Conference on the Law of the Sea. We do not see any need to recognize special interests of coastal states beyond the limit of 200 sea miles. During our negotiations I might come back to some other points.

Thank you very much, Mr Chairman.

APPENDIX XV

DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL CONFERENCE
IN THE NORTHWEST ATLANTIC FISHERIES

Ottawa, Canada

11-21 October 1977

Rules of Procedure

CHAPTER I - REPRESENTATION, CREDENTIALS
AND CREDENTIALS COMMITTEE

Rule 1 - Credentials Committee

A Credentials Committee shall be established at the beginning of the Conference. It shall consist of three members who shall be appointed by the Conference on the proposal of the Chairman. It shall examine the credentials of representatives and report to the Conference without delay.

Rule 2 - Provisional Participation in the Conference

Pending a decision of the Conference upon their credentials, representatives shall be entitled to participate provisionally in the Conference.

CHAPTER II - PRESIDENT, VICE-PRESIDENTS,
AND OTHER OFFICERS

Rule 3 - Election

The Conference shall elect a Chairman, one or more Vice-Chairmen, a rapporteur and such other officers as it deems necessary for the performance of its functions.

CHAPTER III - CONDUCT OF BUSINESS

Rule 4 - Quorum

A quorum of the Conference shall be constituted by the representatives of a majority of the Delegations participating in the Conference.

Rule 5 - General Powers of the Chairman

In addition to exercising the powers conferred upon him elsewhere by these Rules, the Chairman:

- (a) shall declare the opening and closing of each plenary meeting of the Conference;

- 2 -

- (b) shall rule on points of order and, subject to these Rules of Procedure, have control of the proceedings;
- (c) may propose to the Conference the limitation of time to be allowed to speakers, the limitation of the number of times each representative may speak on any question and the closure of the debate; and
- (d) may propose the suspension or the adjournment of the meeting or the adjournment of the debate on the question under discussion.

Rule 6 - Speeches

No person may address the Conference without having previously obtained the permission of the Chairman. Subject to Rules 7, 8, and 9, the Chairman shall call upon speakers in the order in which they signify their desire to speak. The Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

Rule 7 - Precedence

The Chairman or representative of a Committee or of another subsidiary body may be accorded precedence for the purpose of explaining the conclusion arrived at by his Committee, or other subsidiary body.

Rule 8 - Points of Order

During the discussion of any matter a representative may rise to a point of order, and the point of order shall immediately be decided by the Chairman in accordance with the Rules of Procedure. A representative may appeal against the ruling of the Chairman. The appeal shall immediately be put to the vote and the Chairman's ruling shall stand unless overruled by the majority of the representatives present and voting. A representative rising to a point of order may not speak on the substance of the matter under discussion.

Rule 9 - Time-limit on Speeches

The Conference may on the proposal of the Chairman limit the time to be allowed to each speaker on any particular subject under discussion. When the debate is limited and a representative has spoken for his allotted time, the Chairman shall call him to order without delay.

CHAPTER IV - OTHER COMMITTEES

Rule 10 - Creation of Committees and Other Working Groups

In addition to the Credentials Committee, the Conference may

establish such Committees and other Working Groups as it deems necessary for the performance of its functions.

Rule 11 - Representation on Committees and Other Working Groups

Each Delegation participating in a Committee or other Working Group body shall be represented by one person on that Committee or other Working Group. It may assign to these Committees or other Working Groups such alternate representatives and advisers as may be required.

Rule 12 - Officers

Each Committee or other Working Group shall elect its own officers.

Rule 13 - Quorum

A majority of the representatives on a Committee or other Working Group shall constitute a quorum.

CHAPTER V - LANGUAGES AND RECORDS

Rule 14 - Official and Working Languages

The official languages of the Conference shall be English and French.

Rule 15 - Interpretation from Other Languages

Any representative may make a speech in a language other than an official language. In this case, the Delegation concerned shall provide for interpretation into one of the official languages.

Rule 16 - Summary Records

The Rapporteur as directed by the Chairman shall prepare summary records of the plenary meetings.

CHAPTER VI - DECISION MAKING

Rule 17 - Consensus

Decisions of the Conference shall be taken on the basis of consensus.

APPENDIX XVI

DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL COOPERATION

IN THE NORTHWEST ATLANTIC FISHERIES

Ottawa, Canada

11-21 October 1977

Report of Working Group on Financial Arrangements

1. Participation

The Working Group was composed as follows:

F. Bergesen (Norway), D. Crestin (USA), V.M. Hodder (ICNAF), M. Marcussen (EEC), B. Paul (Canada), K. Seki (Japan), and A. Volkov (USSR).

2. Chairman and Rapporteur

Mr M. Marcussen (EEC) was elected Chairman and Mr V.M. Hodder (ICNAF) as Rapporteur.

3. Meetings

The Working Group met on 14, 17, and 18 October 1977.

4. Agenda

The Working Group adopted the following agenda:

- (a) examination of proposals for establishing the contributions of the Contracting Parties to the operating expenses of the new Organization,
- (b) the financial year for the new Organization, and
- (c) problems related to the transition from ICNAF to NAFO.

5. Consideration of Proposals

Regarding the allocation of the Organization's expenses, as referred to in Article XIII of the Second Revised Draft Convention, the Working Group agreed to examine the proposals presented to the Diplomatic Conference and to calculate, where possible, as examples, the consequences of each proposal, based on the budget sum corresponding to ICNAF's 1977/78 budget. In this connection, the question was raised whether the Member States of EEC or the EEC as such should be treated as a Contracting Party. The representative of the EEC

proposed that the calculations be made on the hypothesis that the EEC would be a Contracting Party and that the Member States of the EEC would not be Contracting Parties. The Working Group agreed to follow this proposal.

(a) Proposal in Article XIII of Second Revised Draft (Annex 1)

The Working Group noted that this proposal does not spell out what species are to be included in the "nominal catch" and that the definition of the reference period "the two most recent complete years for which catch statistics are available" contains an element of imprecision and may lead to some doubt as to which specific years are to be used. The Group assumed that the intention of this proposal was that the nominal catches referred to in the proposal should include the catches of all species covered by the Convention, i.e., all finfish species (except tunas and salmon), shrimps and squids, it being assumed that all other invertebrate species are considered as "sedentary species of the Continental Shelf". On the basis of this assumption, the Group established the example given in Annex 2.

(b) Proposal of the USSR Delegation - Alternative 1 (Annex 3)

The Working Group noted that paragraphs (b) and (c) of this proposal gave rise to several practical problems.

- i) Paragraph (b). The proposal is based on the assumption that the expenditures of each Contracting Party on scientific research in the Convention Area are known. The Working Group found that, although it would be possible to include a provision in the Convention stipulating that Contracting Parties should notify the General Council of their research expenditures, it might be difficult to find a precise, and acceptable, definition of which research expenditures should be taken into account and it would probably be difficult to implement such a definition. Furthermore, there would be the problem of establishing the rate of exchange necessary for the conversion of these expenditures into a single currency.

In order to eliminate these difficulties, the Working Group suggested that it might be possible to use as a substitute for actual research expenditures a simplified expression for research effort, and concluded that the number of days spent in the Convention Area by research vessels of each Contracting Party could serve as such a substitute. The Working Group considered that, if this principle were adopted, a minimum limit should be fixed for the category of research vessels which could be counted (e.g. 100 GRT), and that the reported "research-vessel days" could be taken into account only after the Contracting Party concerned had presented a scientific report to the Scientific Council on

the research activity carried out by the vessels in question or on other evidence.

The Working Group noted that the proposal does not define the period of reference to be used for a given budget year.

The Working Group noted that the precise form of the "inverse relationship" referred to in the proposal is not defined. Although many formulae for such a relationship can be developed, the Group did not find it necessary to make suggestions on this point before the Plenary had discussed the principles of the proposal in the light of the Working Group's general observations.

