

## SECTION VI

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### Report of the General Council and its Subsidiary Bodies (STACFAD and STACFAC), 19<sup>th</sup> Annual Meeting 15-19 September 1997 St. John's, Newfoundland, Canada

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## PART I

### Report of the General Council Meeting

(GC Doc. 97/9)

**19th Annual Meeting, 15-19 September 1997**

**St. John's, Newfoundland, Canada**

#### **1. Opening of the Meeting (items 1-5 of the Agenda)**

- 1.1 The meeting was opened by the Chairman of the General Council, A. V. Rodin (Russia) at 1020 on 16 September 1997.
- 1.2 Representatives of the following fifteen (15) Contracting Parties were present: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Korea, Latvia, Lithuania, Norway, Poland, Russia and the United States of America (Annex 1).
- 1.3 The meeting appointed the Executive Secretary as Rapporteur.
- 1.4 The Chairman welcomed the Delegates and briefly summarized the objectives and goals of the Organization at the current meeting and in the near future. In particular, he stressed that the membership of NAFO has increased and new members of NAFO, France and the United States are actively involved in the NAFO affairs. The Chairman noted that a number of NAFO proposals and papers have been introduced and implemented in the Organization's business. Especially, he pointed out the issue of scientific research activities in the NAFO Convention Area, which is very important to the whole NAFO activity as this activity and NAFO decisions are based on the scientific advice by the Scientific Council. To his opinion, the Scientific Council of NAFO has a high level of respect worldwide, and the most important task for NAFO is to develop comprehensive scientific studies of correlations between stocks and environmental conditions, which would indicate the stocks dynamic and their recovery.

The Chairman expressed his optimistic opinion on improvements of stocks in the near future and prospects of increased opportunities for the Contracting Parties.

In his conclusion, he appealed to the Delegates to consider and elaborate a strategy for the future and conduct the NAFO meeting in a positive and constructive atmosphere.

- 1.5 The Provisional Agenda was **adopted** without amendment (Annex 2).

The Chairman asked the Delegations and the Chairmen of NAFO bodies to follow and adhere to the provisional timetable with the objective to finalize the Standing Committees' reports on Thursday, September 18. This was **agreed** by the Meeting.

- 1.6 The Representative of Canada made an opening statement and cordially welcomed all delegates to Canada and the historical city of St. John's during the continuing special celebration of the 500th year of discovery of North America by John Cabot (24 June 1497). He emphasized on Canada's objective for sustainable fisheries in the Northwest

Atlantic and appealed to all Contracting Parties to follow the NAFO Convention objective and share the responsibility to conserve the resources in the NAFO Convention and Regulatory Area (Annex 3).

- 1.7 The Representative of the European Union in his opening statement stressed that NAFO's continued challenge was effective conservation through co-operation of all NAFO Members. Furthermore, he emphasized increasingly important environmental requirements and, in this context, the need to bring about an equilibrium which takes due consideration of the fisheries sector and its interests (Annex 4).
- 1.8 The Representative of the United States addressed the Meeting emphasizing the objectives of the Organization with regard to the important issues of the control of non-Contracting Parties (in the NAFO Regulatory Area) and noting benefits of increasing the openness and transparency of NAFO deliberations. He urged the Contracting Parties to support the efforts by the Scientific Council on precautionary approach to fisheries management (Annex 5).
- 1.9 The Representative of the Republic of Korea introduced its opening statement noting Korea's international efforts to establish responsible fishing regimes. He expressed concerns about the decline of fish stocks in the NAFO Regulatory Area in spite of the NAFO efforts for conservation and management, and questioned the current quota allocation system (Annex 6).
- 1.10 The Representative of France (in respect of St. Pierre et Miquelon) in his opening statement brought the attention of the Meeting to the historical connection of the French islands of St. Pierre and Miquelon with fishing and sea for the last five centuries. He stated that France will play an active role in NAFO activities and will be committed towards NAFO objectives and rules developed collectively within the Organization pursuant to international law (Annex 7).
- 1.11 The Representative of Iceland briefly introduced the position of his country to joining the other nations towards the way of constructive management decisions based on scientific advice. He stressed that the NAFO aim must be sustainable utilization in both biological and economical sense (Annex 8).
- 1.12 The Representative of Denmark (in respect of the Faroe Islands and Greenland, further will be noted as F & G) presented its opening statement noting the 500 years of John Cabot's landfall and deep history of the North America discovery by the Vikings. He emphasized on traditional participation by the Faroe Islands in Flemish Cap fishery and pledged to continue full cooperation with NAFO in effective conservation and management measures in the NAFO Regulatory Area (Annex 9).
- 1.13 Two international organizations - ICES (observer-H.-P. Cornus) and NAMMCO (observer-A. Halldorsson) were accepted by the General Council to participate in the capacity of observers at the current meeting. The USA Representative welcomed this decision and noted that the issue to admitting observers on a larger scale will be addressed by the US delegation during this meeting.

The NAMMCO observer addressed the Meeting with a short statement pointing out on the fact of mutual observership between NAFO and NAMMCO, where the Norwegian delegate represents NAFO, and informed on the upcoming conference sponsored by NAMMCO in St. John's in November 1997. This note/information was later circulated to the pigeon holes by the NAFO Secretariat.

- 1.14 The Publicity, item 5, was decided along the lines of the previous years, e.g. to continue the NAFO practice of "no express information" for media until final decisions were taken by NAFO. The meeting's Press Release was worked out by the Executive Secretary together with the Chairmen of the General Council, Fisheries Commission and Scientific Council and issued at the closing session on 19 September (Annex 10).

## 2. Supervision and Coordination of the Organizational, Administrative and Other Internal Affairs (items 6-10 of the Agenda)

- 2.1 Under item 6 of the Agenda, "Review of Membership", the Chairman ruled that no changes are recorded to the membership of the General Council - 17 Contracting Parties, and the Fisheries Commission - 15 Contracting Parties. The Chairman informed that two Contracting Parties (Bulgaria and Romania) have not been participating in the NAFO business and have not paid their contribution dues for many years: Romania from 1983 and Bulgaria, from 1992, and their debts to NAFO have accrued, respectively, to \$233,019.10 Cdn and \$81,278.43 Cdn.

He proposed to consider the membership of the two Contracting Parties, which do not perform their duties and obligations under the provisions of the NAFO Convention and, therefore, these Contracting Parties should be subject of review for exclusion from the NAFO membership.

- 2.2 Under item 7, the Chairman introduced his draft proposal for the amendment of the Rules of Procedure and explained that this would be a first step to develop a legal mechanism at the General Council level for this purpose (bearing in mind the two Contracting Parties - Bulgaria and Romania).
- 2.3 The Representative of Canada supported the principal intent of the proposal and brought the attention of the meeting to the legal implications of the proposal, which should be carefully examined consistently with the provisions of the NAFO Convention, which does not provide for exclusions from NAFO.

After brief discussions summarized by the Chairman, this item was referred to STACFAD.

At the closing session of the General Council, the Chairman of STACFAD, J. Quintal-McGrath (Canada), presented the STACFAD deliberations and recommendations to the General Council. The STACFAD recommendation was to adopt a Resolution (Resolution 97/1) calling all Contracting Parties to communicate with the two Contracting Parties and assess the situation through 1998. The Resolution was **adopted** by the General Council. (Annex 6, Part II and GC Doc. 97/7)

- 2.4 Under item 8, "Transparency in the NAFO decision-making process (participation of inter-governmental and non-governmental organizations), the Chairman briefly summarized the status of this issue, which was discussed during the 1996 Annual Meeting and referred to the current meeting, and he opened the floor for discussion.
- 2.5 The Representative of the United States introduced the item (the USA proposal from 1996 Annual Meeting) with reference to new FAO and UN Agreements stressing that the papers presented by the USA Delegation at the current Meeting (GC W.P. 97/1 and 97/2) form a strong basis for developing NAFO Rules of Procedure to address this important issue. He

proposed the Working Group formed at the last meeting to continue its work and elaborate draft rules of procedure during this Annual Meeting.

The Representatives of Korea, Canada, European Union, Denmark (F & G), Iceland, France, Estonia and Russia supported, in principle, the USA proposal and noted several important elements to consider under this issue. In particular, Canada suggested several requirements to introduce in the future NAFO Rules, which should be followed by observers: access to documents and meeting proceedings, limited participation in debates, payment for observership, code of conduct and non-disruption of NAFO proceedings, etc. The EU Representative insisted on a definite controlled way of observer participation and thought that time was very limited for the W.G. discussions during the current meeting. The Representatives of Denmark and Iceland were concerned with a recent negative practice of some NGOs (non-governmental organizations) participation and disruption of meetings of international organizations. In general, the majority of delegates agreed that the Working Group should try to arrange discussions during this meeting.

- 2.6 The Chairman summarized the discussions with emphasis that regardless of the existing transparency of NAFO, new steps should be undertaken in line with the UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks of 1995 (hereafter referred to as the "UN Agreement") as this Agreement was signed by the Contracting Parties. He proposed to call the Working Group under the chairmanship of Dr. D. Swanson (USA) with the task to review some documents already prepared during this year and then continue its work intersessionally, if required, to prepare a set of documents for the 20th Annual Meeting. He stressed that NAFO shall prepare its own set of rules, and the invited observers shall follow these rules.

- 2.7 The Representative of the United States proposed to present an interim report of the Working Group during this meeting, and the Representatives of Iceland and the European Union proposed to work-out clear terms of reference for the Working Group.

The Chairman decided and asked the Contracting Parties to delegate their representatives to the Working Group, at 0900, 17 September, with the task to elaborate the terms of reference.

The Report of the Working Group during this meeting was presented by the Chairman, D. Swanson (USA), at the closing session of the General Council (Annex 11).

The Representative of the United States asked to consider in this context its revised GC Working Paper 97/4 as a possible draft rules of procedure for observer participation at NAFO Meetings. The General Council **asked** the USA delegation to prepare its paper to the next W.G. meeting and **decided** to call intersessional Working Group meeting in May 1998 (in USA).

- 2.8 Item 9, "Administrative Report", was referred to STACFAD and presented in Part II of this document under STACFAD deliberations. The report was **adopted** by the General Council.
- 2.9 Under item 10, "Election of Chairman and Vice-Chairman", the General Council referred the item to the closing session, which **re-elected** A. V. Rodin (Russia) as the Chairman for the next term of two years, 1998-1999 and R. Dominguez (Cuba) as the Vice-Chairman, for the same term.

### 3. Coordination of External Relations (items 11-12 of the Agenda)

- 3.1 Under item 11, "Communication with the United Nations (Resolutions 51/35 and 51/36)", the meeting **endorsed** the UN Resolutions and noted the Executive Secretary's communication to the UN on this subject.
- 3.2 To the item 12, "NAFO Observership at NAMMCO", the Meeting **noted** the Report by Norway (GC Doc. 97/5). There were no further comments on this report.

### 4. Fishing Activities in the Regulatory Area Adverse to the Objectives of the NAFO Convention (items 13-16 of the Agenda)

- 4.1 Under item 13, "Consideration of Non-Contracting Parties activities in the NAFO Regulatory Area and agreement on the task of STACFAC at the current meeting", the Chairman of STACFAC briefed the General Council on two (2) intersessional STACFAC Meetings (February and May 1997) and especially emphasized on advance work towards developing a "NAFO Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO" (GC Doc. 97/1 and 97/2). To his opinion, good progress was made, and during this Annual Meeting, STACFAC will try to finalize the Scheme on a consensual basis. The Chairman of STACFAC requested, through the General Council, the Scientific Council to provide advice on whether it was possible to catch non-regulated species without by-catches of regulated species. Upon this request, which was supported by Canada and Denmark (F & G), the Scientific Council provided an advice (Part III, Annex 3). The General Council **encouraged** STACFAC and its Chairman to continue their work and report back at the closing session.
- 4.2 The item 14, "STACFAC Report", was presented to the Meeting by the STACFAC Chairman, Jean-Pierre Plé (USA) emphasizing the following basic information and recommendations to the General Council (Part III of this Report):
  - a) There was a decrease of Non-Contracting Party vessels in the NRA in 1997 (by preliminary information) with estimated total catch of 1000 tons (550t cod, 400t redfish, 50t flounder) by four (4) vessels registered in Sierra Leone.
  - b) The NAFO diplomatic demarches have been delivered by Canada to the Governments of Honduras and Panama, and by USA, to the Governments of Belize and Sierra Leone. No replies have been received to-date from those countries.
  - c) STACFAC recommended the following actions and measures to the General Council:
    - a demarche, in the form of a letter signed by the President of NAFO, be made to the flag-States from which NCP vessels fished in the NRA in 1997, namely Sierra Leone, in an effort to discourage vessels from that country from fishing in the NRA (Part III, Annex 5);
    - demarches, in the form of letters signed by the President of NAFO, be made to the flag-States from which NCP vessels fished in the NRA in 1996, namely Belize, Honduras and Panama, in an effort to discourage vessels from these countries from resuming fishing in the NRA (Part III, Annexes 6-8);
    - to adopt the Scheme attached (Part III, Annex 4);

STACFAC shall undertake the work referred to in paragraph 16 of the above-mentioned Scheme; and

the NAFO Secretariat should explore means whereby NAFO and the North-East Atlantic Fisheries Commission (NEAFC) can exchange information on the fishing/fish processing/transshipment activities of Non-Contracting Party vessels.

4.3 The General Council **adopted** the STACFAC Report and its recommendations.

The Representative of Canada noted for the record that this Scheme is complimentary to the right of any Contracting Party to take additional measures directed at Non-Contracting Party vessels consistent with the purpose of this Scheme.

