

PART IV

(pages 103-115)

**Report of the STACTIC Working Group
on Improvements to Inspection and Control
in the NAFO Regulatory Area, 3-5 July 1991**

Report of the STACTIC Working Group on Improvements to Inspection and Control in the NAFO Regulatory Area

Dartmouth, Nova Scotia, Canada, 3-5 July 1991

1. Opening Remarks

The Executive Secretary welcomed all delegates (Annex 1) to Dartmouth and hoped that we would have a fruitful meeting. He called for nominations for Chairman.

2. Appointment of Chairman/Rapporteur

P. Ogden (EEC) was appointed Chairman and R. Prier (Canada) was appointed Rapporteur.

3. Adoption of Agenda

The agenda was accepted as presented. (Annex 2)

4. Evaluation of Operation and Assessment of Effectiveness of the Hail System

The Chairman referred to Attachment 2 to GF/91-185, dated 29 April 1991 and requested comments from the delegations on the attachment and the effectiveness of the hail system. The Executive Secretary spoke on his Attachment 2 and requested confirmation of its acceptance. The delegate from Denmark (in respect of Faroe Islands) made a statement recommending the Contracting Parties support each other with the correct address for the hail report. The list of the addresses for this purpose was distributed by the NAFO Secretariat at the end of the meeting. Since hail reports have only been received from Japan, Denmark (in respect of Faroe Islands) and Cuba to-date on a voluntary basis prior to the hail system's tentative official acceptance on 27 July 1991, delegates were unable to comment on the ultimate effectiveness of the system. Most delegates raised concerns regarding the necessity to clarify how hails are to be addressed. The Canadian delegate requested clarification on the costs outlined in the Executive Secretary's Attachment 2 to the agenda. The Executive Secretary indicated these costs were based on the Canadian proposal which recommended all Contracting Parties forward hail reports to the Executive Secretary for retransmission to Contracting Parties with an inspection presence in the Area. The Chairman indicated that this was not the system agreed to in the October meeting in Brussels. It was recommended by the EEC that the costs outlined by the Executive Secretary should be discussed under item 7 and not this item. The Canadian delegate raised the concern that a system should be developed which will confirm Contracting Parties with an inspection presence in the Regulatory Area are in receipt of all hail reports. It was agreed after discussion that this could be accomplished by sequential numbering of all hail reports sent to each Contracting Party. With regard to how hail reports should be handled the following recommendation was accepted by the delegates:

Contracting Parties will ensure all hail reports transmitted by them will be sequentially numbered. The Contracting Parties will forward, within twenty-four (24) hours of receipt of these reports, whenever possible, the hail reports to Contracting Parties with an inspection presence in the Area and at the same time transmit the hail report to the Executive Secretary. The Executive Secretary will verify that all hail reports have been received by checking sequential numbering and verify any discrepancies with the Contracting Party concerned. The hail reports are to be treated in a confidential manner.

The delegates agreed on the EEC recommendation that to reduce the possibility of errors in reception of hail reports item one of the format for hail reports proposed by the Executive Secretary be amended to be ENTRY/MOVEMENT/EXIT (Annex 3).

In this context the Japanese delegation suggested its desirability of further discussion in future for the clarification of the hail system formats as Japanese fishing vessels have been reporting on a voluntarily basis from April in their own format that was circulated at the meeting (Annex 4). Any such clarification should include the interpretation of the position for each Entry, Departure, Movement reported under item 5 of the format.

5. Consideration of Aerial Surveillance as a Tool to Ensure Compliance with the Hail System

The Chairman suggested items 5 and 6 be addressed together. The EEC felt delegates be offered the opportunity to express their opinions on the principles associated with the use of aerial surveillance and therefore would recommend item 5 be addressed separately. This approach was accepted. Canada was requested to outline how they perceive aerial surveillance to be used in the Regulatory Area. They stated that aerial surveillance allows for more effective and efficient deployment of their entire resources assigned to conservation within the Regulatory Area. It also provides a capability to detect air detectable apparent infringements of vessels fishing in areas where they are not authorized. Air surveillance in principle allows a Contracting Party to build a more complete picture of activity in the Regulatory Area. The EEC agreed that aircraft could be an effective tool in these cases but stated aerial surveillance must be accepted into the Scheme in a structured way. The details of this structure is left to discussions within the Conservation and Enforcement Measures.