The Working Group finally noted that no statistics were immediately available regarding the number of research-vessel days, and that it would not be possible, therefore, to provide a calculated example of the consequences of this proposal.

ii) Paragraph (c). The USSR representative explained that the intention of this paragraph was to divide the expenses according to the value of the "nominal catches" of each Contracting Party, the "nominal catches" being understood to be the quotas allocated to the Contracting Parties, in the budget year or in the year preceding the budget year, within the Convention Area.

The Working Group noted that the Draft Convention does not contain a provision making it possible for the General Council to be informed about the quotas allocated to the Contracting Parties by the coastal states in the Convention Area. The Group also noted that the proposal does not take into account the catches made by vessels of coastal states in their own zones in cases where coastal states do not establish allocations for their own fishermen. For these reasons, the Working Group considered that it might be simpler to use the value of the actual catches in the Convention Area in a certain reference period, in lieu of the value of the allocations.

The Working Group noted that it would be extremely difficult, or impossible, to collect information about the actual value of the catches, and that it would, therefore, be necessary to work with nominal values to be defined on the basis of agreed nominal values per unit (\$/kg) which could be fixed in an annex to the Convention. The Group suggested that, if such a formula were to be adopted, a significant simplification could be achieved by taking into account only the catches of a limited number of species, and that the species to be considered could be those subject to ICNAF quotas in 1977.

The Working Group finally noted that, if this proposal were to be used, a reference period would have to be defined.

(c) Proposal of the USSR Delegation - Alternative 2 (Annex 3)

The Working Group noted that the observations made for "paragraph (c)" above also apply to this proposal.

The Working Group also observed that it was not possible to prepare a calculated example for this proposal before a list of "nominal unit values" had been set up, and that it was not possible at this stage to make a proposal for such a list.

(d) Revised Proposal of the Spanish Delegation (Annex 4)

The Working Group noted that this proposal does not contain a criterion for the allocation of the budget share mentioned under paragraph (b) of the proposal, and that the proposal does not define the scope, in terms of species, of the nominal catches mentioned under paragraph (c) of the proposal.

The Working Group assumed that the intention of this proposal was to include the catches of all species covered by this Convention, and a numerical example was established on this basis as shown in Annex 5.

(e) Proposal of the USA Delegation (Annex 6)

The Working Group noted that this proposal does not take into account that the budget for the first and second years after the new Convention enters into force is likely to be higher than the ICNAF budget for 1976 and that an appropriate amendment would, therefore, be necessary. Also, it is not explicit which financial year is meant by the proposal, 1975/76 or 1976/77.

(f) Proposal Presented by the Delegates of Iceland and Norway (Annex 7)

The Working Group noted that this proposal was completely defined, and established a numerical example as shown in Annex 8.

6. Conclusions Regarding Proposals for Budget Allocations

In reviewing the six proposals presented to it, the Working Group observed that these proposals contained the following criteria for the allocation of the budget:

- (a) Equal parts for each Contracting Party;
- (b) Nominal catches in a certain reference period;

DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL COOPERATION
IN THE NORTHWEST ATLANTIC FISHERIES

Ottawa, Canada

11-21 October 1977

Proposal in the Second Revised Draft

Article XIII, Paragraph 3

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.

(c) Expenditures by Contracting Parties on scientific research in the Convention Area;

(d) "Cost" or value of nominal catches; and

(e) Extra share to coastal states.

The Group acknowledged that strong arguments had been presented for the use of each of these elements, but it considered that the criteria mention in (c) and (d) above presented practical problems of such complexity that the Group could not unanimously recommend a formula applying these criteria. The majority of the Working Group considered that it might be useful to develop a compromise proposal based on the remaining three criteria. The proposal developed by the Working Group, which is described in Annex 9, attempts to reconcile the interests of the Contracting Parties in the light of their widely disparate situations regarding their actual catches in the Convention Area, and their contributions to scientific research and to joint enforcement in the Area. A calculated example of this proposal is shown in Annex 10.

7. Financial Year of the New Organization

The Working Group suggests that the financial year should be the calendar year.

8. Transitional Arrangements

The EEC representative presented a proposal concerning the arrangements for transition from ICNAF to the new Organization (Annex 11). The Working Group examined this proposal which it found to be reasonable and established a table showing the financial contributions which would result from this proposal on the basis of the forecast budget for ICNAF in 1978/79 and the scheme developed by the Working Group for the second half of 1979 (Annex 12).

DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL COOPERATION
IN THE NORTHWEST ATLANTIC FISHERIES

Ottawa, Canada

11-21 October 1977

Examples of Calculated Contributions to the Annual Budget
Based on the Proposal in Annex 1 of this Report

Contracting Party	Average catch ^a (000 t)	\$	Budget allocations			Total
			1/3	2/3		
Bulgaria	24.1	0.808	\$ 8,556	\$ 2,074	\$	10,630
Canada	727.9	24.415	8,556	62,663		71,219
Cuba	18.7	0.627	8,556	1,609		10,165
Denmark(Faroe Is.)	24.3	0.815	8,556	2,092		10,648
GDR	90.2	3.025	8,556	7,764		16,320
Iceland	12.3	0.413	8,556	1,060		9,616
Japan	25.5	0.855	8,556	2,194		10,750
Norway	48.1	1.613	8,556	4,140		12,696
Poland	156.6	5.252	8,556	13,480		22,036
Portugal	86.2	2.891	8,556	7,420		15,976
Romania	4.1	0.137	8,556	352		8,908
Spain	96.8	3.247	8,556	8,334		16,890
USSR	1009.8	33.870	8,556	86,931		95,487
USA	489.3	16.412	8,556	42,123		50,679
EPC-Denmark	46.5					
-France	38.9					
-Fed. Rep. Germany	68.8	5.620	8,556	14,424		22,980
-Italy	6.0					
-UK	1.3					
-Ireland	6.0					
TOTALS	2981.4	100.000	\$128,340	\$256,660		\$385,000 ^b

^a Catches include all finfish (except tunas and salmon), shrimps and squids, based on figures for 1975 and 1976.

^b The overall budget total used is that for ICNAF in 1977/78.

..57

DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL COOPERATION
IN THE NORTHWEST ATLANTIC FISHERIES

Ottawa, Canada

11-21 October 1977

Proposal by USSR Delegation
Article XIII, Paragraph 3

Alternative 1

3. The General Council shall establish the payments due from each Contracting Party to the annual budget on the following basis:
 - (a) one-third of the budget shall be divided equally among the Contracting Parties;
 - (b) one-third of the budget shall be divided in the reverse proportion to the correlation of expenditures of each Contracting Party against the total expenditures of all Contracting Parties spent for scientific research in the Convention Area, carried out pursuant to paragraph 1 of Article V of this Convention; and
 - (c) one-third of the budget shall be divided among the Contracting Parties in proportion to the cost of the nominal catch of each Contracting Party in the Convention Area against the total cost of nominal catches of all Contracting Parties in this Area on the basis of national allocations.

Alternative 2

3. The General Council shall establish the payments due from each Contracting Party to the annual budget on the following basis:
 - (a) one-half of the budget shall be divided equally among the Contracting Parties; and
 - (b) one-half of the budget shall be divided among the Contracting Parties in proportion to the cost of the nominal catch of each Contracting Party in the Convention Area against the total cost of nominal catches of all Contracting Parties in this Area on the basis of national allocations.

DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL COOPERATION
IN THE NORTHWEST ATLANTIC FISHERIES

Ottawa, Canada

11-21 October 1977

Revised Proposal of Spanish Delegation

Article XIII, Paragraph 3

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;
 - (b) one-third of the budget shall be divided among the Contracting Parties exercising national fisheries jurisdiction within the Area of the Convention; and
 - (c) one-third of the budget shall be divided 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 figures for the most recent complete year for which catch statistics are available.

DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL COOPERATION
IN THE NORTHWEST ATLANTIC FISHERIES

Ottawa, Canada

11-21 October 1977

Calculated Example for the Revised Spanish Proposal in Annex 4 of this Report.