The Representative of the European Union welcomed the Scheme which would set the scene for other regional fisheries organizations, whilst being fully consistent with relevant international law.

The Chairman and Contracting Parties extended their congratulations to the Committee and its Chairman for the successful accomplishment with the Scheme. The **unanimous consensus** was that the Scheme should be broadly publicized around the world.

4.4 Item 15, "Report of the Working Group on Dispute Settlement Procedures (DSP)", was presented by the Chairman of the Working Group, Dr. D. Mjaaland (Norway). He summarized main findings of the Working Group (April 1997, GC Doc. 97/3) noting that the Working Group has fulfilled its mandate according to the task from the General Council. He underlined the main positions discussed at the W.G. meeting based on two ideas: one, by Canada, to incorporate a Protocol to the NAFO Convention targeted to use of the objection procedure, and the second, by the European Union, proposing to apply, by way of an amendment of the NAFO Convention, the procedures available under Part XV of UNCLOS". The Chairman of the Working Group stressed that the Working Group could not conclude on the question of desirability of DSP or a type of DSP for NAFO and it would be particularly important to hear the information from Contracting Parties not present at the Working Group.

The Working Group recommended to the General Council the following:

that the General Council authorizes the Working Group to continue its work and to convene a meeting shortly after the end of the NAFO Annual Meeting. In this regard, matters for particular attention include the issue of the desirability of a NAFO DSP, further consideration of the approaches in the Canadian and EU papers, including a possible combination of the two approaches and the competence of any panel which could be established under such approaches, including the type of "disputes" to be covered and the applicable law.

4.5 The Representative of the Republic of Korea noted its working paper (GC W.P. 97/5) explaining the Korean official position on the DSP findings and underlined its disagreement with the Canadian notion that current objection procedures under the NAFO Convention have been abused and on limiting the rights of member States to present objections under the NAFO Convention. He supported the EU position.



- 4.6 The Representative of the United States strongly supported the idea of dispute settlement mechanism relevant to the provisions of the UN Agreement on Straddling and Highly Migratory Fish Stocks and recommended the Working Group to continue this issue to developing the procedures specifically applied to the NAFO needs.
- 4.7 The Representative of the European Union explained that the EU Delegation would like to further review this matter and determine if the dispute settlement mechanism is required in NAFO proceedings. He agreed with the idea of the Working Group to continue deliberations, to elaborate a mechanism applicable to all Contracting Parties to cover disputes of any kind pursuant and relevant to the provisions of UNCLOS and any other relevant UN Agreement.
- 4.8 The Representative of Canada noted that all work of the Working Group and exchange of views at this meeting were both useful. Canada believed that NAFO would benefit if the dispute settlement mechanism is introduced in NAFO proceedings to operate in a quick and timely fashion (on objections), which may lead to better conservation of fish stocks. He agreed to take special note of the Contracting Parties concerns re sovereignty issues, and promised to work closely with all interested Parties on this matter to achieve further progress in the dispute settlement procedure.
- 4.9 The Representative of Norway confirmed his delegation's positive view on the idea of the DSP and its merit, and stressed the need to carefully consider and incorporate basic elements to the DSP mechanism from the relevant UN Agreement on Straddling and Highly Migratory Fish Stocks and continue the DSP Working Group deliberations.
- 4.10 The Delegate of the European Union (F. Wieland) gave a short overview of the issue of dispute settlement item at the closing session of the General Council. Drawing upon Annex 5 of the Report of the Working Group (GC Doc. 97/3), he emphasized that the use of rights under the NAFO Convention cannot be construed as giving rise to a dispute and that, therefore, a dispute settlement mechanism relating only to objections was incongruous. He also stressed that the provisions for dispute settlement under the recent UN Agreement would not cover disputes arising in connection with non-straddling fish stocks. Under these circumstances, one possible way forward could consist of an agreement of the NAFO Contracting Parties to apply, *mutatis mutandis*, the provisions of part XV of UNCLOS as the basic framework. Within this, one could envisage a pre-trial process through an ad-hoc expert panel in order to resolve disputes expeditiously. However, such a panel should in no case supplant the basic framework. An amendment of the NAFO Convention would be required. The General Council could, however, be empowered to specify details concerning the rules of procedure. To decide disputes, the applicable law should be the relevant provisions of the NAFO Convention, UNCLOS and, as appropriate, the UN Agreement, as well as generally accepted standards for the conservation of fisheries resources and other rules of international law.
- 4.11 As the result of the following discussions, the General Council **agreed** to continue intersessionally the DSP deliberations in a Working Group. The Working Group will meet at the NAFO Headquarters in April (17th week), Dartmouth, N.S., Canada. The meeting **asked** the EU delegation to prepare their working paper well in advance of the meeting and circulate the paper to all Contracting Parties through the NAFO Secretariat, and **requested** all Contracting Parties to present their contributions to this matter, as appropriate, but well in advance of the W.G. Meeting.

Mr. Stein Owe from Norway was **elected** Chairman of the Working Group.

- 4.12 Under item 16 "Consideration of the use by Contracting Parties in the Regulatory Area of non-flag state vessel charters to fish national shares", the Representative of Canada raised a concern on a chartering of Contracting Party vessels to fish their quotas which occurred for the first time during this year in the NAFO Regulatory Area and explained the following: There was a communication from Canada to Contracting Parties on this issue (in March 1997) and some other members spoke out, Norway and Japan. He stressed that entire NAFO Conservation and Enforcement scheme is founded on a flag-State responsibility and the same assumption is in the International Law. Therefore, such a chartering would create a "compliance vacuum" unless the Contracting Parties concerned can enforce the compliance of the vessel under charter. The NAFO groundfish quotas do not belong to anybody and are subject to the Fisheries Commission decision(s) to allocate shared resource, and the Contracting Party which chooses not to fish its quotas and transfer them shall seek the approval of the Fisheries Commission, which has traditionally been done by a mail vote or at the Annual Meeting(s). He proposed to develop a policy to deal with this issue and to develop specific ground rules for non-flag States charters establishing for this purpose a Working Group with the mandate to determine under which circumstances the charter should occur and to identify all conditions and procedures required in such a case. Those procedures should be further presented to the General Council for adoption as required.
- 4.13 The ensuing discussions brought active responses from the Representatives of the European Union, USA, Estonia, Norway, Denmark (F & G), Iceland, France and Japan supporting in principle the Canadian position. There was a general understanding that the charterer should be responsible for the vessel re NAFO Conservation and Enforcement Measures, and concrete procedures should be developed by NAFO. The delegates raised the question of the Non-Contracting Party possible involvement in this transaction on a commercial basis. The Representative of Iceland asked to give thought to registration (or registration of vessels). The Representative of France (St. Pierre et Miquelon) proposed to provide a background on the chartering and prepare a Working paper for a Working Group consideration. He informed that France, considering this issue and in full cooperation with the NAFO Conservation Enforcement Measures, has suspended its previous decision to deploy a charter vessel to fish its allocation in the NAFO Regulatory Area. The Representative of the European Union proposed to call the Working Group intersessionally in 1998 and to agree on a principle that no charter arrangements should be made by the Contracting Parties during the work of the Working Group and until the procedures are developed and accepted by the General Council.

This EU proposal was **supported** by all Contracting Parties.

- 4.14 The Chairman of the General Council summarized the discussions that the Working Group on chartering will meet some time during 1998 and asked the meeting to consider the nomination of a Chairman of the Working Group. There were no further comments on this issue.

At the closing sessions of the General Council and Fisheries Commission on 19 September, the **decision** was to call the Working Group in Brussels, Belgium during 10th week (2-6 March) of 1998 and nominate Mr. H. Koster (EU) the Chairman of the Working Group. The Representative of France (St. Pierre et Miquelon) introduced its paper for consideration at the Working Group (GC Working Paper 97/9 - Annex 12).

In light of the large number of intersessional meetings being planned, the Representative of the United States proposed that the meetings on chartering vessels and on NAFO quota allocation practices be run concurrently at the same location. He called attention to the U.S. working paper on quota allocation practices (FC W.P. 97/14), which had been introduced under item 15 of the Fisheries Commission agenda.

The general consensus was to consider the two issues in parallel meetings. The Council unanimously ruled that **no charter arrangements shall be made by Contracting Parties until the accomplishment of the Working Group task and its endorsement by the General Council.**

#### 5. Finance (items 17-18 of the Agenda)

5.1 The items 17 and 18 and item 8 "Administrative Report", were referred to STACFAD for discussion and then presentation to the General Council for decision.

5.2 The Chairperson of STACFAD, J. Quintal-McGrath (Canada), reported the following information and recommendations to the General Council:

- a) Auditors Report transmitted to the Contracting Parties in March 1997 and Administrative Report (GC Doc. 97/4) at the current meeting were recommended for adoption;
- b) The participation of the NAFO Secretariat in the Pension Society was approved by STACFAD and this was recommended for approval by the General Council;
- c) The most essential budgetary items of the STACFAD Report were agreed as follows:
  - the budget for 1998 to be adopted in the amount of \$1,047,000 Cdn;
  - the Accumulated Surplus Account be maintained at a level of not less than \$75,000 Cdn;
  - the outstanding contributions owing from Bulgaria (1997) and Romania (1997) be deducted from the Accumulated Surplus Account in the amount of \$31,469.43 Cdn.
- d) The estimated cost of projected satellite tracking equipment at the NAFO Secretariat was suggested in the range of \$30,000-40,000 Cdn (not in the budget);
- e) The issue of Bulgaria and Romania non-payment of the NAFO contributions was discussed at STACFAD and presented under item 7 of the General Council Agenda;
- f) The dates of the next Annual Meetings were recommended as follows:
 

1998	-	Scientific Council	-	09-18 September
	-	General Council	-	14-18 September
	-	Fisheries Commission	-	14-18 September

1999	-	Scientific Council	-	08-17 September
	-	General Council	-	13-17 September
	-	Fisheries Commission	-	13-17 September
2000	-	Scientific Council	-	13-22 September
	-	General Council	-	18-22 September
	-	Fisheries Commission	-	18-22 September

The location of the Annual Meeting for 1998 is scheduled for Lisbon, Portugal. The location of the Annual Meetings for 1999 and 2000 will be in the Halifax Regional Municipality area if no invitations to host the Annual Meetings are extended by Contracting Parties and accepted by the Organization.

STACFAD elected F. Kingston, of the European Union, for the position of Chairperson and J. McGruder, of the United States, for the position of Vice-Chairperson.

- 5.3 The Chairman of the General Council invited the Contracting Parties' comments on the Report. The Representative of Norway proposed to increase the NAFO budget 1997 in the amount of \$30,000 Cdn to cover the expected costs of the satellite tracking equipment at the NAFO Headquarters. The General Council **agreed** to increase the recommended provisional budget 1998 (1,047,000 Cdn) by an additional 30,000.00 Cdn for NAFO satellite tracking equipment and the total budget 1998 was **adopted** in the amount of 1,077,000 Cdn.

The STACFAD Report was **adopted** as a whole by the General Council.

#### 6. Closing Procedures (items 19-22 of the Agenda)

- 6.1 Item 19, "Time and Place of the Next Annual Meeting", was covered by the STACFAD report.
- 6.2 There were no other matters to discuss under item 20 "Other business".
- 6.3 The Press Release was prepared by the Executive Secretary and distributed to all Contracting Parties (Annex 10).
- 6.4 The 19th Annual Meeting of NAFO was adjourned at 1300 hrs on 19 September 1997.

#### Adoption of Report

The Report of the General Council including proceedings of its Committees – STACFAD and STACFAC – has been finalized through two (2) circulations of the drafts to the Heads of Delegations and, therefore, adopted in accordance with the established procedure.

## Annex 1. List of Participants

### CANADA

#### Head of Delegation

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#### Representative

P. Chamut (see address above)

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## **Annex 2. Agenda**

### **I. Opening Procedure**

1. Opening by Chairman, A. V. Rodin (Russia)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Admission of Observers
5. Publicity

### **II. Supervision and Coordination of the Organizational, Administrative and Other Internal Affairs**

6. Review of Membership
  - a) General Council
  - b) Fisheries Commission
7. Amendment of the Rules of Procedure for the General Council
8. Transparency in the NAFO decision-making process (participation of inter-governmental and non-governmental organizations)
9. Administrative Report
10. Election of Chairman and Vice-Chairman

### **III. Coordination of External Relations**

11. Communication with the United Nations (Resolutions 51/35 and 51/36)
12. NAFO Observership at NAMMCO

### **IV. Fishing Activities in the Regulatory Area Adverse to the Objectives of the NAFO Convention**

13. Consideration of Non-Contracting Parties activities in the NAFO Regulatory Area and agreement on the task of STACFAC at the current meeting
14. Report of STACFAC at the Annual Meeting and decisions on actions
15. Report of the Working Group on Dispute Settlement Procedures (DSP)
16. Consideration of the use by Contracting Parties in the Regulatory Area of non-flag State vessel charters to fish national shares

**V. Finance**

17. Report of STACFAD at the Annual Meeting
18. Adoption of the Budget and STACFAD recommendations for 1998

**VI. Closing Procedure**

19. Time and Place of Next Annual Meeting
20. Other Business
21. Press Release
22. Adjournment

### **Annex 3. Opening Statement by the Representative of Canada**

Mr. Chairman, distinguished Representatives, it is a pleasure for Canada to host this year's NAFO Annual Meeting. On behalf of the Canadian Delegation, I extend to each of you a warm welcome to St. John's, Newfoundland. As you know, this year marks an historic occasion for the Province. This year commemorates the 500th anniversary of the landing of John Cabot in Newfoundland. I hope that delegates will have the opportunity to enjoy Newfoundland hospitality during your stay here.