6. Review of Conservation and Enforcement Measures

Discussions concentrated around STACTIC Working Paper 91/4 – Comparative Working Draft of Canadian, EEC and Executive Secretary Proposals to Modify the NAFO Conservation and Enforcement Measures.

The decisions on the proposed amendments are outlined in Working Paper 91/4 (Revised) in the column headed "decisions by the STACTIC Working Group". The Working Paper will be presented to the Working Group at the next meeting.

The Chairman ruled on a point of procedure regarding the decisions within the Working Group as follows: agreement on issues should be reached by consensus, wherever possible; a vote could be taken at the request of a delegation where no progress is being made; returning to amendments already covered would not be recommended; opposing views could be reflected in the report. These were agreed on by all delegations present. Specifically, Canada agreed with the Chairman that it would be preferable to proceed on a basis of consensus. However, it is useful to voice the opinions on the amendments which Canada feels are substantive namely: page 5, 2a(iii) and page 9-10, 3(a) of STACTIC Working Paper 91/4.

After a lengthy discussion and various opinions expressed by delegates the Chairman proposed after he had discussed with all heads of delegations, that the Working Group concentrate on short-term issues such as hail reports and aerial surveillance amendments. Amendments which are considered to be appropriate to long-term measures, in particular the comprehensive review of the Conservation and Enforcement Measures be put off to later in the meeting or perhaps another meeting of the Working Group. The two Canadian substantive amendments be placed in square brackets for further discussion within this Working Group.

The final agreement was reached to defer the discussions on long-term issues to a further meeting with the understanding that the Working Group would proceed with a thorough discussion of Working Paper 91/4. The EEC referenced FC Doc. 91/1, page 5 which stated the short-term issues

referred basically to editorial amendments rather than substantive amendments. In view of time constraints, the Chairman recommended to proceed with the amendments to accommodate the hail reports and aerial surveillance.

The USSR presented a statement contained in STACTIC W.G. Working Paper 91/8 (Annex 5) with reference to their objection to the hail system and the marking of fishing vessels and gear. The Japanese delegate presented an amendment to paragraph 2 of page 15 in reference to the hail system as follows:

Within twenty-four (24) hours of receipt of these reports, whenever possible, competent authorities of each Contracting Party shall transmit the information contained therein to the NAFO Executive Secretary. The NAFO Executive Secretary shall transmit the information to other Contracting Parties with an inspection presence in the Regulatory Area as soon as possible.

The EEC stated there may be procedural problems in accepting this amendment to the hail system since the hail system proposed is still not binding on Contracting Parties. The Executive Secretary stated this will not be a problem because the amendment to the hail system will be put before the Fisheries Commission for approval at the annual meeting. The hail system becomes binding on all Contracting Parties, except those who have lodged an objection, tentatively 27 July 1991. Therefore, the proposed Japanese amendment would go through the normal procedures for approval and objection after approval by the Fisheries Commission at the annual meeting in September.

The Chairman opened discussion on Part IV Scheme of Joint International Inspection. The delegates agreed to work from the EEC draft Working Paper 91/5 and this Working Paper has been incorporated into Working Paper 91/4. As indicated earlier in this report the decisions on the proposed amendments are contained in the revised Working Paper 91/4. The amendments which have not been resolved within Working Paper 91/4 are starred (*).

Reference to Part IV paragraph 14 the EEC requested the Executive Secretary give thought to the accommodation of air surveillance in the annual report on the disposition of apparent infringements. It was decided that where a normal inspection is carried out at sea and a discrepancy is noted with regard to the hail system that before treating it as an apparent infringement and reporting in the normal way the inspectors must take into consideration all factors surrounding the incident.

The USSR for the record stated that they have lodged an objection to the hail system and would like to reserve the opportunity to make comments on Part IV at a later date because of references within Part IV to the hail system. Canada also would like to reserve the opportunity to make a statement on the hail system.

Decisions on amendments to Annexes are contained in Working Paper 91/4.