Contracting Party	1976 ^a Catch (000 t)	%	Budget allocation ^b			TOTAL
			1/3	1/3	1/3	
Canada	746.2	26.68	\$ 8,556		\$ 34,238	\$220,280
USA	544.2	19.46	8,556	\$128,330	24,973	
EEC	154.2	5.51	8,556		7,071	9,480
Bulgaria	20.1	0.72	8,556		924	
Cuba	29.9	1.07	8,556		1,373	9,929
Denmark	27.3	0.98	8,556		1,258	
(Faroe Is.)						9,814
GDR	67.2	2.40	8,556		3,080	
Iceland	8.8	0.31	8,556		398	11,636
Japan	26.1	0.93	8,556		1,193	
Norway	43.8	1.57	8,556		2,015	9,749
Poland	125.5	4.49	8,556		5,762	
Portugal	72.6	2.60	8,556		3,337	14,318
Romania	6.4	0.23	8,556		295	
Spain	71.9	2.57	8,556		3,298	11,851
USSR	852.7	30.48	8,556		39,115	
Totals	2,796.9	100.00	\$128,340	\$128,330	\$128,330	\$385,000 ^c

^a Catches include all finfish (except tunas and salmon), shrimps and squids.

^b The second part of the proposal gives no basis for dividing among the Contracting Parties.

^c The overall budget total used is that for ICNAF in 1977/78.

DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL COOPERATION
IN THE NORTHWEST ATLANTIC FISHERIES

Ottawa, Canada

11-21 October 1977

Proposal of the USA Delegation

Article XIII, Paragraph 3

The USA delegation proposed that paragraph 3 be replaced by the following:

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 Convention 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.

The USA delegation also proposed that the following paragraph be inserted as a new paragraph 4 and that paragraph 4 and subsequent paragraphs of the Second Revised Draft be renumbered accordingly:

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 Contracting Parties. This scheme may be modified by the General Council with the agreement of all Contracting Parties.

DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL COOPERATION
IN THE NORTHWEST ATLANTIC FISHERIES

Ottawa, Canada

11-21 October 1977

Proposals of Icelandic and Norwegian Delegations

Article XIII, Paragraph 3

3. The General Council shall establish the payments due from each Contracting Party under the annual budget on the following basis:

- (a) one-fourth of the budget shall be divided equally among the Contracting Parties; and
- (b) three-fourths of the budget shall be apportioned among the Contracting Parties in proportion to the catches in the Convention area of the species under ICNAF quota regulation in 1977, taken by each Contracting Party on the basis of the average figures for the two most recent complete years for which catch statistics are available.

DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL COOPERATION
IN THE NORTHWEST ATLANTIC FISHERIES

Ottawa, Canada

11-21 October 1977

Calculated Example for Icelandic-Norwegian Proposal of Annex 7, based on average 1975-76 catches for species and groups name in ICNAF list as being under quota regulation in 1977a.

Contracting Party	Average catch (000 t)	%	Budget allocation			TOTAL
			1/4	3/4		
Bulgaria	24.0	0.883	\$ 6,417	\$ 2,550	\$ 8,967	
Canada	727.9	26.784	6,417	77,337	83,754	
Cuba	18.7	0.688	6,417	1,987	8,404	
Denmark (Faroe Is.)	24.1	0.887	6,417	2,561	8,978	
GDR	90.2	3.319	6,417	9,583	16,000	
Iceland	12.3	0.453	6,417	1,308	7,725	
Japan	12.7	0.467	6,417	1,348	7,766	
Norway	48.1	1.770	6,417	5,111	11,528	
Poland	156.6	5.762	6,417	16,637	23,054	
Portugal	86.2	3.172	6,417	9,159	15,576	
Romania	4.1	0.151	6,417	436	6,853	
Spain	96.8	3.562	6,417	10,285	16,702	
USSR	1,009.8	37.156	6,417	107,286	113,703	
USA	238.6	8.779	6,417	25,349	31,766	
EEC-Denmark	46.5					
-France	39.0					
-Fed.Rep.Germany	68.8					
-Italy	6.0					
-UK	1.3					
-Ireland	6.0					
Totals	2,717.7	100.000	\$96,255	\$288,745	\$385,000 ^b	

a List of species included are:

Cod	Witch	Argentine
Haddock	Yellowtail	River herring (alewife)
Redfish	Greenland halibut	Squid - <i>Loligo</i>
Silver hake	Roundnose grenadier	Squid - <i>Illex</i>
Red hake	Herring	Shrimps
Pollock	Mackerel	Other finfish (except menhaden, tunas, billfishes and sharks)
American plaice	Butterfish	

b The overall budget total used is that for ICNAF for 1977/78. .63

DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL COOPERATION
IN THE NORTHWEST ATLANTIC FISHERIES

Ottawa, Canada

11-21 October 1977

Proposal Suggested by the Working Group

Article XIII, Paragraph 3

3. The General Council shall establish the payments due from each Contracting Party under the annual budget on the following basis:

- (a) one-tenth (10%) of the budget shall be divided among the Contracting Parties, exercising fisheries jurisdiction within the Convention Area, in proportion to the nominal catches of these Contracting Parties in this Area for the species listed in Annex to this Convention, on the basis of the average figures for two consecutive years, the last of which is three years prior to the year for which the budget applies;
- (b) three-tenths (30%) of the budget shall be divided equally among all the Contracting Parties; and
- (c) six-tenths (60%) of the budget shall be divided among all Contracting Parties in proportion to the nominal catches of the Contracting Parties in the Convention Area for the species listed in Annex to this Convention, on the basis of the average figures for two consecutive years, the last of which is three years prior to the year for which the budget applies.

DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL COOPERATION
IN THE NORTHWEST ATLANTIC FISHERIES

Ottawa, Canada

11-21 October 1977

Calculated Example for the Proposal of Annex 9, Based on a list of 20 species, which represent 85% of the nominal catches of all finfish, squids, and shrimps in 1975-76.

Contracting Party	Average catch (000 t)	%	Budget allocation			TOTAL
			10%	30%	60%	
Canada	693.0	27.610	\$ 26,469	\$ 7,700	\$ 63,779	\$ 97,948
USA	167.9	6.689	6,412	7,700	15,451	29,563
EEC	147.1	5.861	5,619	7,700	13,539	26,858
Bulgaria	22.6	0.900		7,700	2,079	9,779
Yuba	17.4	0.693		7,700	1,601	9,301
Denmark (Faroe Is.)	24.0	0.956		7,700	2,208	9,908
DDR	90.1	3.590		7,700	8,293	15,993
Iceland	12.3	0.490		7,700	1,132	8,832
Japan	24.7	0.984		7,700	2,273	9,973
Norway	47.1	1.876		7,700	4,334	12,034
Ireland	152.9	6.092		7,700	14,073	21,773
Portugal	82.2	3.275		7,700	7,565	15,265
Romania	4.0	0.159		7,700	367	8,067
Spain	96.0	3.825		7,700	8,836	16,536
USSR	928.7	37.000		7,700	85,470	93,170
Totals	2,510.0	100.000	\$ 38,500	\$ 115,500	\$ 231,000	\$ 385,000 ^b

^a Average catches based on statistics reported to ICNAF for 1975 and 1976 for the following 20 species:

Cod	Witch flounder	River herring (alewife)
Haddock	Yellowtail flounder	Argentine
Redfish	Greenland halibut	Capelin
Silver hake	Roundnose grenadier	Squid - Loligo
Red hake	Herring	Squid - Illex
Pollack	Mackerel	Shrimps
American plaice	Butterfish	

^b The overall budget total is that for ICNAF in 1977/78.

..65

DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL COOPERATION
IN THE NORTHWEST ATLANTIC FISHERIES

Ottawa, Canada

11-21 October 1977

EEC Proposal on Transitional Arrangements

1. Statement of the Problem

It is assumed that the new Convention will enter into force on 1 January 1979 and that the majority of ICNAF's Members will remain in ICNAF until 31 December 1979 whereas others, in particular, the Member States of the EEC, will leave ICNAF on 31 December 1978. ICNAF and NAFO will exist in parallel during the year 1979 and they will be served by the same Secretariat and thus have joint operating expenses during that year.