It is especially fitting that NAFO is meeting here in 1997. John Cabot not only discovered this island, but he also witnessed the abundant wealth of the sea - the fish resources on which the economy, and culture of this province has been founded for centuries. That past abundance is a reminder of the challenge which faces us - the conservation and rebuilding of these once plentiful stocks of the Northwest Atlantic.

The assessments and the recommendations of the Scientific Council underline the need for continuing restraint and vigilance in surveillance and enforcement of the NAFO conservation measures to ensure spawning stocks and juvenile fish are protected.

Canada's objective is sustainable fisheries for all traditional users in the northwest Atlantic. We are seeking a glimmer of hope for a modest recovery of the 3LNO yellowtail flounder stock. However for most of the NAFO stocks currently under moratoria, it is clearly not yet time to benefit from the restraint or to relax the restrictions we have practised over the past several years. We may also need to consider modifying or extending some conservation measures or introducing new ones.

Two years ago NAFO adopted new Conservation and Enforcement Measures which were hailed as "the toughest measures of any international fisheries management organization in the world". NAFO's adoption of these measures was a milestone on the road towards enhanced international cooperation to ensure that high seas fishing activities are conducted in a rational, sustainable and responsible manner.

These new measures have provided NAFO with an effective enforcement regime. While there were some initial start-up difficulties, they have been effective. The number of infringements is sharply down as a direct consequence of the observer program. We have witnessed a marked increase in compliance with NAFO rules. A comprehensive NAFO enforcement regime is essential to the viability and sustainability of NAFO stocks.

We need to build on the achievements of recent years to sustain the progress which has been made. The implementation of these measures has laid the groundwork for the recovery and rebuilding of not only Greenland halibut but also some flatfish currently under NAFO moratoria. I believe that this is of fundamental importance and benefit to all NAFO Parties, who, like Canada, wish to see renewed fishing possibilities in the NAFO Regulatory Area.

I am also encouraged by the new international agreements that have been signed or adopted in recent years. The United Nations Agreement on Straddling and Highly Migratory Fish Stocks, the FAO Compliance Agreement, the FAO Code of Conduct for Responsible Fishing and Kyoto Declaration and Plan of Action constitute important gains for sustainable and responsible fisheries.



Canada applauds those governments that have already ratified the UN Fish Agreement. We expect legislation to bring Canadian laws into line with the Agreement to be re-introduced in Parliament shortly, which will enable Canada to ratify this Agreement. We encourage all NAFO members who have not already done so to ratify the Agreement with a view to expediting its early entry into force.

I would also acknowledge the work of the Scientific Council which has proposed an action plan for the development of a framework on the precautionary approach to fisheries management in the NAFO Regulatory Area. The action plan represents a positive first step in introducing this management approach to NAFO stocks.

A comprehensive NAFO enforcement regime is essential to the viability and sustainability of NAFO stocks. We need to build on the achievements of recent years to sustain the progress to date in controlling overfishing.

As Contracting Parties to the NAFO Convention, we all share the responsibility to conserve the resources in the NAFO Regulatory Area. We must ensure our focus remains on our primary objective. Our obligations to conservation and protection are comprehensive. They are not limited to only one or two stocks and the interests of our fishermen.

The right to benefit from the effective management of fish stocks must be balanced with the obligation to ensure required scientific work is undertaken and all fisheries controlled.

As the new head of the Canadian delegation, I have much to learn about this distinguished organization. I look forward to engaging with all Contracting Parties in a constructive and positive dialogue to achieve NAFO's objectives. Thank-you.

#### **Annex 4. Opening Statement by the Representative of the European Union**

Mr. Chairman, distinguished Delegates, Ladies and Gentlemen,

It is with great pleasure that I take part for the first time in the work of the bodies of the Northwest Atlantic Fisheries Organization and that I can meet Delegates from all the Contracting Parties, whose experience in the management of the fisheries resources of this important region of the world will obviously be as stimulating as valuable for me.

While traveling over here, I read very much about the travels and adventures of John Cabot, or Giovanni Caboto as I prefer to call him by his Italian origins. I was particularly impressed by his reports of the discovery of waters literally swarming with fish off the coast of Newfoundland. Instinctively I thought that in view of the present parlous state of the fish stocks in these very same waters, we should all put our efforts together to restore the status quo ante.

I understand, however, that all matters related to fisheries form a highly complex area of policy and, I might add, a very interesting and exciting one. In this context, I note with satisfaction that NAFO has undergone an astounding development over the last two years from a forum for confrontation to a forum which gives real meaning to enhanced co-operation in the conservation and management of the relevant fisheries resources.

Our main challenge continues to be effective conservation through co-operation of all NAFO members. It cannot be stressed enough that there is no alternative to multilateral co-operation. This implies interaction on an equal footing. Furthermore, co-operation can never be a one-way street. It is rather an emanation of the principle of the "*do ut des*" - I give so that you give. All this taken together and coupled with the general principle of having due regard to the rights and obligations of others offers the best guarantee for the prevention of disputes.

Effective conservation requires measures which aim at ensuring the long-term sustainability of the fisheries resources. In this regard, the recent UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks as well as the FAO Code of Conduct for responsible fisheries may provide useful inspiration. Yet, NAFO will have to perform its tasks autonomously with due regard to the peculiarities of the Northwest Atlantic region. It is my feeling that, in the wake of the Rio Summit of 1992, the general interest focused largely on the particular problem of straddling fish stocks. This created the false impression that other fish stocks were of minor importance. The fact that NAFO has to deal not only with straddling fish stocks but also with fish stocks which occur exclusively in high seas areas puts this organization in a privileged position from which it should be able to bring about the most appropriate and attractive solutions for all the fish stocks concerned.

In this context, I should stress that within the Community, environmental requirements are a necessary component of the Community's other policies. This integrated approach has been recently reinforced by the Amsterdam Treaty. It implies the need to bring about an equilibrium which takes due consideration of the specific features of the fisheries sector and its interests. It is also with this very approach that my Delegation is determined to tackle up-coming external fisheries issues and, as a consequence, the issues which will be dealt with this week.

An existing imbalance between fleet capacity and available fishing possibilities has often been described as one of the main obstacles to the sustainable utilization of fisheries resources. In this regard, the Community has recently adopted its fourth Multi Annual Guidance Program which, for the period 1997 to 2001, puts heavy overall strings on fishing effort in its two constituent elements of activity and fleet capacity. In addition to that, it is worth mentioning that it has been agreed within the Community to widely introduce satellite tracking as from July 1998 as a tool for controlling fishing effort and ensuring compliance with applicable conservation and management measures.

With all this in mind, my delegation and I are looking forward to working closely with you, Mr. Chairman, and all other Delegations in a responsible, constructive and open-minded way to secure a favorable outcome to this important meeting.

Thank you Mister Chairman

## **Annex 5. Opening Statement by the Representative of the United States of America**

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen,

The United States is very pleased to take part in this Nineteenth Annual Meeting of NAFO. We believe that international cooperation in fisheries management is at an important juncture with the new opportunities presented by the U.N. Agreement on Straddling and Highly Migratory Fish Stocks, The FAO Code of Conduct for Responsible Fisheries and a new spirit of urgency in the need to address our common management problems using a precautionary approach. It is our hope that NAFO will be in the forefront of international fishery management and we seek to further the organization's efforts as far as possible.

The United States is very pleased with the progress NAFO has started to make with regard to the important issues of the control of non-contracting parties, the use of observers and satellite tracking devices. This meeting is an opportunity to solidify this progress by adopting permanent measures for enhancing our enforcement and monitoring capabilities.

We also strongly believe that this organization can only benefit by increasing the openness and transparency of our deliberations, in line with the UN Agreement. Further, we strongly support the efforts of the Scientific Council in developing a framework for implementing an overall precautionary approach to fisheries management. The United States wants to see the concept of precautionary management become a reality as soon as possible, and will be working within the Fisheries Commission to achieve this. We must ensure that Total Allowable Catch levels are set consistent with the advice of the Science Council and that when there is uncertainty in the status of resources NAFO takes a conservative approach in the Regulatory Area.

Finally, the United States will work within the Fisheries Commission to begin the process of revising the NAFO process for allocating fishing quotas in the Regulatory Area. We believe that we must look forward in management and allocation, while taking due account of historical fishing practices, to strengthen our cooperation and mutual interests in utilizing the resources of the Northwest Atlantic. Mr Chairman, I look to working with you and all the delegations at this important meeting of our organization.

## **Annex 6. Opening Statement by the Representative of the Republic of Korea**

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen,

It is a great honour for me to participate in the 19th NAFO Annual Meeting. On behalf of the Korean delegation, I would like to thank the secretariat of NAFO for organizing and preparing this meeting. My thanks also goes to the Government of Canada for hosting this Conference here in St. John's.

Being a responsible fishing nation, the Republic of Korea has been actively participating in the international efforts to establish responsible fishing regimes. It has been cooperating with other countries in the conservation and management of fisheries resources.

In this context, Korea will continue to cooperate with member countries of NAFO for conservation and management of fishery resources.

As distinguished delegations from Canada, EU, United States already pointed out, there are several problems related to the conservation of living resources in NAFO Regulatory Area.

I would like to point out one problem. As you are aware, in spite of member countries' efforts for the conservation and management of fishery resources in the NAFO Regulatory Area, many fish stocks have been on the decline. One of the major areas of concern is the current quota allocation system. I would like to mention here that this system is not without its problems.

I think that the current quota allocation formula devised by NAFO in the end of 1990s is somewhat outdated. In the meantime, there have been some changes in this field and the composition of NAFO is quite different from that of its early days.

I think that the current quota allocation system is no longer applicable to the present reality. I suggest that the system be carefully reviewed and modified.

As the United States already pointed out, "NAFO does not have a process to make allocations to Contracting Parties that recently joined, yet it continues to allocate fishing rights to states that no longer fish in the Regulatory Area and do not meet their obligations of membership." In order to enhance the conservation and management of NAFO stocks, member countries should cooperate with each other, and non-member countries should be permitted to join the NAFO.

To accomplish this end, a quota should be allocated fairly on a basis such as historical fishing activity and efforts for conservation and management among member countries. Moreover, incentives for quota allocation should be provided to non-member countries so that they may join NAFO for the conservation of fish stocks.

This delegation hopes that all NAFO member countries will cooperate very closely so that the promotion of effective conservation and utilization of fishery resources may be fully ensured in the NAFO Regulatory Area.

In particular, I hope that fishing quotas will be allocated in the most satisfactory manner possible in the future. Thank-you.

## **Annex 7. Opening Statement by the Representative of France on behalf of St. Pierre & Miquelon**

This is the second annual meeting of NAFO that France on behalf of St. Pierre & Miquelon has attended. It is indeed an honour for this small group of French islands to be part of this prestigious gathering of the major fishing nations of the world.

For the last five centuries, the history and economic prosperity of the French islands of St. Pierre & Miquelon have been closely linked to the fishery and in particular to the cod fishery.

The fishery has always been the reason for being, the very soul of the French Isles. Since 1992, however, St. Pierre & Miquelon, much like the Atlantic Provinces of Canada has been faced with difficult social and economic times due to the cod fishery moratorium within the 200 mile limit subsequent to the decline of the resource.

But the inhabitants and the local authorities know full well that the economic future of St. Pierre & Miquelon remains inextricably linked to the sea, to the exploitation of its resources and to maritime activities in general.

Therefore, the French delegation on behalf of St. Pierre & Miquelon feels a deep sense of commitment towards NAFO and wishes to play an active role in NAFO meetings and undertakings.

Hence our participation in the meetings that were held in Halifax and Brussels this year.

The French delegation on behalf of St. Pierre & Miquelon will strive to make a positive contribution and maintain a spirit of conciliation. We are concerned with compliance to rules that are developed collectively within the Organization pursuant to international law. We are also concerned with conservation measures. We are also committed to following the recommendations of the Scientific Council.

But we are also here to defend our legitimate rights and our economic interests as a coastal state. Therefore, we will not agree to any reduction in the quotas and fishing rights granted to France in 1997. Furthermore, we will request increased quotas for specific commercial species if the TAC is raised over the course of the next year. For instance, we will be requesting an economically viable quota for the yellowtail.

It is sometimes not economically feasible to make use of a given quota. As a case in point, France on behalf of St. Pierre & Miquelon had intended to exercise its fishing rights with respect to shrimp stocks in sector 3M by chartering a Contracting Party vessel.

Although NAFO regulations do not prohibit the chartering of Contracting Party vessels to carry out fishing activities, they are unclear. France on behalf of St. Pierre & Miquelon was planning on fishing shrimp in sector 3M, but has decided to postpone this activity pending clarification of NAFO rules on this subject. To this end, we suggest that the matter be taken up by one of the bodies of the Organization or that a working group be created to determine the rules that would apply to the chartering of Contracting Party vessels.

We need to develop rules that will allow the Party allocating quotas to monitor fishing practices and empower it to levy appropriate sanctions against any non compliant vessel pursuant to relevant regulations (e.g. flag agreement, code of conduct, etc.)

We believe it is up to the organization to develop these rules. Except in the case of a transfer to another flag, the rules governing charters will need to be carefully defined through presumably lengthy negotiations.

On behalf of the members of the French delegation on behalf of St. Pierre & Miquelon, I wish to thank the chair and chief delegates for this opportunity to speak.

