

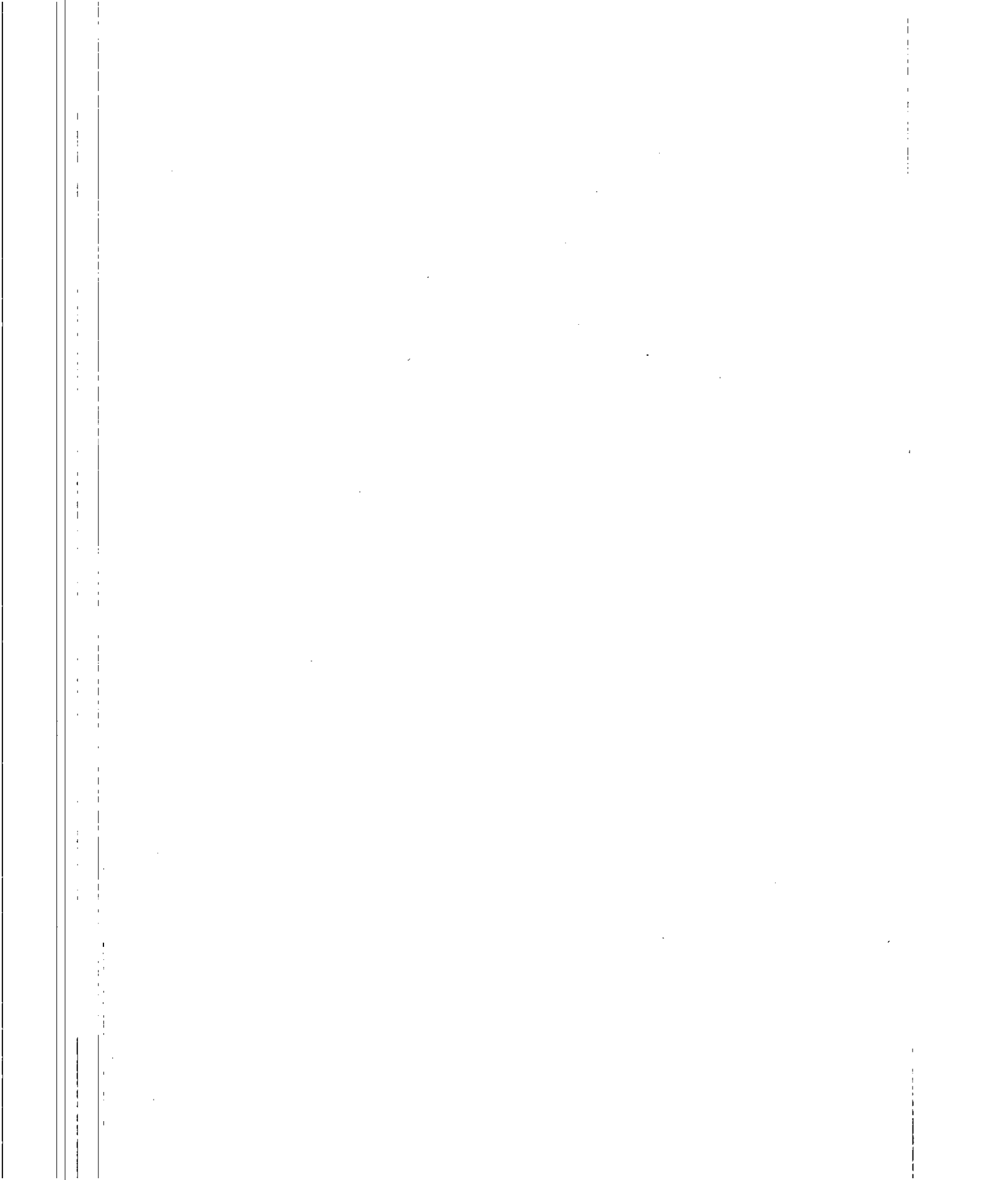
SECTION V
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**Report of the General Council and its Subsidiary Bodies
(STACFAD and STACFAC), 21st Annual Meeting
13-17 September 1999
Dartmouth, N.S., Canada**

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PART I

Report of the General Council Meeting

(GC Doc. 99/9)

21st Annual Meeting, 13-17 September 1999

Dartmouth, Nova Scotia, 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).
- 1.2 Representatives from the following sixteen (16) Contracting Parties were present: 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, Ukraine and the United States of America (Annex 1).
- 1.3 The Chairman welcomed the Delegates to the 21st Annual Meeting and wished success and traditional cooperation in resolving serious issues at this Meeting.