The problem is how to allocate these expenditures between ICNAF and NAFO and how to allocate the expenditures carried by NAFO between its Members and how to establish the legal basis for these allocations.

Proposed Solution

It is suggested that ICNAF will remain the sole employer of the Secretariat and carry all the expenses related to the operation of both organizations for the entire transitional year and that NAFO will pay a fee to ICNAF for these services.

In order to establish the said fee as well as the contributions of the Contracting Parties to NAFO, it is proposed that a preliminary budget be established at this Conference for the 1st half of 1979 and the 2nd half of 1979. For the purpose of this calculation, the budget for the 1st half of 1979 is distributed between all present ICNAF Members plus the USA, according to present ICNAF rules, it being assumed that the USA participated in the same number of Panels as it did before leaving ICNAF. The sum of the shares falling to the Member States of the EEC is considered as EEC's contribution to NAFO. The financial contributions to NAFO for the financial year 1979 would be fixed (in terms of \$) in the Convention. ICNAF might either establish a budget for a period of 1-1/2 years, i.e., 1 July 1978-31 December 1979, or one normal budget for the financial year 1 July 1978-30 June 1979, and a second budget for the remainder of its existence, i.e., 1 July 1978-31 December 1979, but these questions will, of course, have to be decided by ICNAF.

The above-mentioned arrangements would need to be established by appropriate provisions in the Convention which might be as follows (it being assumed that the new Convention adopts the calendar year as its financial year). Article XIII, paragraph 6 is replaced by

the following paragraphs:

"6. If, pursuant to Article XX, this Convention enters into force on 1 January 1979, the following rules shall apply for the financial year 1979: A Contracting Party which is a Contracting State to ICNAF throughout the year 1979 shall not contribute to the expenses of the Organization in that year. Other Contracting Parties which have deposited their instruments of ratification, acceptance or approval or acceded to it before 31 December 1979 shall contribute the amount indicated in Annex I in respect of such Party. The total budget for the financial year 1979 shall be fixed as the sum of the contributions thus established.

"7. The contributions due, pursuant to paragraph 6, shall be paid by each Contracting Party as soon as possible after 1 January 1979 or after its accession to the Convention whenever the later."

A supplementary paragraph may be needed in Article XII, as follows:

"5. If, pursuant to Article XX, this Convention enters into force on 1 January 1979, the General Council may make appropriate arrangements with "ICNAF", with a view to having the Secretariat of ICNAF carry out the functions referred to in paragraph 1. Such arrangements may include the payment to ICNAF of the contributions established by Article XIII, paragraph 6 below."

DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL COOPERATION

IN THE NORTHWEST ATLANTIC FISHERIES

Ottawa, Canada

11-21 October 1977

Budget allocations for the transition period based on the EEC proposal in Annex 11 of this Report.

Contracting Parties	Budget allocations	
	1978(2) ^a	1979(1)a
Bulgaria	\$ 10,286	\$ 10,286
Canada	16,976	16,976
Cuba	13,631	13,631
Denmark (Faroe Is.)	-	-
GDR	10,286	10,286
Iceland	6,940	6,940
Japan	10,286	10,286
Norway	13,631	13,631
Poland	16,976	16,976
Portugal	13,631	13,631
Romania	10,286	10,286
Spain	16,976	16,976
USSR	16,976	16,976
EEC - Denmark	13,631	13,631
- France	16,976	16,976
- Fed.Rep. Germany	13,631	13,631
- Italy	3,595	3,595
- UK	10,286	10,286
USA	-	10,286 ^d
Totals	\$215,000	\$225,286

^a The budget allocations for the second half of 1978 and the first half of 1979 are based on the budget figure forecasted by ICNAF at its 1977 Annual Meeting and allocated on the basis of the ICNAF procedure.

^b The budget allocations for the second half of 1979 are based on a scheme developed by the Working Group and described in Annex 9 to this Report.

^c The sum of these figures (\$74,862) will be the contribution of the EEC to NAFO for the year 1979 to be fixed in the Convention.

^d The sum of these figures (\$28,715) will be the contribution of USA to NAFO for the year 1979 to be fixed in the Convention.

APPENDIX XVII

DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL COOPERATION
IN THE NORTHWEST ATLANTIC FISHERIES

Ottawa, Canada

11-21 October 1977

Calculated example of contributions to the annual budget of NAFO,
(paragraph 3 of Article XVI of Appendix XIX),
based on nominal catch statistics for 1976.

Contracting Party	1976 catch ^a (000 t)	%	Budget allocation			Total
			10%	30%	60%	
Canada	711.8	30.750	\$26,943	\$ 7,700	\$ 71,032	\$105,675
USA	173.2	7.482	6,556	7,700	17,283	31,539
EEC	132.1	5.707	5,001	7,700	13,183	25,884
Bulgaria	19.9	0.860		7,700	1,987	9,687
Cuba	28.6	1.236		7,700	2,855	10,555
Denmark (Faroe Is.)	26.9	1.162		7,700	2,684	10,384
GDR	67.2	2.903		7,700	6,706	14,406
Iceland	8.9	0.384		7,700	887	8,587
Japan	25.9	1.119		7,700	2,585	10,285
Norway	43.0	1.858		7,700	4,292	11,992
Poland	121.2	5.236		7,700	12,095	19,795
Portugal	68.9	2.976		7,700	6,875	14,575
Romania	6.2	0.268		7,700	619	8,319
Spain	71.5	3.089		7,700	7,136	14,836
USSR	809.5	34.970		7,700	80,781	88,481
Totals	2,314.8	100.000	\$38,500	\$115,500	\$231,000	\$385,000 ^b

^a The nominal catches of the following 20 species were used in the calculations:

Cod	Witch flounder	River herring (alewife)
Haddock	Yellowtail flounder	Argentine
Redfish	Greenland halibut	Capelin
Silver hake	Roundnose grenadier	Squid - <i>Loligo</i>
Red hake	Herring	Squid - <i>Illex</i>
Pollock	Mackerel	Shrimps
American plaice	Butterfish	

^b The overall budget total is that for ICNAF in 1977/78.

APPENDIX XVIII

DIPLOMATIC CONFERENCE ON FUTURE MULTILATERAL COOPERATION

IN THE NORTHWEST ATLANTIC FISHERIES

Ottawa, Canada

11-21 October 1977

Budget allocations for the transitional period
based on the EEC proposal in Annex 11 of the
Report of the Working Group on Financial Arrangements.

Contracting Parties	Budget allocations	
	1978(2) ^a	1979(1) ^a 1979(2) ^b
Bulgaria	\$ 10,286	\$ 6,039
Canada	16,976	65,876
Cuba	13,631	6,580
Denmark (Faroe Is.)	-	6,473
GDR	10,286	8,980
Iceland	6,940	5,353
Japan	10,286	6,411
Norway	13,631	7,476
Poland	16,976	12,340
Portugal	13,631	9,085
Romania	10,286	5,186
Spain	16,976	9,248
USSR	16,976	55,157
EC - Denmark	13,631	13,631
- France	16,976	16,976
- Fed.Rep. Germany	13,631	13,631
- Italy	3,595	3,595
- UK	10,286	10,286
USA	-	10,286 ^d 19,661 ^d
Totals	\$215,000	\$225,286 \$240,000

^a The budget allocations for the second half of 1978 and the first half of 1979 are based on the budget figure forecasted by ICNAF at its 1977 Annual Meeting and allocated on the basis of the ICNAF procedure.

^b The budget allocations for the second half of 1979 are based on a scheme developed by the Working Group on Financial Arrangements and described in its Report.

^c The sum of these figures (\$74,254) will be the contribution of the EEC to NAFO for the year 1979 to be fixed in the Convention.

^d The sum of these figures (\$29,947) will be the contribution of the USA to NAFO for the year 1979 to be fixed in the Convention.