## **Annex 8. Opening Statement by the Representative of Iceland**

Iceland joins the other nations in wishing for a productive annual meeting, that can in its endeavors lead the way towards constructive management decisions, that are effective in reducing the fisheries if that is necessary based on scientific advice. Iceland has a strong interest in contributing to the strengthening of the scientific basis, which is in our view a prerequisite for the successful function of this organization.

The aim must be for a utilization sustainable in both biological and economical sense. It is of paramount importance that these two objectives go hand in hand if we are to eliminate wasteful practices.

In ensuring that those decisions are adhered to, the relevant control measures, in turn, have to have the same respect for the economic viability of the fisheries as the management systems themselves.

If not, we will not lay the foundation for responsible fisheries, but will instead give way to continuing government subsidies, fueling overexploitation.



### **Annex 9. Opening Statement by the Representative of Denmark (in respect of the Faroe Islands and Greenland)**

Mr. Chairman, it is a very great pleasure for me and my delegation to participate in this 19th Annual NAFO Meeting in St. John's, Newfoundland.

The people of Newfoundland and the people of the Faroe Islands and Greenland have a great interest in fisheries and the life at sea. I also would like to congratulate Newfoundland with the celebration of the 500 years landfall by John Cabot but I will not forget the Vikings coming to this country and the Irish monk St. Brendan coming in the 6th century from Ireland via the Faroe Islands, Iceland and Greenland to this country. As islanders or rimsters we are proud of the voyages made by these first peoples in the North Atlantic.

In this century the fishermen from the Faroe Islands have been fishing historically in the area of the Flemish Cap with longliners and today by shrimp trawlers.

This fishery plays a major role in the relationship between the people in this country and the fishermen from my country. And as a result of our historical activities in the NAFO Regulatory Area and investments made by commercial companies and authorities in Canada, this year a new quay equipped with cold storage and sorting for international business has been established in a port in Newfoundland. Between the industry this harbour is called the Faroese harbour west, where Faroese vessels and other foreign vessels are provided services, dockside monitoring, observers hired, and transhipment also with possibility for processing. All this is also of economical benefit for the people of Newfoundland.

For the Faroese shrimp vessels there is no transhipment at sea and therefore the landings are in this country.

Mr. Chairman, everyone here is aware of the importance the Contracting Parties attached with the adopted management measures agreed on at former annual meetings. However, some of us do not like to establish a moratorium as a harvesting strategy. This meeting is also an opportunity for the Fisheries Commission to demonstrate that NAFO is able to adopt effective conservation and management measures related to all species which we are responsible to regulate.

As fishing nations with historical background and as totally depended upon the resources at sea, we also have a lot of experience when choosing between an effort limitation system including technical measures or a high graded fishery under a quota management regime. From 1994 to 1996, the fishery inside the 200 mile zone in Faroese waters was regulated by a quota system which might have resulted in discard problems and misreport of catches. However, the Home Government advised by the scientists and in close co-operation with the fishermen in June 1996 introduced an effort limitation with transferable fishing days. This system seems to be in conformity with a responsible harvesting strategy laid down by the Home Government and with the transferability to economical benefit to the fisheries which we are totally dependent on.

Mr. Chairman, with these remarks my delegation is ready to participate in the discussions coming up in this meeting and ready to support acceptable solutions taken in NAFO.

## Annex 10. Press Release

1. The Nineteenth Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO) was held in St. John's, Newfoundland, Canada during 15-19 September 1997, under the chairmanship of Alexander Rodin (Russia), President of NAFO. The NAFO constituent bodies - General Council, Fisheries Commission and Scientific Council convened their sessions at the Hotel Newfoundland.
2. There was the attendance of 200 participants from fifteen Contracting Parties - Canada, Cuba, Denmark (in respect of Faroe Islands and Greenland), Estonia, European Union, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, Russia and United States of America.
3. During the year 1997, before the Annual Meeting, the following NAFO meetings had been organized: Standing Committee on Fishing Activity of non-Contracting Parties in the Regulatory Area, STACFAC, (NAFO Headquarters, February 1997); STACTIC Working Group on Satellite Tracking (NAFO Headquarters, April 1997); General Council Working Group on Dispute Settlement Procedures (NAFO Headquarters, April 1997); Standing Committee STACFAC (Brussels, Belgium, May 1997); Standing Committee STACTIC (Copenhagen, Denmark, June 1997); Regular Scientific Council Meeting (Dartmouth, Canada, June 1997); Scientific Council Symposium on Capture Fisheries (St. John's, Newfoundland, September 1997). The reports and documents from the above-noted meetings were utilized for the preparation and discussions at the Annual Meeting.
4. The Scientific Council, under the chairmanship of W. R. Bowering (Canada), reviewed and assessed the state of 25 fish stocks in the NAFO Regulatory and Convention Areas. The scientific advice and recommendations for the management, conservation and utilization of the fishery resources were forwarded to the Fisheries Commission with the special emphasis that: all cod stocks remaining at low abundance should be under moratoria in 1998, as well as the flatfish stocks of 3LNO American plaice and Witch flounder in 3L. Yellowtail flounder in Div. 3LNO, which was under moratorium from 1995 to 1997, was recommended to open for fishing with a TAC in 1998 of 4000 tons, to be fished under especially strict controls to prevent by-catches of other vulnerable stocks.

The redfish stock in Flemish Cap (3M) was stable with indication of some increase in deep waters. Other redfishes were considered to be of low biomass level and a precautionary approach was recommended, with no directed fishery.

The Greenland halibut stock was assessed with above average recruitment and a cautious approach was proposed to assist an encouraging continuing recovery.

The Scientific Council adopted an Action Plan to develop a precautionary approach to management of NAFO stocks. This Action Plan was endorsed by the Fisheries Commission.

5. The Fisheries Commission, under the chairmanship of H. Koster (EU), considered the Scientific Council recommendations and agreed on joint international measures and actions for the conservation and utilization of the fishery resources in the Regulatory Area.

The Commission agreed on the continuation (from 1995) of the moratoria in 1998 on the following stocks: Cod in Divisions 3L and 3NO, Redfish in Div. 3LN, American plaice in Divisions 3M and 3LNO, Witch in Div. 3NO and 3L and Capelin in 3NO. Fishery was reopened on Yellowtail flounder in Div. 3LNO. The Quota Table for 1998 was adopted (see attached).

New conservation and enforcement measures were agreed as follows:

- Concerning shrimp fishery on Flemish Cap in Division 3M, there was agreement that the existing effort allocation Scheme in the shrimp fishery is to continue, and the fishing days should not be transferable between Contracting Parties. There will be no directed shrimp fishery in 3LNO.
  - to extend the Pilot Project for Observer and Satellite Tracking System for 1998; at the 20th Annual Meeting, the Fisheries Commission will decide on permanent improvements to the NAFO Conservation and Enforcement Measures. The NAFO Secretariat will be equipped with updated hardware and software to handle the satellite tracking information.
6. The General Council, under the chairmanship of A. Rodin (Russia), deliberated several outstanding issues regarding internal and external NAFO policy and resolved the following:
- For improving transparency in NAFO proceedings and decisions, the agreement was to continue the work in a Working Group to develop recommendations to the General Council.
  - On dispute settlement procedures, the Council agreed that the Working Group should continue its work and report to the next Annual Meeting, 1998.
  - With regards to non-Contracting Party fishing activity in the NAFO Regulatory Area, the General Council adopted the "Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO". The Scheme would be directed at Non-Contracting Party vessels engaged in fishing activities in the NAFO Regulatory Area. The Scheme presumes that a Non-Contracting Party vessel which has been sighted engaging in fishing activities in the NAFO Regulatory Area is undermining the NAFO Conservation and Enforcement Measures. If such sighted vessels enter the ports of Contracting Parties, they must be inspected. No landings or transshipments will be permitted in Contracting Party ports unless such vessels can establish that certain species on board were not caught in the NAFO Regulatory Area, and for certain other species that the vessel applied the NAFO Conservation and Enforcement Measures. Contracting Parties must report the results of inspections to NAFO and all Contracting Parties.
  - The President of NAFO, A. Rodin (Russia), signed diplomatic demarches to the flag-States whose vessels fished in the NAFO Regulatory Area in 1996-1997, namely Belize, Honduras, Panama and Sierra Leone.

- To improve control of the fisheries by the Contracting Parties, the General Council resolved to prohibit any charter vessel arrangements until a comprehensive set of rules is developed by NAFO.

7. This was an election year and the following NAFO officers took their offices for the two year period 1998-1999:

Chairman of the General Council	- A. Rodin (Russia)
Vice-Chairman of the General Council	- R. Dominguez (Cuba)
Chairman of the Fisheries Commission	- P. Gullestad (Norway)
Vice-Chairman of the Fisheries Commission	- D. Swanson (USA)
Chairman of the Scientific Council	- H.-P. Cornus (EU)
Vice-Chairman of the Scientific Council	- W. B. Brodie (Canada)
Chairman of the Standing Committee on Finance and Administration (STACFAD)	- G. F Kingston (EU)
Vice-Chairman of STACFAD	- J. L. McGruder (USA)
Chairman of the Standing Committee on International Control (STACTIC)	- D. Bevan (Canada)
Chairman of the Standing Committee on Fishery Science (STACFIS)	- R. Mayo (USA)
Chairman of the Standing Committee on Research Coordination (STACREC)	- V. Shibanov (Russia)

NAFO General Council  
19 September 1997

NAFO Secretariat  
St. John's, Newfoundland

QUOTA TABLE: Total allowable catches (TACs) and quotas (metric tons) for 1998 of particular stocks in Subareas 3 and 4 of the NAFO Convention Area. The values listed include quantities to be taken both inside and outside the 200-mile fishing zone, where applicable.

Contracting Party	Cod	Redfish	American plaice	Yellowtail	Witch	Capelin	Greenland halibut	Squid (Illex) <sup>2,3</sup>
	Div. 3M	Div. 3NO*	Div. 3M*	Div. 3LN*	Div. 3M*	Div. 3NO*	Div. 3LMNO	Subareas 3+4
1. Canada	16	0	650	0	0	0	3 000	N.S. <sup>4</sup>
2. Cuba	74	-	2 275	0	-	-	-	2 250
3. Denmark (Faroe Islands and Greenland)	447	-	90	-	-	-	-	-
4. European Union	997	0	4 030	0	0	0	11 070	N.S. <sup>4</sup>
5. France (St. Pierre and Miquelon)	-	-	90	-	-	-	-	2 000
6. Iceland	-	-	-	-	-	-	-	-
7. Japan	-	-	520	-	-	0	2 050	2 250
8. Korea	-	-	90	-	-	-	-	2 000
9. Norway	185	-	-	-	-	0	-	-
10. Poland	77	-	-	-	-	0	-	1 000
11. Estonia	-	-	-	-	-	-	-	-
12. Latvia	196 <sup>1</sup>	0	18 005 <sup>1</sup>	0	0	0	-	5 000 <sup>1</sup>
13. Lithuania	-	-	-	-	-	-	-	-
14. Russia	-	-	-	-	-	-	2 550	-
15. United States of America	8	-	90	-	-	-	-	2 000
16. Others	-	0	160	0	0	0	1 330 <sup>6</sup>	3 500
Total Allowable Catch	2 000	* 20 000 <sup>7</sup>	*	*	*	*	20 000	150,000 <sup>8</sup>

<sup>1</sup> Quotas to be fished by vessels from Estonia, Latvia, Lithuania and the Russian Federation. The provisions of Part I, Section A.3 of the NAFO Conservation and Enforcement Measures shall apply.

<sup>2</sup> The opening date for the Squid (Illex) fishery is 1 July.

<sup>3</sup> Any quota listed for squid may be increased by a transfer from any "coastal state" as defined in Article 1, paragraph 3 of the NAFO Convention, provided that the TAC for squid is not exceeded. Transfers made to Contracting Parties conducting fisheries for squid in the Regulatory Area shall be reported to the Executive Secretary, and the report shall be made as promptly as possible.

<sup>4</sup> Not specified because the allocation to these Contracting Parties are as yet undetermined, although their sum shall not exceed the difference between the total of allocations to other Contracting Parties and the TAC.

<sup>5</sup> The TAC would remain at 150 000 tonnes subject to adjustment where warranted by scientific advice.

<sup>6</sup> Of which no more than 40% (532 t) may be fished before 1 May 1998 and no more than 80% (1064 t) may be fished before 1 October 1998.

<sup>7</sup> Each Contracting Party shall notify the Executive Secretary bi-weekly of catches taken by its vessels from this stock. The Executive Secretary shall notify without delay all Contracting Parties of the date on which, for this stock, accumulated reported catch taken by vessels of the Contracting Parties is estimated to equal 100 percent of the TAC for that stock. At that date each Contracting Party, to which a quota has been allocated or which vessels are engaged in fishing under the "Others" quota, shall prohibit fishing by its vessels for that stock.

<sup>8</sup> Contracting Parties shall inform the NAFO Executive Secretary before 1 December 1997 of the measures to be taken to meet the advice of the NAFO Scientific Council.

<sup>9</sup> The provisions of Part I, Section A.4b) of NAFO Conservation and Enforcement Measures shall apply (FC Doc. 96/1).

\* No directed fishing - The provisions of Part I, Section A.4b) of NAFO Conservation and Enforcement Measures shall apply.