In reference to the Japanese amendment to paragraph 2 of the hail system Canada asked the Executive Secretary if the Secretariat will be able to handle the volume of messages in a timely manner. The Executive Secretary replied he envisaged no problem from the Secretariat once messages were received by the Secretariat. A decision on how to handle weekends and holidays will have to be addressed.

The EEC asked the delegates if implementation of the hail system can be delayed until the amendment proposed by the Japanese becomes binding. They are presently in process of passing legislation and making technical arrangements to handle messages. As a result of the amendment this would require legislation and technical changes within 6 months which are time consuming and

costly. The Executive Secretary stated in accordance with the Convention the hail system will become binding tentatively on 27 July 1991 and at that time enforceable.

The Executive Secretary presented his proposal for new formats of the Conservation and Enforcement Measures (STACTIC W.G. Working Paper 91/1) sent to Contracting Parties on 19 April 1991 (GF/91-175). One format shall be an official document for NAFO bodies consisting of official text. Second format shall be produced for the purpose of Inspectors manual for all inspection vessels in the Regulatory Area consisting of some additional items to the official text (quota tables, list of inspectors and inspection vessels, resolutions for regulations and enforcement in the Regulatory Area, etc.). The Working Group agreed to consider and recommend this issue to the Fisheries Commission at the Annual Meeting.

7. Consideration of the Time Frame of Implementation of the "Short-Term" Measures and of the Associated Costs for the NAFO Secretariat

STACTIC Working Paper 91/4 was revised and reviewed in accordance with approved amendments. The Executive Secretary is to prepare a cost for implementation of the hail system taking into consideration the Japanese amendment. The Executive Secretary is to report back to the Working Group at the annual meeting on his findings and be prepared to address any increased costs at the annual meeting of STACFAD.

8. Discussion on the Feasibility of the Implementation of the "Long-Term" Measures and its Legal, Practical and Financial Issues

Due to time constraints it was agreed to defer this item to a future meeting.

9. Elaboration of the Report to the Fisheries Commission on the Progress Made as the Result of the Two Meetings of the Working Group (Concrete Proposals, Recommendations)

The framework from which the Executive Secretary will prepare a draft text for consideration by the Working Group for presentation to the Fisheries Commission at the next annual meeting is outlined in Working Paper 91/14 (Revised) (Annex 6).

10. Time and Place of Next Meeting

The next meeting of this Working Group will be during the annual meeting in September 1991.

11. Other Matters

Delegates should give some consideration on how this Working Group will conduct the business of substantive issues. The Executive Secretary is to prepare guidelines on the conduct of the Working Group, ie, voting, etc.

12. Adjournment

The Chairman adjourned the meeting at 1615 hours.

Annex 1. List of Participants

STACTIC Working Group on Improvements to Inspection and Control in the NAFO Regulatory Area

Dartmouth, Nova Scotia, Canada, 3-5 July 1991

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 T. Amaratunga, Assistant Executive Secretary
 B. Cruikshank, Senior Secretary

Annex 2. Agenda

STACTIC Working Group on Improvements to Inspection and Control in the NAFO Regulatory Area

Dartmouth, Nova Scotia, Canada, 3-5 July 1991

1. Appointment of Chairman
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Evaluation of operation and assessment of effectiveness of the hail system
5. Consideration of aerial surveillance as a tool to ensure compliance with the hail system
6. Review of the Conservation and Enforcement Measures
7. Consideration of the time frame of implementation of the "short-term" measures and of the associated costs for the NAFO Secretariat
8. Discussion on the feasibility of the implementation of the long-term measures and its legal, practical and financial issues
9. Elaboration of the report to the Fisheries Commission on the progress made as the result of the two meetings of the Working Group (concrete proposals, recommendations)
10. Time and Place of Next Meeting
11. Other Matters
12. Adjournment

Annex 3. Format for the Hail Reports

STACTIC Working Group on Improvements to Inspection and
Control in the NAFO Regulatory Area, Format for the Hail Reports

Dartmouth, Nova Scotia, Canada, 3-5 July 1991

1. HSR*/Entry, or Movement, or Exit
2. Nationality (Contracting Party)
3. Name of the vessel/side number/call sign
4. Date/time
5. Position (coordinates)
6. Division to be fished