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CONVENTION ON FUTURE MULTILATERAL COOPERATION
IN THE NORTHWEST ATLANTIC FISHERIES

prepared at Ottawa, Canada

21 October 1977

The Contracting Parties,

NOTING that the coastal states of the Northwest Atlantic have, in accordance with relevant principles of international law, extended their jurisdiction over the living resources of their adjacent waters to limits of up to two hundred nautical miles from the baselines from which the breadth of the territorial sea is measured, and exercise within these areas sovereign rights for the purpose of exploring and exploiting, conserving and managing these resources;

TAKING into account the work of the Third United Nations Conference on the Law of the Sea in the field of fisheries;

DESIRING to promote the conservation and optimum utilization of the fishery resources of the Northwest Atlantic area within a framework appropriate to the regime of extended coastal state jurisdiction over fisheries, and accordingly to encourage international cooperation and consultation with respect to these resources;

HAVE AGREED as follows:

Article I

1. 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 area referred to in this Convention as "the Regulatory Area" is that part of the Convention Area which lies beyond the areas in which coastal states exercise fisheries jurisdiction.

3. For the purposes of this Convention, "coastal state" shall hereinafter mean a Contracting Party exercising fisheries jurisdiction in waters forming part of the Convention Area.

4. This Convention applies to all fishery resources of the

Convention Area, with the following exceptions: salmon, tunas and marlins, cetacean stocks managed by the International Whaling Commission or any successor organization, and sedentary species of the Continental Shelf, i.e., 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.

5. 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;] [or its jurisdiction over fisheries;] or to affect or prejudice the views or positions of any Contracting Party with respect to the law of the sea.

Article II

1. The Contracting Parties agree to establish and maintain an international organization whose object shall be to contribute through consultation and cooperation to the optimum utilization, rational management and conservation of the fishery resources of the Convention Area. This organization shall be known as the Northwest Atlantic Fisheries 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 its relations with other international organizations and in the territories of the Contracting Parties such legal capacity as may be necessary to perform its functions and achieve its ends. The immunities and privileges which the Organization and its officers shall enjoy in the territory of a Contracting Party shall be subject to agreement between the Organization and the Contracting Party concerned.

4. The headquarters of the Organization shall be at Dartmouth, Nova Scotia, Canada, or at such other place as may be decided by the General Council.

Article III

The functions of the General Council shall be:

- (a) to supervise and coordinate the organizational, administrative, financial and other internal affairs of the Organization, including the relations among its constituent bodies;
- (b) to coordinate the external relations of the Organization;

- (c) to review and determine the membership of the Fisheries Commission pursuant to Article XIII; and
- (d) to exercise such other authority as is conferred upon it by this Convention.

Article IV

1. Each Contracting Party shall be a member of the General Council and shall appoint to the Council not more than three representatives who may be accompanied at any of its meetings by alternates, experts and advisers.
2. The General Council shall elect a Chairman and a Vice-Chairman, each of whom shall serve for a term of two years and shall be eligible for re-election but shall not serve for more than four years in succession. The Chairman shall be a representative of a Contracting Party that is a member of the Fisheries Commission and the Chairman and Vice-Chairman shall be representatives of different Contracting Parties.
3. The Chairman shall be the President of the Organization and shall be its principal representative.
4. The Chairman of the General Council shall convene a regular annual meeting of the Organization at a place decided upon by the General Council and which shall normally be in North America.
5. Any meeting of the General Council, other than the annual meeting, may be called by the Chairman at such time and place as the Chairman may determine, upon the request of a Contracting Party with the concurrence of another Contracting Party.
6. The General Council may establish such Committees and Subcommittees as it considers desirable for the exercise of its duties and functions.

Article V

1. Each Contracting Party shall have one vote in proceedings of the General Council.
2. Except where otherwise provided, decisions of the General Council shall be taken by a majority of the votes of all Contracting Parties present and casting affirmative or negative votes, provided that no vote shall be taken unless there is a quorum of at least two-thirds of the Contracting Parties.
3. The General Council shall adopt, and amend as occasion may require, rules for the conduct of its meetings and for the exercise of its functions.

4. The General Council shall submit to the Contracting Parties an annual report of the activities of the Organization.

Article VI

1. The functions of the Scientific Council shall be:
 - (a) to provide a forum for consultation and cooperation 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 environmental and ecological factors affecting these fisheries, 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 environmental and ecological factors affecting these fisheries;
 - (c) to provide scientific advice to coastal states, where requested to do so pursuant to Article VII; and
 - (d) to provide scientific advice to the Fisheries Commission pursuant to Article VIII or on its own initiative as required for the purposes of the Commission.
2. The functions of the Scientific Council may, where appropriate, be carried out in cooperation with other public or private organizations having related objectives.
3. 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.

Article VII

1. The Scientific Council shall, 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 area 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 VIII

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 and shall take into account the terms of reference specified by the Fisheries Commission in respect of that question.

Article IX

- 1. Each Contracting Party shall be a member of the Scientific Council and shall appoint to the Council its own representatives who may be accompanied at any of its meetings by alternates, experts and advisers.
- 2. The Scientific Council shall elect a Chairman and a Vice-Chairman, each of whom shall serve for a term of two years and shall be eligible for re-election but shall not serve for more than four years in succession. The Chairman and Vice-Chairman shall be representatives of different Contracting Parties.
- 3. Any meeting of the Scientific Council, other than the annual meeting convened pursuant to Article IV, may be called by the Chairman at such time and place as the Chairman may determine, upon the request of a coastal state or upon the request of a Contracting Party with the concurrence of another Contracting Party.
- 4. The Scientific Council may establish such Committees and Subcommittees as it considers desirable for the exercise of its duties and functions.

Article X

- 1. Scientific advice to be provided by the Scientific Council pursuant to this Convention shall be determined by consensus. Where 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 rules and

other matters pertaining to the organization of its work shall be taken by a majority of votes of all Contracting Parties present and casting affirmative or negative votes, and for these purposes each Contracting Party shall have one vote. No vote shall be taken unless there is a quorum of at least two-thirds of the Contracting Parties.

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

Article XI

- 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 Commission may adopt proposals for joint action by the Contracting Parties 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.
- 3. In the exercise of its functions under paragraph 2, the Commission shall seek to 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 measures or decisions taken by the coastal state for the management and conservation of that stock or group of stocks with respect to fishing activities conducted within 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 its measures and decisions for the purposes of this Article.

[4. 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, having regard to the unique geographical characteristics of the Northwest Atlantic area, the special interest of the coastal state exercising fisheries jurisdiction in the waters in closest proximity to the portion of the Regulatory Area to which the proposal applies.]

[4. 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, having regard to the unique geographical characteristics of the Northwest Atlantic area, the interest of the state exercising fisheries jurisdiction in the waters in closest proximity to the portion of the Regulatory Area to which the proposal applies.]

[4. Proposals adopted by the Commission for the allocation of catches in the Regulatory Area shall take into account the specific interests of Commission members whose vessels have traditionally fished within that Area and, having regard to the unique geographical characteristics of the Northwest Atlantic area, the special interest of the state exercising fisheries jurisdiction in the waters in closest proximity to the portion of the Regulatory Area to which the proposal applies.]

[4. 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. When allocating catches for stocks interrelated with stocks occurring within the area under fisheries jurisdiction of a coastal state, the Commission shall also take into account the particular interests of coastal communities dependent upon fisheries of such stocks, as well as the TACs and allocations established by the coastal state for such stocks in respect of the area under its fisheries jurisdiction.]

[4. Proposals adopted by the Commission for the allocation of catches in the Regulatory Area shall take into account, first, the interests of Commission members whose vessels have traditionally fished within that area and then, having regard to the unique geographical characteristics of the Northwest Atlantic area and the particular interests of coastal communities dependent upon fisheries of inter-related stocks inside and outside the areas under the fisheries jurisdiction of the coastal states, accommodate, as far as possible, the interest of the state exercising fisheries jurisdiction in the waters in closest proximity to the portion of the Regulatory Area to which the proposal applies.]