## **Annex 11. Report of the Working Group on Transparency**

### **1. Opening of the Meeting**

The Chairman, D. Swanson (United States) opened the meeting at 9:15. Representatives from the following Contracting Parties were present: Canada, Denmark (in respect of the Faroe Islands and Greenland), the European Union, France (on behalf of St. Pierre et Miquelon), Iceland, Japan, Norway, the Russian Federation, and the United States. (Appendix 1)

### **2. Appointment of Rapporteur**

Mr. P. Moran (United States) was appointed Rapporteur.

### **3. Discussion of the Working Group**

After considerable discussion of draft terms of reference tabled by the Chairman, the Representative of Norway tabled a draft document outlining possible terms of reference for the Working Group. Delegates discussed this document and offered comments and revisions. The following consensual text was drafted by the Working Group:

#### **TERMS OF REFERENCE FOR THE WORKING GROUP ON TRANSPARENCY**

*The Working Group shall assess all relevant implications of:*

*access to and distribution of information on the work and decisions of NAFO in light of the Organization's relations with relevant interest groups and the general public; and*

*the terms and conditions and other relevant criteria for participation in meetings of NAFO bodies as observers or otherwise, as appropriate, with respect to:*

*-IGO's*

*-NGO's*

*in light of the need of NAFO to function effectively when executing its business.*

*The Working Group shall submit its report, including possible recommendations to the General Council.*

### **4. Report to the General Council**

The Working Group on Transparency **recommends** that the General Council decide how and when further work on transparency should be conducted.

### **5. Adjournment**

The meeting was adjourned at 11:15.

**Appendix 1. List of Participants**

<u>Name</u>	<u>Contracting Party</u>
E. Mundell	Canada
E. Lemche	Denmark (in respect of Faroe Islands and Greenland)
M. H. Pedersen	Denmark (in respect of Faroe Islands and Greenland)
P. Curran	European Union
G. F. Kingston	European Union
P. Lurton	France (in respect of St. Pierre et Miquelon)
A. Halldorsson	Iceland
J. Sigurjonsson	Iceland
A. Jonsson	Iceland
A. Umezawa	Japan
D. Stai	Norway
V. Solodovnik	Russian Federation
L. Speer	USA
K. Rodrigues	USA
D. Swanson	USA
P. Moran	USA

**Annex 12. Points for Consideration on the Matter of Chartering  
of Vessels Between Contracting Parties  
(GC Working Paper 97/9)**

**Paper presented by France on behalf of St. Pierre & Miquelon**

France on behalf of St. Pierre & Miquelon is pleased to see that it has emerged from the discussions of the General Council members that the chartering of Contracting Party vessels by another Contracting Party is not prohibited under the present rules and that there is a common will to control this type of operation.

Therefore, France on behalf of St. Pierre & Miquelon is pleased that the General Council has endorsed the principle that a working group be created to examine the conditions that would apply to such charter operations. The working group would be mandated to develop appropriate rules recognized by all parties.

Eager to contribute to this process, France on behalf of St. Pierre & Miquelon submits the following points for your consideration.

The Contracting Party to whom the quota has been allocated and who charts the vessel must do everything in its power to ensure compliance with all NAFO conservation and enforcement measures. The charterer of the vessel must be made fully accountable pursuant to the applicable legislation.

It is also recommended, in the interest of compliance with established rules of law, that both Parties concerned, namely the Contracting Party having jurisdiction over the charterer and the Contracting Party having jurisdiction over the shipowner, to agree on the applicable regulations through the exchange of diplomatic notes.

It must be underscored that the chartering of a vessel belonging to another Contracting Party is not the same as a quota transfer. In the case of a charter operation, the fishery is carried out for the benefit of the Contracting Party to whom the quota has been allocated for that particular fishery.

France on behalf of St. Pierre & Miquelon hopes that these submissions will contribute to the rationalization of charter operations.



**Annex 13. List of Decisions and Actions by  
the General Council  
(19<sup>th</sup> Annual Meeting, 15-19 September 1997)**

Substantive issue (propositions/motions)	Decision/Action (GC Doc. 97/9, Part I; item)
1. Participation in NAFO by two Contracting Parties – Bulgaria and Romania	Item 2.3; Resolution 97/1; Annex 6, Part II. All Contracting Parties shall contact the Bulgarian and Romanian authorities and report back at the 20 <sup>th</sup> Annual Meeting, 1998.
2. Transparency in the NAFO decision-making process (Participation of Inter-governmental and Non-Governmental Organizations)	Agreed to call intersessional W.G. meeting in USA, May 1998, Chairman, Mr. D. Swanson (USA); item 2.7
3. Election of Chairman and Vice-Chairman	Reelected A. Rodin, Russia, Chairman for next two years 1998-1999, and R. Dominguez, Cuba, Vice-Chairman for 1998-1999; item 2.9
4. UN Resolutions 51/35 and 51/36 December 1996 re the UN Agreement on straddling and highly migratory fish stocks; and on large-scale pelagic driftnet fishing	Endorsed; item 3.1
5. Report of STACFAC to the Meeting: -New diplomatic demarches to Belize, Honduras, Panama, Sierra Leone -Scheme to Promote Compliance by Non-CPs with NAFO Measures (GC Doc. 97/6)	Adopted; item 4.3 Agreed; item 4.2c)  Adopted; item 4.2c)
6. Dispute Settlement Procedures (DSP) in NAFO Proceedings	Agreed to continue the DSP deliberations intersessionally in a Working Group, which shall meet in April 1998, Dartmouth, N.S., Canada; Chairman Mr. Stein Owe (Norway); item 4.11
7. Chartering the non-flag State vessels to fish national quota shares	Agreed to consider this issue in a W.G. to be called in Brussels, March 98; the Chairman H. Koster (EU). (Note: this W.G. will coincide with the STACTIC W.G. on quota allocation practices); item 4.14  Agreed that no charter arrangements shall be made by Contracting Parties until the accomplishment of the Working Group task and its endorsement by the General Council.
8. Report of STACFAD to the Meeting: - Auditors Report - Accumulated Surplus Account  - Bulgaria's and Romania's collectible debt for 1997	Adopted; item 5 Adopted Agreed to maintain on the level not less than \$75,000 Cdn  Agreed: \$31,469.43 Cdn to write-off from the Accumulated Surplus Account

9. Budget for 1997  
- incl. special amount for satellite tracking

Adopted; \$1,077,00 Cdn  
- \$35,000 Cdn

10. Annual NAFO Meetings, 1998-2000

Agreed on time and place of the Annual  
Meetings; item 6.1 and Part II, item 12

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## **PART II**

### **Report of the Standing Committee on Finance and Administration (STACFAD)**

Monday, September 15, 1997 (1500-1800 hours)  
 Tuesday, September 16, 1997 (1600-1815 hours)  
 Wednesday, September 17, 1997 (11:15-13:00 hours)  
 Wednesday, September 17, 1997 (15:45-20:00 hours)  
 Thursday, September 18, 1997 (09:30-12:45 hours)  
 Thursday, September 18, 1997 (15:30-16:45 hours)

#### **1. Opening**

The Chairperson, J. Quintal-McGrath (Canada), opened the meeting and welcomed the participants (Annex 1). She stated that STACFAD delegates will be considering a number of consequential financial issues and will be seeking to maximize effectively the operations of NAFO while remaining fiscally responsible to each of their respective governments. It is her hope that this meeting of STACFAD would be constructive and result in responsible recommendations to the General Council.

#### **2. Appointment of Rapporteur**

F. Keating and S. Goodick of the NAFO Secretariat were appointed Rapporteurs.

#### **3. Adoption of Agenda**

The provisional agenda was adopted as circulated to the Contracting Parties (Annex 2).

#### **4. Auditors' Report for 1996**

The Auditors' Report was circulated to the STACFAD participants for their review and comments.

The Executive Secretary informed STACFAD participants that the Auditors' Report was circulated to the Heads of Delegation in early March 1997 and no comments had been received on the Report.

STACFAD recommends to the General Council that the 1996 Auditors' Report be adopted.

#### **5. Meeting of the Pension Society**

The Chairperson explained that the International Fisheries Commissions Pension Society (IFCPS) administers the pension plans and benefits of employees of seven fisheries commissions based in North America. The annual meeting was held in May 1997 in Victoria, BC.

The Executive Secretary proceeded to explain STACFAD Working Paper 97/3 summarizing the annual meeting, which was attended by the NAFO Secretariat staff F. Keating and S. Goodick. Several major items were presented including Administration and Future of the Pension Society, which follows up on the pending privatization of the Society's administrative affairs as of May 31,

1998. Ongoing efforts to finalize the administration details have been delayed as three US based commissions are considering withdrawing from the IFCPS. As a result of these intentions, a special meeting of the Pension Society has been called in Ottawa for 7-8 October 1997. Any additional costs, which may arise from the privatization, will not be known until after this special meeting.

The possible budget implications (whether short or long term) were of concern to the EU delegate who inquired as to when the costs will be applicable and should any provision be made for the 1998 budget year.

The US delegate stated that privatization will cost the IFCPS more money under whatever scenario is chosen, and that at least a portion of those costs will have to go into effect as of May 31, 1998, at which time the current administrative contract is set to expire. However, the Chairperson reminded delegates that funds were already appropriated for this purpose and the Executive Secretary informed delegates that these funds are part of a \$5,000 allowance in the Superannuation and Annuities budget for 1998.

#### **6. Review of Cost Implications of the Hail and Satellite Tracking Systems in the Regulatory Area**

STACFAD Working Paper 97/1 was distributed and reviewed by the Committee.

The Executive Secretary explained that the cost of transmitting hail reports has decreased by approximately \$4,000 after the 1996 recommendation to review the policy of transmitting hails by both fax and datapac. As a result of the application of this technology (computer/X.25 communication link), fax transmissions have been eliminated.

He also noted that the Satellite Tracking and Observer Pilot Project is still very experimental and that, even after several meetings of STACTIC, no recommendations have been presented to the Fisheries Commission regarding software, equipment or choices of a satellite system. The NAFO Secretariat has been experimenting with an X.25 connection and PAD package for the hail system for satellite communications between the Secretariat and Norway. To continue with these experiments, additional hardware/software in the range of \$3,000-\$3,500 Cdn would be required.

The representative from the EU stated it was his understanding that the associated costs would be in the range of \$5,000.

The representative for the Russian Federation requested clarification on the cost of hardware as it was noted that the Fisheries Commission has not made any recommendations towards specific satellite tracking technology, although the Secretariat has established transmissions with Norway on an experimental basis.

The Executive Secretary explained that the cost associated with this experimental communication is only a small part of what could be eventually used in the overall satellite tracking scheme. This communication is presently the most cost efficient approach, and Norway has offered their experience in this field. However, the total costs of the satellite tracking equipment at the NAFO Secretariat, estimated to be in the range of \$20,000 - \$25,000 Cdn by the STACTIC Working Group in 1995 (FC Doc. 95/24), may now more accurately be in the range of \$30,000 - \$40,000 Cdn.

## **7. Catch Statistics of Nominal Catches to Calculate Contribution Dues from Contracting Parties**

The Executive Secretary presented STACFAD Working Paper 97/2. He noted that statistics of nominal catches, which are used to calculate contribution dues from Contracting Parties, are taken from the STATLANT 21A and 21B forms pursuant to the provisions of the NAFO Convention. He further noted that nominal catches with respect to co-operative fishing arrangements between Contracting Parties must be reported to the NAFO Secretariat for billing calculation purposes.

## **8. Administrative and Financial Statements for 1997 (July)**

The Executive Secretary presented the Administrative Report and Financial Statements (NAFO GC Doc. 97/4). He reviewed the financial statements in detail and noted that there would be an estimated unliquidated balance of appropriations at year-end in the amount of \$14,500. In reviewing the balance sheet, it was noted that termination benefit funds have been segregated from the operating cash and deposited into a redeemable guaranteed investment certificate.

As a result of the 1996 request to review the termination benefit accounting policy, the Executive Secretary, upon advice from the NAFO auditors, confirmed that "generally accepted accounting principles" require that the termination benefit liability be fully funded. The Committee had a lengthy discussion reviewing the policy and calculation of the termination benefits.

The Chairperson informed the participants that payments have been received from Cuba (1996 contribution), Lithuania (\$2,500 partial payment) and Poland since the financial statements were prepared as of 31 July 1997. The representatives from Cuba and Lithuania stated that further payments would be forthcoming as soon as possible. The Chairperson requested that the Executive Secretary contact the representative from the Republic of Korea with reference to their outstanding contribution.

The Executive Secretary noted that attempts to contact Bulgaria and Romania by both the Chairman of the General Council and the NAFO Secretariat, with respect to outstanding contributions, have not been successful. As in prior years, the Committee deemed these contributions uncollectible and recommended that these amounts be applied against the accumulated surplus. This matter was further discussed in detail under agenda item 13, as requested by the General Council.

## **9. Review of the Accumulated Surplus Account**

The Executive Secretary reviewed the accumulated surplus account and it was noted that the year-end balance is estimated to be \$230,366 provided that all outstanding member contributions (excluding Bulgaria/Romania) are received. As in past years, STACFAD recommends that \$75,000 be maintained as a minimum balance in this account.

The remaining estimated accumulated surplus balance (\$155,366) at the end of 1997 will be used to reduce contributions due from Contracting Parties.

## **10. Preliminary Budget Estimate for 1998**

The Executive Secretary presented the preliminary budget estimate for 1998 (GC Working Paper 97/3 (Revised)) and noted the following:

- Salary levels included a 2% cost of living adjustment (COLA), although no COLA salary increases will be given until the Canadian Federal Government wage freeze is lifted.
- Publication levels have increased marginally by \$1,000 due to increased publication production. He was informed by the Scientific Council that a recommendation may be forthcoming to publish the Proceedings of the 1997 Symposium "What Future For Capture Fisheries", which may include hardcover and colour printing. The cost to produce this publication may be in the range of \$4,000-\$5,000.
- The Annual General Meeting account includes a budget estimate to hold the 20<sup>th</sup> Annual Meeting in Lisbon, Portugal.
- The total Preliminary Budget Estimate for 1998 is \$ 1,042,000.