*HSR – hail system report:

- | | |
|-------------------|---|
| – Entry report | (shall be made at least six (6) hours in advance of the vessel's entry) |
| – Exit report | } shall be made prior to the vessel's exit from Regulatory Area or
entry into a Regulatory Area division |
| – Movement report | |

Annex 4. Format for Hail Reports Used by the Japanese Vessels

STACTIC Working Group on Improvements to Inspection
and Control in the NAFO Regulatory Area

Dartmouth, Nova Scotia, Canada, 3-5 July 1991

1. Vessel Name	2. Registration Number	3. Call Sign	4. Nationality
Hokko-Maru No. 137	HK 1-935	7 LIR	JAPAN
5. Geographical Position	6. Date of Entry/Exit (into/from Regulatory Area)	7. Time of Entry/Exit (into/from Regulatory Area (UTC))	8. Division to be fished (last division fished)
LAT.: <u>48-08N</u> LONG.: <u>47-30W</u>	16TH JUNE	02:00 UTC	3L

*NOTE: For each Entry/Movement/Exit separate sheets are used.

9. Date of Transmission: 13th June

10. Time of Transmission (UTC): 18:15 UTC

Annex 5. STACTIC Working Group on Improvements to Inspection and Control in the NAFO Regulatory Area, by the USSR Delegation

Dartmouth, Nova Scotia, Canada, 3-5 July 1991

As it is known the USSR had always been and is strictly adhered to conservation and rational management of fish resources in the NAFO Regulatory Area as well as to cooperation with all Contracting Parties in pursuing such conservation/management policy.

The Soviet Side adopted Guidelines for the Coordination and Optimization of Inspection and Control in the Regulatory Area (item 4.1, FC Doc. 91/1).

With regard to proposals contained in items 4.2 (Hail System) and 4.3 (Marking of Fishing Vessels and Gear) it has to be said that the USSR in principal is in favour of proposed measures for international control and enforcement in the Regulatory Area.

Having in mind however the necessity of assessing the effectiveness of the hail system and associated costs for the NAFO Secretariat the USSR was of the opinion that it would be premature to vote for item 4.2. As far as item 4.3 is concerned its content still requires additional clarification and implementation is directly connected with the time factor due to the size of USSR fishing fleet.

Because of the above and in accordance with Article XII.I of the Convention the USSR presented to the Executive Secretary its objections to proposals contained in items 4.2 and 4.3 of FC Doc. 91/1 and made reservation that these questions were to be considered again and adopted at the Annual Meeting in September 1991.

Annex 6. Draft Report for the Fisheries Commission

STACTIC Working Group on Improvements to Inspection and Control in the NAFO Regulatory Area

Dartmouth, Nova Scotia, Canada, 3-5 July 1991

The STACTIC Working Group on Improvements to Inspection and Control in the NAFO Regulatory Area at its meeting in Dartmouth from 3-5 July 1991 agreed to recommend to the Fisheries Commission certain amendments and revisions of Parts I, II, III and IV of the NAFO Conservation and Enforcement Measures as outlined in Document No. — attached hereto.

The Group examined suggestions made by the delegations of Denmark (in respect of Faroe Islands) and Japan as contained in STACTIC W.G. Working Papers 91/2 and 91/3, and agreed to recommend their adoption to the Fisheries Commission. The Working Group also recommends that the Fisheries Commission request advice from the Scientific Council as outlined in STACTIC W.G. Working Paper 91/6.

A number of other proposals to amend Parts I and II of the NAFO Conservation and Enforcement Measures require further discussion. The Working Group recommends to the Fisheries Commission that it be directed to meet during the course of the Annual Meeting in September 1991 to pursue its work on these proposals and to consider other possible amendments to the hail system.

The Executive Secretary was requested by the Working Group to examine and report to the Working Group on the cost of implementing the proposed amendments to the hail system. The Executive Secretary's report is to be provided thereafter to STACFAD.

Time did not permit discussion of the long-term measures as contained in FC Doc. 90/9. The Working Group recommends to the Fisheries Commission that it be directed to begin examination of these measures.