[4. 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.]

5. 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.

6. Each proposal adopted by the Commission shall be transmitted by the Executive Secretary to all Contracting Parties, specifying the date of transmittal for the purposes of paragraph 1 of Article XII.

7. Subject to the provisions of Article XII, each proposal adopted by the Commission under this Article shall become a measure binding on all Contracting Parties to enter into force on a date determined by the Commission.

8. The Commission may refer to the Scientific Council any question pertaining to the scientific basis for the management and conservation of fishery resources within the Regulatory Area and shall specify terms of reference for the consideration of that question.

9. 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.

Article XII

1. If any Commission member presents to the Executive Secretary an objection to a proposal within sixty days of the date of transmittal specified in the notification of the proposal by the Executive Secretary, the proposal shall not become a binding measure until the expiration of forty days following the date of transmittal specified in the notification of that objection to the Contracting Parties. 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 transmittal specified in the notification to the Contracting Parties of any objection presented within that additional forty-day period, whichever shall be the later. The proposal shall then become a measure binding on all Contracting Parties, 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 a binding measure, unless any or all of the Commission members nevertheless agree as among themselves to be bound by 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 immediately shall become a measure binding on such a member, subject to the objection procedure provided for in this Article.

3. At any time after the expiration of one year from the date on which a measure enters into force, any Commission member may give to the Executive Secretary notice of its intention not to be bound by the measure, and, if that notice is not withdrawn, the measure shall cease to be binding on that member at the end of one year from the date of receipt of the notice by the Executive Secretary. At any time after a measure has ceased to be binding on a Commission member under this paragraph, the measure shall cease to be binding on any other Commission member upon the date a notice of its intention not to be bound is received by the Executive Secretary.

4. The Executive Secretary shall immediately notify each Contracting Party of:

- (a) the receipt of each objection and withdrawal of objection under paragraphs 1 and 2;
- (b) the date on which any proposal becomes a binding measure under the provisions of paragraph 1; and
- (c) the receipt of each notice under paragraph 3.

Article XIII

1. The membership of the Commission shall be reviewed and determined by the General Council at its annual meeting and shall consist of:
 - (a) each Contracting Party which participates in the fisheries of the Regulatory Area, and
 - (b) any Contracting Party which has provided evidence satisfactory to the General Council that it expects to participate in the fisheries of the Regulatory Area during the year of that annual meeting or during the following calendar year.
2. Each Commission member shall appoint to the Commission not more than three representatives who may be accompanied at any of its meetings by alternates, experts and advisers.
3. Any Contracting Party that is not a Commission member may attend meetings of the Commission as an observer.
4. The Commission shall elect a Chairman and a Vice-Chairman, each of whom shall serve for a term of two years and shall be eligible for re-election but shall not serve for more than four years in succession. The Chairman and Vice-Chairman shall be representatives of different Commission members.
5. Any meeting of the Commission, other than the annual meeting convened pursuant to Article IV, may be called by the Chairman at such time and place as the Chairman may determine, upon the request of [a coastal state that is a Commission member or upon the request of any Commission member with the concurrence of one other Commission member.] [a Commission member with the concurrence of another Commission member.]
6. The Commission may establish such Committees and Subcommittees as it considers desirable for the exercise of its duties and functions.

Article XIV

1. Each Commission member shall have one vote in proceedings of the Commission.
2. Decisions of the Commission shall be taken by a majority of

the votes of all Commission members present and casting affirmative or negative votes, provided that no vote shall be taken unless there is a quorum of at least two-thirds of the Commission members.

3. The Commission shall adopt, and amend as occasion may require, rules for the conduct of its meetings and for the exercise of its functions.

Article XV

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 staff of the Secretariat and shall perform such other functions as the General Council shall prescribe.

Article XVI

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 adopt an annual budget for the Organization.
3. The General Council shall establish the contributions due from each Contracting Party under the annual budget on the following basis:
 - (a) 10% of the budget shall be divided among the coastal states in proportion to their nominal catches in the Convention Area in the year ending two years before the beginning of the budget year;
 - (b) 30% of the budget shall be divided equally among all the Contracting Parties; and
 - (c) 60% of the budget shall be divided among all Contracting Parties in proportion to their nominal catches in the Convention Area in the year ending two years before the beginning of the budget year.

The nominal catches referred to above shall be the reported catches of

the species listed in Annex I, which forms an integral part of this Convention.

4. The Executive Secretary shall notify each Contracting Party of the contribution 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 its contribution.

5. Contributions shall be payable in the currency of the country in which the headquarters of the Organization is located, except if otherwise authorized by the General Council.

6. Subject to paragraph 11 of this Article, the General Council shall, at its first meeting, approve a budget for the balance of the first financial year in which the Organization functions and the Executive Secretary shall transmit to the Contracting Parties copies of that budget together with notices of their respective contributions.

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

8. A Contracting Party acceding to this Convention during the course of a financial year shall contribute in respect of that year a part of the contribution 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.

11. If the Convention enters into force on 1 January 1979, the provisions of Annex II, which forms an integral part of this Convention, shall apply in place of the provisions of paragraph 6.

Article XVII

The Contracting Parties agree to take such action, including the imposition of adequate sanctions for violations, as may be necessary to make effective the provisions of the Convention and to implement any measures which become binding under paragraph 7 of Article XI and any measures which are in force under Article XXIII. Each Contracting Party shall transmit to the Commission an annual statement of the actions taken by it for these purposes.

Article XVIII

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 XXIII or as modified by measures referred to in paragraph 5 of Article XI. 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. A report of such prosecutions and sanctions imposed shall be included in the annual statement referred to in Article XVII.

Article XIX

The Contracting Parties agree to invite the attention of any state 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 state which appear to affect adversely the attainment of the objectives of this Convention. The Contracting Parties further agree to confer when appropriate upon the steps to be taken towards obviating such adverse effects.

Article XX

1. The Convention Area shall be divided into scientific and statistical subareas, divisions and subdivisions, the boundaries of which shall be those defined in Annex III to this Convention.

2. On the request of the Scientific Council, the General Council may by a two-thirds majority vote of all Contracting Parties, if deemed necessary for scientific or statistical purposes, modify the boundaries of the scientific and statistical subareas, divisions and subdivisions set out in Annex III, provided that each coastal state exercising fisheries jurisdiction in any part of the area affected concurs in such action.

3. On the request of the Fisheries Commission and after having consulted the Scientific Council, the General Council may by a two-thirds majority vote of all Contracting Parties, if deemed necessary for management purposes, divide the Regulatory Area into appropriate regulatory divisions and subdivisions. These may subsequently be modified in accordance with the same procedure. The boundaries of any such divisions and subdivisions shall be defined in Annex III.

4. Annex III to this Convention, either in its present terms or as modified from time to time pursuant to this Article, forms an integral part of this Convention.

Article XXI

1. Any Contracting Party may propose amendments to this Convention to be considered and acted upon by the General Council at an annual or a special meeting. 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 the Executive Secretary shall immediately transmit the proposal to all Contracting Parties.

2. The adoption of a proposed amendment to the Convention by the General Council requires a three-fourths majority of the votes of all Contracting Parties. 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 of transmittal specified in 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 of transmittal specified in 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 of transmittal specified in the notification by the Depository of receipt of the last withdrawal.

4. Any party which becomes a Contracting 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 Depository 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 XXII

1. This Convention shall be open for signature at Ottawa until 31 December 1978, by the parties represented at the Diplomatic Conference on the Future of Multilateral Cooperation in the Northwest Atlantic Fisheries, held at Ottawa from 11 October to 21 October 1977. It shall thereafter be open for accession.

2. This Convention shall be subject to ratification, acceptance or approval by the Signatories and the instruments of ratification, acceptance or approval shall be deposited with the Government of Canada, referred to in this Convention as "the Depository". [No reservations shall be permitted to this Convention.]

3. 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 six Signatories at least one of which exercises fisheries jurisdiction in waters forming part of the Convention Area.