The representative from the Russian Federation requested further clarification on the Salaries Account. The Chairperson noted that the Canadian Public Service Union is currently in negotiations with the Federal Government, and any COLAs approved will be applied to NAFO. The Budget for 1998 allows for a 2% increase, and if there are any retroactive pay adjustments, it will be an unbudgeted item and handled through the accumulated surplus.

Various discussions were held with regard to additional budgetary requirements for 1998.

The representative from the Russian Federation brought to the attention of STACFAD the potential of three or more inter-sessional meetings for 1998 as a result of issues being deferred from the General Council. His concern was of the potential cost implications of all of the inter-sessional meetings being held and if they should be reflected in the 1998 budget.

STACFAD recommends to the General Council, in order to control NAFO expenses, that NAFO Headquarters be considered as the venue for any possible meeting of working groups and standing committees.

STACFAD recommends that an additional \$5,000 be included in the 1998 budget to equip the Secretariat to receive satellite transmissions.

STACFAD also recommends to the General Council that the budget of \$1,047,000 be adopted (Annex 3).

NOTE: At the closing session of the General Council the decision was to increase the budget by \$30,000 Cdn (for the satellite tracking). The total budget was adopted - \$1,077,000 Cdn.

Preliminary calculations of the 1998 billing for Contracting Parties were reviewed by the Committee (Annex 4).

## **11. Preliminary Budget Forecast for 1999**

STACFAD noted the preliminary budget forecast for 1999 would be reviewed in detail during the 20<sup>th</sup> Annual Meeting (Annex 5).

## 12. Time and Place of 2000 Annual Meeting

The location of the Annual Meeting for 1998 is scheduled for Lisbon, Portugal. The location of the Annual Meetings for 1999 and 2000 will be held in the Halifax Regional Municipality area if no invitations to host the Annual Meeting are extended by a Contracting Party and accepted by the Organization.

The dates of the next Annual Meetings are as follows:

1998	-	Scientific Council	-	09-18 September
	-	General Council	-	14-18 September
	-	Fisheries Commission	-	14-18 September
1999	-	Scientific Council	-	08-17 September
	-	General Council	-	13-17 September
	-	Fisheries Commission	-	13-17 September

and STACFAD recommends that the dates of the 2000 Annual Meeting be as follows:

2000	-	Scientific Council	-	13-22 September
	-	General Council	-	18-22 September
	-	Fisheries Commission	-	18-22 September

## 13. Other Issues

The following item was referred over from the General Council for the consideration and clarification of STACFAD.

### **Item 7 of the General Council Agenda, Amendment of the Rules of Procedure for the General Council**

Following a discussion on the proposed change to the Rules of Procedure, STACFAD reported back to the General Council (GC Working Paper 97/8, Annex 6) on the closing session on Friday, September 19, 1997, and its findings and decisions were reviewed under item 7 of the General Council Proceedings.

## 14. Election of Chairperson and Vice-Chairperson

STACFAD elected F. Kingston, of the European Union, for the position of Chairperson and J. McGruder, of the United States, for the position of Vice-Chairperson.

## 15. Adjournment

The meeting adjourned on 18 September 1997 at 16:45 hours.

### Annex 1. List of Participants

<u>Name</u>	<u>Contracting Party</u>
J. Quintal-McGrath	Canada
R. Rochon	Canada
R. Dominguez	Cuba
J. Lopez Piedra	Cuba
A. Luksepp	Estonia
H.-C. von Heydebrand	European Union
F. Kingston	European Union
A. Dodeman	France (in respect of St. Pierre et Miquelon)
A. Umezawa	Japan
A. Ukis	Latvia
A. Rusakevicius	Lithuania
R. Bogdevicius	Lithuania
D. E. Stai	Norway
J. Fota	Poland
L. Dybiec	Poland
V. Solodovnik	Russian Federation
J. McGruder	USA
L. I. Chepel	NAFO Secretariat
S. M. Goodick	NAFO Secretariat
F. D. Keating	NAFO Secretariat



## **Annex 2. Agenda**

1. Opening by the Chairman, J. Quintal-McGrath (Canada)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Auditor's Report
5. Meeting of the Pension Society
6. Review of Cost Implications of the Hail and Satellite Tracking Systems in the Regulatory Area
7. Catch statistics of nominal catches to calculate contribution dues for Contracting Parties
8. Administrative and Financial Statements for 1997 (July)
9. Review of Accumulated Surplus Account
10. Preliminary Budget Estimate for 1998
11. Preliminary Budget Estimate for 1999
12. Time and Place of 2000(!) Annual Meeting
13. Other issues including questions from the General Council
14. Election of Chairperson and Vice-Chairperson
15. Adjournment

### Annex 3. Preliminary Budget Estimate for 1998 (Canadian Dollars)

	Approved Budget for 1997	Expected Expenditures for 1997	Preliminary Budget Forecast for 1998	Preliminary Budget Estimate for 1998
<b>1. Personal Services</b>				
a) Salaries	\$ 614,500	\$ 602,500	\$ 626,500	\$ 620,000 <sup>a</sup>
b) Superannuation and Annuities	86,200	77,000	87,000	84,000
c) Additional Help	500	500	1,000	1,000
d) Group Medical and Insurance Plans	42,000	43,200	43,000	47,000 <sup>b</sup>
e) Termination Benefits	22,000	16,500	22,000	22,500 <sup>c</sup>
f) Accrued Vacation Pay	1,000	1,000	1,000	1,000
g) Termination Benefits Liability	10,000	10,000	10,000	10,000
2. Travel	11,300	11,400	20,000	26,000 <sup>d</sup>
3. Transportation	1,000	1,000	1,000	1,000
4. Communications	67,000	57,400	68,000	61,000
5. Publications	26,000	26,800	26,000	27,000
6. Other Contractual Service	38,000	36,000	40,000	34,000
7. Materials and Supplies	32,000	31,400	32,000	30,000
8. Equipment	5,000	5,000	5,000	5,000
9. Annual General Meeting and Scientific Council Meeting	35,000	57,300	35,000	57,500 <sup>e</sup>
10. Computer Services	15,000	15,000	15,000	20,000 <sup>f</sup>
	<b>\$1,006,500</b>	<b>\$992,000</b>	<b>\$1,032,500</b>	<b>\$1,047,000</b>

<sup>a</sup> Collective Bargaining with the Canadian Government is in progress with respect to Cost of Living Adjustments (COLA's). The budgeted 1998 COLA's will again be withheld until an agreement is finalized.

<sup>b</sup> Canada Pension Plan (CPP) contributions are scheduled to rise significantly over the next several years (11% increase in 1997) and also rising medical premiums account for the increase in this account.

<sup>c</sup> This figure is for 1998 credits and conforms with NAFO Staff Rule 10.4(a).

<sup>d</sup> Travel costs for 1998 includes the home leave to Russia for Executive Secretary and family; the Assistant Executive Secretary's attendance at the intersessional meeting of the CWP in mid-1998; two persons to meeting of Directors and Executive Secretaries of the seven International Commissions located in North America re discussion of pension scheme for employees, May 1998, La Jolla, CA, USA; and the Executive Secretary and Administrative Assistant to Lisbon Portugal for inspection and planning of the 20th Annual Meeting facilities, Spring 1998.

<sup>e</sup> This figure includes the cost for Annual Meeting, September 1998, Lisbon, Portugal and the Scientific Council Meeting, June 1998, Halifax, NS, Canada.

<sup>f</sup> This figure includes \$5,000 for the purchase of computer hardware/software for satellite tracking.

### Annex 4. Preliminary Calculation of Billing for 1998

Preliminary calculation of billing for Contracting Parties  
against the proposed estimate of \$1,047,000 for the 1998  
financial year (based on 17 Contracting Parties to NAFO).  
(Canadian Dollars)

Budget Estimate .....	\$1,047,000.00
Deduct: Amount from Accumulated Surplus Account.....	<u>155,366.00</u>
Funds required to meet 1997 Administrative Budget.....	<u>\$ 891,634.00</u>

60% of funds required =	\$534,980.40
30% of funds required =	267,490.20
10% of funds required =	89,163.40

Contracting Parties	Nominal Catches for 1995	% of Total Catch in the Convention Area	10%	30%	60%	Amount billed
Bulgaria	-	-	-	\$15,734.72	-	\$ 15,734.72
Canada	347,293	50.81	\$50,036.72	15,734.72	\$271,823.54	337,594.98
Cuba	2,236	0.33	-	15,734.72	1,765.44	17,500.16
Denmark (Faroes and Greenland) <sup>1,2</sup>	108,787	15.92	15,673.64	15,734.72	85,168.88	116,577.24
Estonia	3,242	0.47	-	15,734.72	2,514.41	18,249.13
European Union	23,228	3.40	-	15,734.72	18,189.33	33,924.05
France (St. Pierre et Miquelon)	60	0.01	8.64	15,734.72	53.50	15,796.86
Iceland	8,232	1.20	-	15,734.72	6,419.76	22,154.48
Japan	4,120	0.60	-	15,734.72	3,209.88	18,944.60
Republic of Korea	-	-	-	15,734.72	-	15,734.72
Latvia	983	0.14	-	15,734.72	748.97	16,483.69
Lithuania <sup>3</sup>	900	0.13	-	15,734.72	695.47	16,430.19
Norway	12,013	1.77	-	15,734.72	9,469.15	25,203.87
Poland	-	-	-	15,734.71	-	15,734.71
Romania	-	-	-	15,734.71	-	15,734.71
Russian Federation	9,660	1.41	-	15,734.71	7,543.23	23,277.94
United States of America	162,722	23.81	23,444.40	15,743.71	127,378.84	166,557.95
	683,476	100.00	\$89,163.40	\$267,490.20	\$534,980.40	<u>\$891,634.00</u>
Funds required to meet 1 January - 31 December 1998 Administrative Budget						<u>\$891,634.00</u>

<sup>1</sup> Provisional Statistics used when calculating 1995 nominal catches due to outstanding reports from some Contracting Parties.

<sup>2</sup> Faroe Islands = 10,011 metric tons  
Greenland = 98,776 metric tons

<sup>3</sup> No statistics have been received and therefore provisional statistics are based upon their 1994 nominal catches.

**Annex 5. Preliminary Budget Forecast for 1999**  
(Canadian Dollars)

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1.	Personal Services	
	a) Salaries	\$ 632,000
	b) Superannuation and Annuities	65,000
	c) Additional Help	1,000
	d) Group Medical and Insurance Plans	48,000
	e) Termination Benefits	21,000 <sup>a</sup>
	f) Accrued Vacation Pay	1,000
	g) Termination Benefits Liability	10,000
2.	Travel	10,000 <sup>b</sup>
3.	Transportation	1,000
4.	Communications	62,000
5.	Publications	27,000
6.	Other Contractual Services	35,000
7.	Materials and Supplies	32,000
8.	Equipment	5,000
9.	Annual General Meeting and Scientific Council Meeting	37,000 <sup>c</sup>
10.	Computer Services	<u>15,000</u>
		\$1,002,000

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<sup>a</sup> This figure is for 1999 credits and conforms with NAFO Staff Rule 10.4(a).

<sup>b</sup> This figure includes two persons to meeting of Directors and Executive Secretaries of the seven International Commissions located in North America re discussion of pension scheme for employees, May 1999; and the Assistant Executive Secretary's attendance at the 18th Session of CWP.

<sup>c</sup> This figure includes the cost for Annual Meeting, September 1999 and the Scientific Council Meeting, June 1999, if held in the Halifax, N.S., Canada area.

**Annex 6. Report by STACFAD to the General Council Regarding  
Item 7 of the General Council Agenda  
(GC Working Paper 97/8)**

The General Council asked STACFAD to review the proposal for an Amendment to the Rules of Procedure of the General Council to deal with the issue of membership. It also asked STACFAD to consider the need for demarches to Bulgaria and Romania concerning their status in NAFO.

The proposed Amendment to the Rules of Procedure was as follows:

“New Rule 1.3: The General Council may decide on membership pursuant to the provisions of paragraph 9, Article XVI of the NAFO Convention and subject to Rule 3.2g of the Rules of Procedure for the General Council and Rule 4.7 of the Financial Regulations.

Amend Rule 3.2g to read: (underlined) To arrange for the appointment of the members of subsidiary bodies as required and to rule on the membership of Constituent bodies subject to the following provision: a Contracting Party which has not paid its contributions at least for five (5) consecutive years and has not participated in NAFO business during that period that Contracting Party shall cease to be a NAFO member on 31 December of the fifth year of the said period.”

In addressing the proposed Amendment, STACFAD discussed the standard practice under international law relating to expulsion of member states from international organizations. Expulsion clauses are uncommon. The NAFO Convention does not contain an expulsion clause. The sanction for non-payment by Contracting Parties is established by NAFO Article XVI.9, coupled with Rule 2.2 of the Rules of Procedure, which is the loss of voting rights and exclusion from the quorum. In the absence of an expressed constitutional power to expel, the general rule of international law is that a member cannot be expelled. STACFAD was of the view that the proposal to amend the Rules of Procedure would be unconstitutional in that it by-passes the amendment provisions of the Convention.

