

International Commission for



the Northwest Atlantic Fisheries

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Canadian proposal for amendments to regulations pertaining
to Scheme of Joint International Enforcement

Canada requests that the Commission approve the following amendments to ICNAF Fishery Regulations Item 6 - Scheme of Joint International Enforcement (explanatory comments have been provided where considered necessary):

Paragraph 4, subparagraph (iii)

It is Canada's opinion that a support vessel should be subject to inspection if the vessel has been engaged in supporting fishing operations at any time during its stay in the Convention Area. It is accordingly recommended that this paragraph be re-written to read as follows:

"Fishery support vessels in transit which have not engaged in any fishing or transfer operations while in the Convention Area are not subject to boarding under the Scheme."

Paragraph 4, subparagraph (vi) (additional paragraph)

"The vessel in charge of a pair trawling operation shall be required to identify itself by flying a pennant or flag on the approach of an inspector."

Paragraph 4, subparagraph (vii) (additional paragraph)

"Flag states shall be required to inform the Executive Secretary when an inspection vessel of that state is operating in the Convention Area."

The Canadian authorities believe that such advice would facilitate exchanges of information and would assist greatly in resolving apparent infringements.

Paragraph 5, subparagraph (i)

The last sentence of the present paragraph indicates that a copy of the inspection report must be forwarded to an appropriate authority of the flag state of the vessel and to the Commission. It has been Canada's policy to send the original to the flag state. In accordance with Canadian law, the Canadian authorities must have the original for court proceedings. It is accordingly recommended that the last sentence be amended to read as follows:

"A copy of the report shall be given to the master of the vessel and the original shall be transmitted, within 30 days whenever possible, to the appropriate authority of the flag state of the inspected vessel. A copy shall be forwarded to the Commission."

Paragraph 5, subparagraph (ii)

It is recommended that the words "near the working deck" be changed to "on or below decks". "Near the working deck" can be interpreted as being anywhere.

Paragraph 5, subparagraph (iii)

When fish are processed, it is very difficult to properly identify species. It is recommended that after the word "catch" in the first sentence, the following be added:

"and withdraw samples".

Paragraph 5, subparagraph (iii)

There appears to be some room for misinterpretation of the last sentence. It should be made clear that the inspector is not authorized to communicate directly with the flag state authority. The inspector

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reports as soon as possible to his own state authorities; it is then the responsibility of his state authority to forward the information within 30 days. The removal of this last sentence is recommended, to avoid ambiguity.

Paragraph 5, subparagraph (iv), line 3

Canadian inspectors, in the course of many inspections, have found it most important to check the processing log to compare it with the fishing log. It is accordingly recommended that after the words "fishing log", the following be added:

"processing log or processing records".

Paragraph 5, subparagraph (iv)

It is recommended that the following be added to the second sentence following the word "observed":

"and shall sign such notations".

The regulations do not provide a definition section wherein certain terms used in the regulations can be defined. It is recommended that such a section be added to the regulations and include the following:

- (a) "catch" includes round and processed fish;
- (b) "sea fish" includes finfish, marine invertebrates, and marine mammals.