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

5. The Depository shall inform all Signatories and all acceding Parties of all ratifications, acceptances or approvals deposited and accessions received.

6. The Depository shall convene the initial meeting of the Organization to be held not more than six months 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 XXIII

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, 1949, ("the ICNAF Convention") shall, subject to the provisions of the ICNAF Convention, become a measure binding on each Contracting Party with respect to the Regulatory Area immediately, if the proposal has become effective under the ICNAF Convention, or at such time as it becomes effective thereunder. Subject to paragraph 3 of Article XII, each such measure shall remain binding on each Contracting Party, until such time as it expires or is replaced by a measure which has become binding pursuant to Article XI of this Convention; provided that no such replacement shall take effect before this Convention has been in force for one year.

Article XXIV

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

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

Article XXV

1. The original of the Convention shall be deposited with the Government of Canada, which shall communicate certified copies thereof to all the Signatories and to all the acceding Parties.

2. The Depositary shall register the Convention with the Secretariat of the United Nations.

ANNEX I TO THE CONVENTION

List of Species for the Determination of the Nominal Catches

to be Used in Calculating the Annual Budget

Pursuant to Article XVI

Atlantic cod	<i>Gadus morhua</i>
Haddock	<i>Melanogrammus aeglefinus</i>
Atlantic redfish	<i>Sebastes maximus</i>
Silver hake	<i>Merluccius bilinearis</i>
Red hake	<i>Urophycis chuss</i>
Pollock	<i>Pollachius virens</i>
American plaice	<i>Hippoglossoides platessoides</i>
Witch flounder	<i>Glyptocephalus cynoglossus</i>
Yellowtail flounder	<i>Limanda ferruginea</i>
Greenland halibut	<i>Reinhardtius hippoglossoides</i>
Roundnose grenadier	<i>Mactourus rupestris</i>
Atlantic herring	<i>Clupea harengus</i>
Atlantic mackerel	<i>Scomber scombrus</i>
Atlantic butterfish	<i>Peprilus triacanthus</i>
River herring (alewife) ..	<i>Alosa pseudoharengus</i>
Atlantic argentine	<i>Argentina silus</i>
Capelin	<i>Mallothus villosus</i>
Long-finned squid	<i>Loligo pealei</i>
Short-finned squid	<i>Illex illecebrosus</i>
Shrimps	<i>Pandalus</i> sp.

ANNEX II TO THE CONVENTION

Transitional Financial Arrangements

1. A Contracting Party which is also a Contracting Party to the International Convention for the Northwest Atlantic Fisheries Organization in that year shall not contribute to the expenses of the deposited their instruments of ratification, acceptance or approval or acceded to the Convention before 31 December 1979 shall contribute the amount indicated in the Appendix hereto. The contribution of any Contracting Party not included in the Appendix shall be determined by the General Council.
2. The contributions due pursuant to paragraph 1 shall be paid by each Contracting Party as soon as possible after 1 January 1979 or after its accession to the Convention, whichever is later.

APPENDIX

TO

ANNEX II TO THE CONVENTION

<u>Contracting Party</u>	<u>Contribution for 1979</u>
Bulgaria	\$ 16,325
Canada	82,852
Cuba	20,211
Denmark (Faroe Islands)	6,473
European Economic Community	74,254
German Democratic Republic	19,266
Iceland	12,293
Japan	16,697
Norway	21,107
Poland	29,316
Portugal	22,716
Romania	15,472
Spain	26,224
USSR	72,133
USA	29,947

ANNEX III TO THE CONVENTION

Scientific and Statistical Subareas, Divisions and Subdivisions

The scientific and statistical subareas, divisions and subdivisions provided for by Article XX of this Convention shall be as follows:

- 1(a) Subarea 0 - That portion of the Convention Area lying to the north of the parallel of 61°00' north latitude; bounded on the east by a line extending due north from a point at 61°00' north latitude and 59°00' west longitude to the parallel of 69°00' north latitude, thence in a northwesterly direction along a rhumb line to a point at 75°00' north latitude and 73°30' west longitude and thence due north the parallel of 78°10' north latitude; and bounded on the west by a line beginning at 61°00' north latitude and 65°00' west longitude and extending in a northwesterly direction along a rhumb line to the coast of Baffin Island at East Bluff (61°55' north latitude and 66°20' west longitude), and thence in a northerly direction along the coast of Baffin Island, Bylot Island, Devon Island and Ellesmere Island and following the eightieth meridian of west longitude in the waters between those islands to the parallel of 78°10' north latitude.

- 1(b) Subarea 0 is composed of two Divisions:

- Division 0-A - That portion of the Subarea lying to the north of the parallel of 66°15' north latitude;
- Division 0-B - That portion of the Subarea lying to the south of the parallel of 66°15' north latitude.

- 2(a) Subarea 1 - That portion of the Convention Area lying to the east of Subarea 0 and to the north and east of a rhumb line joining a point at 61°00' north latitude and 59°00' west longitude with a point at 52°15' north latitude and 42°00' west longitude.

- 2(b) Subarea 1 is composed of six Divisions:

- Division 1A - That portion of the Subarea lying north of the parallel of 68°50' north latitude (Christianshaab);

- Division 1B - That portion of the Subarea lying between the

parallel of 66°15' north latitude (5 nautical miles north of Umanarsugssuak) and the parallel of 68°50' north latitude (Christianshaab);

- Division 1C - That portion of the Subarea lying between the parallel of 64°15' north latitude (4 nautical miles north of Godthaab) and the parallel of 66°15' north latitude (5 nautical miles north of Umanarsugssuak);

- Division 1D - That portion of the Subarea lying between the parallel of 62°30' north latitude (Frederikshaab Glacier) and the parallel of 64°15' north latitude (4 nautical miles north of Godthaab);

- Division 1E - That portion of the Subarea lying between the parallel of 60°45' north latitude (Cape Desolation) and the parallel of 62°30' north latitude (Frederikshaab Glacier);

- Division 1F - That portion of the Subarea lying south of the parallel of 60°45' north latitude (Cape Desolation).

- 3(a) Subarea 2 - That portion of the Convention Area lying to the east of the meridian of 64°30' west longitude in the area of Hudson Strait, to the south of Subarea 0, to the south and west of Subarea 1 and to the north of the parallel of 52°15' north latitude.

- 3(b) Subarea 2 is composed of three Divisions:

- Division 2G - That portion of the Subarea lying north of the parallel of 57°40' north latitude (Cape Mugford);

- Division 2H - That portion of the Subarea lying between the parallel of 55°20' north latitude (Hopedale) and the parallel of 57°40' north latitude (Cape Mugford);

- Division 2J - That portion of the Subarea lying south of the parallel of 55°20' north latitude (Hopedale).

- 4(a) Subarea 3 - That portion of the Convention Area lying south of the parallel of 52°15' north latitude; and to the east of a line extending due north from Cape Bauld on the north coast of Newfoundland to 52°15' north latitude; to the north of the parallel of 39°00' north latitude; and to the east and north of a rhumb line commencing at 39°00' north latitude, 50°00' west longitude and extending in a northwesterly direction to pass

through a point at 43°30' north latitude, 55°00' west longitude in the direction of a point at 47°50' north latitude, 60°00' west longitude until it intersects a straight line connecting Cape Ray, on the coast of Newfoundland, with Cape North on Cape Breton Island; thence in a northeasterly direction along said line to Cape Ray.