The option of amending the Convention was considered to be impractical by several delegates. Two other courses of action were considered to meet the objective of dealing with Bulgaria and Romania.

**Recommendation 1:**

That the General Council adopt the following Resolution:

**Resolution Relating to the Non-participation of Bulgaria and Romania in NAFO.**

**The General Council**

Recalling that the NAFO Convention provides that the object of the Organization shall be to contribute through consultation and co-operation to the optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area;

Noting its concern about the long-standing non-participation of Bulgaria and Romania in NAFO, particularly the non-payment of their respective contributions;

Considering that such long-standing non-participation in NAFO and non-payment of their respective contributions disrupt the normal functioning of the Organization; and

Recalling that the Chairman of the General Council and the Executive Secretary have, on numerous occasions, written to Bulgaria and Romania expressing the Organization's concerns and asking for indications as to their intent concerning future participation in NAFO, with no response,

resolves that:

- 1) Each Contracting Party, and in particular the NAFO Convention depository state, shall communicate through the appropriate diplomatic channels with Bulgaria and Romania;
  - (a) to convey the concerns over their non-participation in NAFO and the non-payment of their contributions to NAFO; and
  - (b) to urge them either to meet their obligations under the Convention or to exercise their rights under Article XXIV thereof, the latter in effect resulting in the suspension of the debt accumulated from the non-payment of contributions.
- 2) Each Contracting Party shall report to the General Council, at its next annual meeting, on the results of its diplomatic communications effected pursuant to paragraph 1 above.

#### **Recommendation 2:**

That the General Council, pursuant to Articles III and XVI of the Convention, approve the following course of action for the 1999 and subsequent billing years:

The contributions due from each Contracting Party will be established in accordance with Article XVI.3, with requests for payment to be sent to Bulgaria and Romania accordingly. A separate calculation of contributions due will also be established based on the exclusion of Bulgaria and Romania, with consequent requests for payment to be sent to all remaining Contracting Parties. However, this procedure will be reviewed on an annual basis and could be changed based on the status of Bulgaria and/or Romania.

STACFAD considers that the practical effect of this action is that each Contracting Party's contribution under Article XVI.3(b) will be equally increased. The increased cost could be offset by the accumulated surplus.

## **PART III**

### **Report of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)**

#### **1. Opening**

The Meeting was called to order by the Chairman, J.-P. Plé (USA). He stated that he hoped the meeting would be productive and result in a recommendation to the General Council of a scheme dealing with Non-Contracting Party (NCP) fishing in the NAFO Regulatory Area (NRA).

The following Contracting Parties were present: Canada, Denmark (in respect of Faroe Islands and Greenland), Estonia, European Union, France (in respect of St. Pierre and Miquelon), Iceland, Japan, Norway, Poland, Russia and the USA (Annex 1).

#### **2. Appointment of Rapporteur**

P. Heller (EU) was appointed rapporteur.

#### **3. Adoption of Agenda**

The Agenda was adopted (Annex 2).

#### **4. Review of 1997 information on activities of Non-Contracting Party vessels in the Regulatory Area**

Canada presented a paper (STACFAC W.P. 97/7) on the activities of NCP vessels in the NRA from January 1 - August 31, 1997. It was stressed that the findings in the paper were preliminary. The paper indicated that four NCP vessels, all registered in Sierra Leone, were sighted in the period. Total catches were estimated at 1000 tons, of which 550 tons were cod, 400 tons were redfish and 50 tons were flounder. It was noted that there had been a decrease in the number of vessels from the same time in 1995, but that catches from these vessels still posed a significant threat to NAFO stocks.

Denmark asked whether the observed decrease in NCP presence is due to a real decrease in fishing activity or follows from reduced observation efforts. Canada stated that although the frequency of sightings may have declined, due in part to reduced need for surveillance given the diminished NCP presence in the NRA, the reliability of information collected by Canadian surveillance authorities has been maintained.

#### **5. Review of 1997 information on landings and transshipments of fish caught by Non-Contracting Party vessels in the Regulatory Area**

The EU presented a paper (STACFAC W.P. 97/11) on landings in Portuguese ports from Non-Contracting Party vessels during 1996 and 1997. The EU reported that in 1996, four vessels from Sierra Leone landed 812 tons, of which 643 tons were cod. The EU also reported that during the January-August 1997 period, two vessels from Sierra Leone, landed 570 tons, of which 440 tons were cod.

**6. Review of information on imports of species regulated by  
NAFO from Non-Contracting Parties whose vessels  
have fished in the Regulatory Area**

No new information was presented.

**7. Reports by Contracting Parties on diplomatic contacts with  
Non-Contracting Party Governments concerning fishing  
in the Regulatory Area**

In accordance with a General Council decision at the Eighteenth Annual Meeting, demarches, in the form of letters signed by the President of NAFO, were prepared to the flag-States of the Non-Contracting Party vessels which fished in the NAFO Regulatory Area in 1996, namely: Belize, Honduras, Panama and Sierra Leone. Subsequently, the USA was asked to deliver the letters, on behalf of NAFO, to the Governments of Belize and Sierra Leone; Canada was asked to do likewise to the Governments of Honduras and Panama. The USA and Canada reported that they have so far received no responses to these letters.

Japan proposed that a new letter, to be signed by the President of NAFO, should be sent to Sierra Leone. Other delegations suggested that letters reflecting that replies have not been received, should be sent to Honduras, Panama and Belize. The delegations endorsed these proposals.

**8. Finalization of the NAFO Scheme to deal with Non-Contracting  
Parties fishing in the NAFO Regulatory Area**

STACFAC held an informal meeting on September 14, 1997, based on the STACFAC Report from the intersessional meeting in Brussels, May 15-16, 1997 (NAFO/GC Doc. 97/2).

During the course of the week, STACFAC conducted extensive discussions in order to finalize work on developing a scheme to deal with NCP fishing in the NRA. The Chairman presented several Working Papers based on these discussions and STACFAC agreed to submit to the General Council a proposed Scheme. The main elements of the proposed Scheme are presented below.

The proposed Scheme, *inter alia*:

- 1) targets NCP vessels;
- 2) presumes that a NCP vessel, which has been sighted engaging in fishing activities in the NRA, is undermining NAFO Conservation and Enforcement Measures;
- 3) provides that sightings of NCP vessels must be reported to the NAFO Secretariat, all NAFO Parties and the flag-State of the sighted NCP vessel;
- 4) provides that if a sighted NCP vessel enters a Contracting Party port, the vessel must be inspected and is not permitted to land or transship any fish until it has been inspected;
- 5) provides that NAFO Contracting Parties shall prohibit landings or transshipments of any fish, if the inspection shows that the vessel has species regulated by NAFO through moratoria, TACs or effort limitation, unless the vessel establishes that such fish were caught outside the NRA.



- 6) provides that NAFO Contracting Parties shall prohibit landings or transshipment of any fish, if the inspection shows that the vessel has certain other species, unless the vessel establishes that it has applied the NAFO Conservation and Enforcement Measures.
- 7) provides that reports on such port inspections shall be communicated to the NAFO Secretariat, other Contracting Parties and the flag-State;
- 8) contains an annual review clause.

A list of species referred to in point 6 above was first developed from a paper presented by Denmark (in respect of Faroe Islands and Greenland) (STACFAC W.P. 97/7, Revised), which showed estimates of catches of non-regulated fish (i.e. not subject to moratoria, TACs or effort limitation), which were fished in commercial quantities in the NRA in 1992 and 1996.

In order to clarify certain points regarding the species listed in STACFAC W.P. 97/7 (Revised), STACFAC accepted a Canadian proposal (GC W.P. 97/6) that the Chairman of STACFAC ask the Scientific Council, through the General Council, if it is possible to catch any non-regulated species in the NRA without by-catch of regulated species. If the answer to the question was affirmative, the Scientific Council was asked to identify such fisheries.

In its reply, the Scientific Council (GC W.P. 97/7) (Annex 3) expressed its opinion that in general, it would normally not be possible to conduct a directed fishing for non-regulated species in the NAFO Regulatory Area without a by-catch of some regulated species, although the size of such by-catches might vary depending on species, abundance, gear and season of the fishery. The Scientific Council also noted that it was not in a position to provide a more detailed reply.

STACFAC thereafter discussed which species should be included in the list of other species. Canada, with reference to the advice from the Scientific Council, had a preference for the prohibition of landings and transshipments of all species found in the NRA, with the possible exception of species regulated by other fisheries organizations. STACFAC decided to limit this other group of species to those referred to in point 6 above. Canada reserved its position on this issue (i.e. paragraph 10 (ii) of the proposed Scheme), but later reluctantly lifted its reservation.

The USA questioned the correctness of the 1992 figure for salmon in STACFAC W.P. 97/7 (Revised) and noted that figure did, however, seem to correspond with the USA estimate of salmon returns for that year. The USA indicated that it would continue to research the source of the 1992 figure.

Exec.Sec. Note: After the Annual Meeting the NAFO Secretariat received the USA confirmation that the salmon catch figure reported in STACFAC W.P. 97/7 represents aquacultural landings in Maine.

STACFAC also discussed whether the scheme should permit Contracting Parties to designate ports which are capable of inspecting NCP vessels. Following comments from various representatives, STACFAC agreed that this question was a matter for the internal implementation of the scheme by the Contracting Parties.

STACFAC reviewed the different configurations in which transshipments occur: various combinations involving Contracting Party and NCP vessels; transshipments inside or outside the NRA; transshipments in areas far from the NRA or in ports. All delegations agreed that

transshipments, although not now taking place in the NRA, might in the future create a problem, if not properly addressed in the proposed Scheme.

The delegations agreed that certain transshipments, whether inside or outside the NRA, would fall under the presumption that the NAFO Conservation and Enforcement Measures have been undermined, and those NCP vessels involved would be subject to an inspection upon entering a port of a Contracting Party.

Upon adoption by the General Council, the Scheme should be referred for review by the Fisheries Commission, with a view to incorporating it in the Conservation and Enforcement Measures, as appropriate.

The proposed Scheme, entitled "Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO" is attached as Annex 4.

STACFAC recognizes that implementation of this Scheme might incur additional costs for the NAFO Secretariat, especially with respect to the acquisition of communication equipment for the purpose of the data flow required.

### **9. Report and Recommendations to the General Council**

References were made to GC Doc. 97/1 and GC Doc. 97/2, namely, the reports from the intersessional STACFAC meetings of 4-7 February 1997 in Dartmouth, Canada, and of 15-16 May 1997 in Brussels, Belgium.

The STACFAC recommends to the General Council that:

1. a demarche, in the form of a letter signed by the President of NAFO, be made to the flag-State from which NCP vessels fished in the NRA in 1997, namely Sierra Leone, in an effort to discourage vessels from that country from fishing in the NRA (Annex 5);
2. demarches, in the form of letters signed by the President of NAFO, be made to the flag-States from which NCP vessels fished in the NRA in 1996, namely Belize, Honduras and Panama, in an effort to discourage vessels from these countries from resuming fishing in the NRA (Annexes 6, 7 and 8);
3. it adopt the Scheme attached as Annex 4;
4. STACFAC undertake the work referred to in paragraph 16 of the above-mentioned Scheme; and
5. the NAFO Secretariat should explore means whereby NAFO and the North-East Atlantic Fisheries Commission (NEAFC) can exchange information on the fishing/fish processing/transshipment activities of Non-Contracting Party vessels.

### **10. Other Matters**

No other matters were discussed.

### **11. Adjournment**

The formal session of STACFAC adjourned at 1200 hours, Thursday 18 September.

## **Annex 1. List of Participants**

### **CANADA**

#### **Head of Delegation**

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### **DENMARK (in respect of Faroe Islands and Greenland)**

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M. T. Nedergaard, Gronlands Fiskerilicenskontrol, ostbox 501, DK-3900 Nuuk, Greenland

### **ESTONIA**

#### **Head of Delegation**

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### **EUROPEAN UNION**

#### **Head of Delegation**

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M. Waldron, Council of the European Union, Rue de la Loi 175, B-1048 Brussels, Belgium

L. R. M. Lomans, Ministry of Agriculture, Nature Management and Fisheries, P. O. Box 20401, 2500 EK The Hague, Netherlands

R. Akesson, Ministry of Agriculture, 10333 Stockholm, Sweden

T. Kruse, Ministry of Food, Agriculture and Fisheries, Holbergsgade 2, 1057 Copenhagen K, Denmark

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M. H. Figueiredo, Direcção Geral das Pescas e Aquicultura, Edifício Vasco da Gama, Alcantara, 1350 Lisbon, Portugal

C. Dominguez, Secretaria General de Pesca Maritima, Jose Ortega y Gasset, 57, 28006 Madrid, Spain

S. Whitehead, Room 427, Nobel House, Ministry of Agriculture, Fisheries and Food, 17 Smith Square, London SW1P 3JR, United Kingdom

### **FRANCE (in respect of St. Pierre and Miquelon)**

#### **Head of Delegation**

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**ICELAND**

**Head of Delegation**

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**JAPAN**

**Head of Delegation**

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**Advisers**

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**NORWAY**

**Head of Delegation**

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**RUSSIA**

**Head of Delegation**

V. Fedorenko, Embassy of the Russian Federation, 1609 Decatur St. N.W., Washington, DC 20011

**UNITED STATES OF AMERICA**

**Head of Delegation**

J.-P. Ple, Senior Atlantic Affairs Officer, Office of Marine Conservation (Room 5806), U.S. Dept. of State, 2201C Street NW, Washington, DC 20520

**Advisers**

G. S. Martin, Office of the General Counsel, Northeast Region, National Marine Fisheries Service, U.S. Dept. of Commerce, 1 Blackburn Dr., Gloucester, MA 01930

## Annex 2. Agenda

1. Opening by Chairman, J.-P. Plé (USA)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of 1997 information on activities of Non-Contracting Party vessels in the Regulatory Area
5. Review of 1997 information on landings and transshipments of fish caught by Non-Contracting Party vessels in the Regulatory Area
6. Review of information on imports of species regulated by NAFO from Non-Contracting Parties whose vessels have fished in the Regulatory Area
7. Reports by Contracting Parties on diplomatic contacts with Non-Contracting Party Governments concerning fishing in the Regulatory Area
8. Finalization of the NAFO Scheme to deal with Non-Contracting Parties fishing in the NAFO Regulatory Area
9. Report and Recommendations to the General Council
10. Other Matters
11. Adjournment

### **Annex 3. Scientific Council Response to the General Council**

The Council was requested by the General Council to advise if it is "possible to catch any non-regulated species in the NAFO Regulatory Area without by-catch of regulated species? If the answer to this question is yes, the Scientific Council is asked to identify such fisheries.