4(b) Subarea 3 is composed of six Divisions:

Division 3K - That portion of the Subarea lying north of the parallel of 49°15' north latitude (Cape Freels, Newfoundland);

Division 3L - That portion of the Subarea lying between the Newfoundland coast from Cape Freels to Cape St. Mary and a line described as follows: Beginning at Cape Freels, thence due east to the meridian of 46°30' west longitude, thence due south to the parallel of 46°00' north latitude, thence due west to the meridian of 54°30' west longitude, thence along a rhumb line to Cape St. Mary, Newfoundland;

Division 3M - That portion of the Subarea lying south of the parallel of 49°15' north latitude and east of the meridian of 46°30' west longitude;

Division 3N - That portion of the Subarea lying south of the parallel of 46°00' north latitude and between the meridian of 46°30' west longitude and the meridian of 51°00' west longitude;

Division 3-O - That portion of the Subarea lying south of the parallel of 46°00' north latitude and between the meridian of 51°00' west longitude and the meridian of 54°30' west longitude;

Division 3P - That portion of the Subarea lying south of the Newfoundland coast and west of a line from Cape St. Mary, Newfoundland to a point at 46°00' north latitude, 54°30' west longitude, thence due south to the limit of the Subarea;

Division 3P is divided into two Subdivisions:

3Pn - Northwestern Subdivision - That portion of Division 3P lying northwest of a line extending from Burgeo Island, Newfoundland, approximately southwest to a point at 46°50' north latitude and 58°50' west longitude;

3Ps - Southeastern Subdivision - That portion of Division 3P lying southeast of the line defined for Subdivision 3pn.

5(a) Subarea 4 - That portion of the Convention Area lying north of the parallel of 39°00' north latitude, to the west of Subarea 3, and to the east of a line described as follows: Beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel, at a point at 44°46' 35.346" north latitude; 66°54' 11.253" west longitude; thence due south to the parallel of 43°50' north latitude; thence due west to the meridian of 67°40' west longitude; thence due south to the parallel of 42°20' north latitude; thence due east to a point in 66°00' west longitude; thence along a rhumb line in a southeasterly direction to a point at 42°00' north latitude and 65°40' west longitude; and thence due south to the parallel of 39°00' north latitude.

5(b) Subarea 4 is divided into six Divisions:

Division 4R - That portion of the Subarea lying between the coast of Newfoundland from Cape Bauld to Cape Ray and a line described as follows: Beginning at Cape Bauld, thence due north to the parallel of 52°15' north latitude, thence due west to the Labrador coast, thence along the Labrador coast to the terminus of the Labrador-Quebec boundary, thence along a rhumb line in a southwesterly direction to a point at 49°25' north latitude, 60°00' west longitude, thence due south to a point at 47°50' north latitude, 60°00' west longitude, thence along a rhumb line in a southeasterly direction to the point at which the boundary of Subarea 3 intersects the straight line joining Cape North, Nova Scotia with Cape Ray, Newfoundland, thence to Cape Ray, Newfoundland;

Division 4S - That portion of the Subarea lying between the south coast of the Province of Quebec from the terminus of the Labrador-Quebec boundary to Pte. des Monts and a line described as follows: Beginning at Pte. des Monts, thence due east to a point at 49°25' north latitude, 64°40' west longitude, thence along a rhumb line in an east-southeasterly direction to a point at 47°50' north latitude, 60°00' west longitude, thence due north to a point at 49°25' north latitude, 60°00' west longitude, thence along a rhumb line

in a northeasterly direction to the terminus of the Labrador-Quebec boundary;

Division 4T - That portion of the Subarea lying between the coasts of Nova Scotia, New Brunswick, and Quebec from Cape North to Pte. des Monts and a line described as follows: Beginning at Pte. des Monts, thence due east to a point at 49°25' north latitude, 64°40' west longitude, thence along a rhumb line in a southeasterly direction to a point at 47°50' north latitude, 60°00' west longitude, thence along a rhumb line in a southerly direction to Cape North, Nova Scotia;

Division 4V - That portion of the Subarea lying between the coast of Nova Scotia between Cape North and Fourchu and a line described as follows: Beginning at Fourchu, thence along a rhumb line in an easterly direction to a point at 45°40' north latitude, 60°00' west longitude, thence due south along the meridian of 60°00' west longitude, to the parallel of 44°10' north latitude, thence due east to the meridian of 59°00' west longitude, thence due south to the parallel of 39°00' north latitude, thence due east to a point where the boundary between Subareas 3 and 4 meets the parallel of 39°00' north latitude, thence along the boundary between Subareas 3 and 4 and a line continuing in a northwesterly direction to a point at 47°50' north latitude, 60°00' west longitude, and thence along a rhumb line in a southerly direction to Cape North, Nova Scotia;

Division 4V is divided into two Subdivisions:

4Vn - Northern Subdivision - That portion of Division 4V lying north of the parallel of 45°40' north latitude;

4Vs - Southern Subdivision - That portion of Division 4V lying south of the parallel of 45°40' north latitude;

Division 4W - That portion of the Subarea lying between the coast of Nova Scotia between Halifax and Fourchu and a line described as follows: Beginning at Fourchu, thence along a rhumb line in an easterly direction to a point at 45°40' north latitude, 60°00' west longitude, thence due south along the meridian of 60°00' west longitude to a parallel of 44°10' north latitude, thence

due east to the meridian of 59°00' west longitude, thence due south to the parallel of 39°00' north latitude, thence due west to the meridian of 63°20' west longitude, thence due north to a point on that meridian in 44°20' north latitude, thence along a rhumb line in a northwesterly direction to Halifax, Nova Scotia;

Division 4X - That portion of the Subarea lying between the western boundary of Subarea 4 and the coasts of New Brunswick and Nova Scotia from the terminus of the boundary between New Brunswick and Maine to Halifax, and a line described as follows: Beginning at Halifax, thence along a rhumb line in a southeasterly direction to a point at 44°20' north latitude, 63°20' west longitude, thence due south to the parallel of 39°00' north latitude, and thence due west to the meridian of 65°40' west longitude.

6 (a) Subarea 5 - That portion of the Convention Area lying to the west of the western boundary of Subarea 4, to the north of the parallel of 39°00' north latitude, and to the east of the meridian of 71°40' west longitude.

6 (b) Subarea 5 is composed of two Divisions:

Division 5Y - That portion of the Subarea lying between the coasts of Maine, New Hampshire and Massachusetts from the border between Maine and New Brunswick to 70°00' west longitude on Cape Cod (at approximately 42° north latitude) and a line described as follows: Beginning at a point on Cape Cod at 70° west longitude (at approximately 42° north latitude), thence due north to 42°20' north latitude, thence due east to 67°40' west longitude at the boundary of Subareas 4 and 5, and thence along that boundary to the boundary of Canada and the United States;

Division 5Z - That portion of the Subarea lying to the south and east of Division 5Y.

Division 5Z is divided into two portions: an eastern and a western portion defined as follows:

5Ze - Eastern portion - That portion of Division 5Z lying east of the meridian of 70°00' west longitude;

5Zw - Western portion - That portion of Division 5Z lying west of the meridian of 70°00' west longitude.

7(a) Subarea 6 - That part of the Convention Area bounded by a line beginning at a point on the coast of Rhode Island at 71°40' west longitude; thence due south to 39°00' north latitude; thence due east to 42°00' west longitude; thence due south to 35°00' north latitude; thence due west to the coast of North America; thence northwards along the coast of North America to the point on Rhode Island at 71°40' west longitude.

7(b) Subarea 6 is composed of eight Divisions:

Division 6A - That portion of the Subarea lying to the north of the parallel of 39°00' north latitude and to the west of Subarea 5;

Division 6B - That portion of the Subarea lying to the west of 70°00' west longitude, to the south of the parallel of 39°00' north latitude, and to the north and west of a line running westward along the parallel of 37°00' north latitude to 76°00' west longitude and thence due south to Cape Henry, Virginia;

Division 6C - That portion of the Subarea lying to the west of 70°00' west longitude and to the south of the parallel of 35°00' north latitude;

Division 6D - That portion of the Subarea lying to the east of Divisions 6B and 6C and to the west of 65°00' west longitude;

Division 6E - That portion of the Subarea lying to the east of Division 6D to the west of 60°00' west longitude;

Division 6F - That portion of the Subarea lying to the east of Division 6E and to the west of 55°00' west longitude;

Division 6G - That portion of the Subarea lying to the east of Division 6F and to the west of 50°00' west longitude;

Division 6H - That portion of the Subarea lying to the east of Division 6G and to the west of 42°00' west longitude.