To help guide the Scientific Council in this requests, the Committee notes that Annex 1 to the NAFO Convention and STACFAC Working Paper 97/7 indicates several species in the NAFO Regulatory Area which are not regulated.

Regulated species are considered here as those species managed by NAFO through moratoria, TACs or effort limitation".

With respect to the request, the Scientific Council advised that, in general, it would normally not be possible to conduct a directed fishery for non-regulated species in the NAFO Regulatory Area without a by-catch of some regulated species. The amount of by-catch will depend on species, abundance, gear and season of the fishery. The Scientific Council is not in a position to evaluate a more detailed reply.

#### **Annex 4. Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO**

The General Council of the Northwest Atlantic Fisheries Organization (NAFO) resolves to adopt at its Nineteenth Annual Meeting a:

##### **Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO**

In implementing this Scheme, the Contracting Parties acknowledge the rights, duties and obligations of States whose vessels fish on the high seas as expressed in the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, the 1982 United Nations Convention on the Law of the Sea, the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas and general principles of international law, particularly the duty to have due regard to established fisheries.

1. The purpose of the Scheme is to ensure the effectiveness of the Conservation and Enforcement Measures established by the organization.
2. The term "fishing activities" means fishing, fish processing operations, the transshipment of fish or fish products, and any other activity in preparation for or related to fishing in the NAFO Regulatory Area. The term "NAFO inspector" means an inspector of the fishery control services of the Contracting Parties assigned to the NAFO Scheme of Joint International Inspection and Surveillance.
3. Upon adoption of the Scheme, the NAFO Secretariat will give due publicity to the Scheme and to the NAFO Conservation and Enforcement Measures.
4. The measures contained in the Scheme are directed at Non-Contracting Party vessels engaged in fishing activities in the NAFO Regulatory Area.
5. A Non-Contracting Party vessel which has been sighted engaging in fishing activities in the NAFO Regulatory Area is presumed to be undermining the effectiveness of NAFO Conservation and Enforcement Measures. In the case of any transshipment activities involving a sighted Non-Contracting Party vessel, inside or outside the NAFO Regulatory Area, the presumption of undermining NAFO Conservation and Enforcement Measures applies to any other Non-Contracting Party vessel which has engaged in such activities with that vessel.
6. Information regarding such sightings shall be transmitted to the NAFO Secretariat. The NAFO Secretariat will then transmit this information to all NAFO Contracting Parties within one business day of receiving this information, and to the flag-State of the sighted vessel as soon as possible.
7. The NAFO Contracting Party which sighted the Non-Contracting Party vessel will attempt to inform such a vessel that it has been sighted engaging in fishing activities and is accordingly presumed to be undermining the NAFO Conservation and Enforcement Measures, and that this information will be distributed to all NAFO Contracting Parties and to the flag-State of the vessel.

8. In the event that any Non-Contracting Party vessel, which has been sighted and reported as engaged in fishing activities in the NAFO Regulatory Area, consents to be boarded by NAFO inspectors, the findings of the NAFO inspectors shall be transmitted to the NAFO Secretariat. The NAFO Secretariat will transmit this information to all NAFO Contracting Parties within one business day of receiving this information, and to the flag-State of the boarded vessel as soon as possible. The Non-Contracting Party vessel which is boarded shall be provided with a copy of the findings of the NAFO inspectors.

9. When a Non-Contracting Party vessel referred to in paragraph 5 enters a port of any NAFO Contracting Party, it shall be inspected by authorized Contracting Party officials knowledgeable in the NAFO Conservation and Enforcement Measures and this Scheme, and shall not land or transship any fish until this inspection has taken place. Such inspections shall include the vessel's documents, log books, fishing gear, catch on board and any other matter relating to the vessel's activities in the NAFO Regulatory Area.

10. Landings and transshipments of all fish from a Non-Contracting Party vessel, which has been inspected pursuant to paragraph 9, shall be prohibited in all Contracting Party ports, if such inspection reveals that the vessel has onboard:

(i). species listed in Annex A, unless the vessel establishes that the fish were caught outside the NAFO Regulatory Area; or

(ii). other species listed in Annex B, unless the vessel establishes that it has applied the NAFO Conservation and Enforcement Measures.

11. Contracting Parties shall ensure that their vessels do not receive transshipments of fish from a Non-Contracting Party vessel which has been sighted and reported as having engaged in fishing activities in the NAFO Regulatory Area.

12. Information on the results of all inspections of Non-Contracting Party vessels conducted in the ports of Contracting Parties, and any subsequent action, shall be transmitted immediately through the NAFO Secretariat to all Contracting Parties and as soon as possible to the relevant flag-State(s).

13. Each Contracting Party shall report to the Executive Secretary by 1 March each year for the previous calendar year:

(i). the number of inspections of Non-Contracting Party vessels it conducted under the Scheme in its ports, the names of the vessels inspected and their respective flag-State, the dates and ports where the inspection was conducted, and the results of such inspections; and

(ii). where fish are landed or transshipped following an inspection pursuant to the Scheme, the report shall also include the evidence presented pursuant to paragraph 10 (i) and (ii).

14. The Executive Secretary shall prepare a report by 1 April each year, for the previous calendar year, based on the periodic reports made by Contracting Parties as called for in this Scheme.

15. Nothing in this Scheme affects the exercise by NAFO Contracting Parties of their sovereignty over the ports in their territory in accordance with international law.



16. The Standing Committee on Fishing Activities of Non-Contracting Parties in the NAFO Regulatory Area (STACFAC) shall review annually the information compiled, actions taken under this scheme and the operation of the Scheme, and where necessary, recommend to the General Council new measures to enhance the observance of NAFO Conservation and Enforcement Measures by Non-Contracting Parties and new procedures to enhance the implementation of the Scheme by Contracting Parties.

## Annex A

## Common English Name

## Scientific Name

- |  |   |
|--|---|
| 1. Atlantic cod                        | ( <i>Gadus morhua</i> )                 |
| 2. Atlantic redfishes                  | ( <i>Sebastes</i> sp.)                  |
| 3. American plaice                     | ( <i>Hippoglossoides platessoides</i> ) |
| 4. Yellowtail flounder                 | ( <i>Limanda ferruginea</i> )           |
| 5. Witch flounder                      | ( <i>Glyptocephalus cynoglossus</i> )   |
| 6. Capelin                             | ( <i>Mallotus villosus</i> )            |
| 7. Greenland halibut                   | ( <i>Reinhardtius hippoglossoides</i> ) |
| 8. Short-finned squid ( <i>Illex</i> ) | ( <i>Illex illecebrosus</i> )           |
| 9. Shrimps                             | ( <i>Pandalus</i> sp.)                  |

## Annex B

Common English Name	Scientific Name
1. Haddock	( <i>Melanogrammus aeglefinus</i> )
2. Silver hake	( <i>Merluccius bilinearis</i> )
3. Red hake	( <i>Urophycis chuss</i> )
4. Pollock	( <i>Pollachius virens</i> )
5. Roundnose grenadier	( <i>Macrourus rupestris</i> )
6. Atlantic herring	( <i>Clupea harengus</i> )
7. Atlantic mackerel	( <i>Scomber scombrus</i> )
8. Atlantic butterfish	( <i>Peprilus triacanthus</i> )
9. River herring (alewife)	( <i>Alosa pseudoharengus</i> )
10. Atlantic argentine	( <i>Argentina silus</i> )
11. Long-finned squid ( <i>Loligo</i> )	( <i>Loligo pealei</i> )
12. Wolffishes (NS)	( <i>Anarhichas</i> sp.)
13. Skates (NS)	( <i>Raja</i> sp.)

### **Annex 5. Proposed letter to the Government of Sierra Leone**

The Honourable  
Secretary of State  
Sierra Leone

Dear Mr. Minister:

Further to my letter of September 1996, I have been instructed by all members of the Northwest Atlantic Fisheries Organization (NAFO) present at its 19th Annual Meeting to raise again at the highest level their concern about the *continued fishing activity* by vessels flying your flag in the NAFO Regulatory Area.

The Contracting Parties are deeply concerned that Non-Contracting Parties permitting vessels flying their flags to fish in the NAFO Regulatory Area do not comply with their obligations to cooperate in conservation and management and that such vessels have continued to be present in the NAFO Regulatory Area fishing on resources which are at historically depleted and critical levels. The "High Sierra" and the "Porto Santo", registered in Sierra Leone, were again observed fishing in the area to the severe detriment of critical resources. In addition, the "Austral" and the "Santa Joana", also registered in Sierra Leone, were observed fishing in the area.

NAFO again urges the Government of Sierra Leone to withdraw its vessels forthwith and to take effective measures to prevent their return to the Regulatory Area. There is real urgency for the *immediate withdrawal* of these vessels given the critical state of many of the NAFO-managed fish stocks.

The Contracting Parties to NAFO have collectively and individually taken diplomatic initiatives to urge States which do not cooperate with NAFO to withdraw their vessels from the Regulatory Area. Several States have already complied.

The Contracting Parties to NAFO draw the attention of the Government of Sierra Leone to the FAO's Compliance Agreement, adopted at the November 1993 meeting of the FAO Council, and the Agreement for the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, adopted at the August 1995 session of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. These Agreements establish the general principles for the regulation of high seas fishing by flag-States and the conservation and management of straddling fish stocks and highly migratory fish stocks, and provide a suitable basis on which the Government of Sierra Leone could prevent its vessel from fishing in the NAFO Regulatory Area, undermining the conservation measures applied by NAFO Contracting Parties.

The Contracting Parties also draw attention of the Government of Sierra Leone to the Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO, which was adopted by the Contracting Parties to NAFO at its 19th Annual Meeting, a copy of which is attached.

On behalf of the Contracting Parties to NAFO present at its 19th Annual Meeting: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union, France (in respect of St. Pierre and Miquelon), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, the Russian Federation and the United States of America.

(DATE)

A. Rodin  
President and  
Chairman of General Council

## **Annex 6. Proposed letter to the Government of Belize**

The Honourable  
Minister of Foreign Affairs  
Belize

Dear Mr. Minister:

I have been instructed by all members of the Northwest Atlantic Fisheries Organization (NAFO) present at its 19th Annual Meeting to express concern that they have not received a reply to my letter of September 1996, regarding fishing activity by vessels flying your flag in the NAFO Regulatory Area in previous years.

Although the NAFO Contracting Parties are encouraged that vessels registered in Belize have thus far not been observed fishing in the area during 1997, they request that you respond to my earlier letter and urge the Government of Belize to prevent the return of its vessels to the Regulatory Area.

On behalf of the Contracting Parties to NAFO present at its 19th Annual Meeting: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union, France (in respect of St. Pierre and Miquelon), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, the Russian Federation and the United States of America.

(DATE)

A. Rodin  
President and  
Chairman of General Council

## **Annex 7. Proposed letter to the Government of Honduras**

The Honourable  
Minister of External Relations  
Honduras

Dear Mr. Minister:

I have been instructed by all members of the Northwest Atlantic Fisheries Organization (NAFO) present at its 19th Annual Meeting to express concern that they have not received a reply to my letter of September 1996, regarding fishing activity by vessels flying your flag in the NAFO Regulatory Area in previous years.

Although the NAFO Contracting Parties are encouraged that vessels registered in Honduras have thus far not been observed fishing in the area during 1997, they request that you respond to my earlier letter and urge the Government of Honduras to prevent the return of its vessels to the Regulatory Area.

On behalf of the Contracting Parties to NAFO present at its 19th Annual Meeting: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union, France (in respect of St. Pierre and Miquelon), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, the Russian Federation and the United States of America.

(DATE)

A. Rodin  
President and  
Chairman of General Council

## **Annex 8. Proposed letter to the Government of Panama**

The Honourable  
title  
Panama

Dear Mr. Minister:

I have been instructed by all members of the Northwest Atlantic Fisheries Organization (NAFO) present at its 19th Annual Meeting to express concern that they have not received a reply to my letter of September 1996, regarding fishing activity by vessels *flying your flag* in the NAFO Regulatory Area in previous years.

Although the NAFO Contracting Parties are encouraged that vessels registered in Panama have thus far not been observed fishing in the area during 1997, they request that you respond to my earlier letter and urge the Government of Panama to prevent the return of its vessels to the Regulatory Area.

On behalf of the Contracting Parties to NAFO present at its 19th Annual Meeting: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union, France (in respect of St. Pierre and Miquelon), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, the Russian Federation and the United States of America.

(DATE)

A. Rodin  
President and  
Chairman of General Council