The Chairman welcomed a new NAFO member – Ukraine that acceded to the NAFO Convention on 30 August 1999.
- 1.4 The Heads of Delegations from (in order of presentation): Canada, European Union, Ukraine, United States, Russia and France addressed the Meeting (Annexes 2-7).
- 1.5 The meeting **appointed** the Executive Secretary as Rapporteur.
- 1.6 The Provisional Agenda was adopted without changes (Annex 8).
- 1.7 The Chairman welcomed to the meeting Observers from ICES, Dr. H.-P. Cornus (EU-Germany) and from NAMMCO, Mr. K. Arnason (Iceland).
- 1.8 For the item "Publicity", it was **agreed** that the normal NAFO practice regarding publicity should be followed and that no statements would be made to the media until after the conclusion of the meeting when the NAFO Secretariat would issue a press release. The Press Release shall be prepared by the Executive Secretary in consultation with the Chairmen of General Council, Fisheries Commission, and Scientific Council.

2. Supervision and Coordination of the Organizational, Administrative and Other Internal Affairs (items 6 to 9)

- 2.1 The Chairman noted that there were 18 NAFO members including a new member, Ukraine. Ukraine had acceded to the NAFO Convention on 30 August 1999. The Fisheries Commission membership was fifteen members excluding Bulgaria, Romania and Ukraine.
- 2.2 The Representative of Ukraine presented its statement that Ukraine had traditionally exploited the fishery resources of the Northwest Atlantic in the past and has a real interest to participate in this area. He requested the General Council to admit Ukraine to the

Fisheries Commission membership. Ukraine presented information on their fishing capability and fishing plans in the NAFO Regulatory Area noting that their mid-trawler would be ready to conduct a shrimp fishery in the Regulatory Area upon the adoption of positive decision by the General Council. The General Council **admitted** Ukraine to the Fisheries Commission.

- 2.3 Regarding the membership by Bulgaria and Romania, the Chairman noted that the situation has not changed, and these Parties have not been in contact with NAFO for many years. He requested to establish dialogue with those countries to clarify their intentions regarding their participation in NAFO business.
- 2.4 Under item 7, "Transparency", the Chairman of the Working Group on Transparency, Dr. D. Swanson (USA), presented the Working Group report (GC Doc. 99/3) to the General Council.

The Representative of Canada introduced its proposal (GC W.P. 99/7, Revised) with a view to bridging the differences between Contracting Parties. The Representative of the EU welcomed the Canadian proposal, which he considered to be both a good basis for the continuation of discussions as well as a balanced approach to solving outstanding problems. He stressed that a successful conclusion of this work at this year's session would be of use for a number of other regional fisheries organizations. Delegates from Estonia, France (in respect of St. Pierre et Miquelon), Latvia supported the Working Group Report and the Canadian proposal.

The Representative of USA urged the meeting to make further progress along the recommendations of the Working Group and based on the UN Fish Stocks Agreement 1995, which should be a guideline for NAFO's work. He proposed that NAFO should settle the transparency matter at the current meeting and apply the basic majority vote rules for the admission of NGO observers to NAFO meetings.

The Chairman concluded that the Canadian proposal was acceptable as a basis for further discussion, and the General Council should return to the transparency issue during this year's session. Upon a proposal by the Representative of Denmark (in respect of the Faroe Islands and Greenland) the matter was referred to the Heads of Delegation Meeting.

- 2.5 During the closing session of the Council, 17 September 1999, the Chairman introduced a proposal (GC W.P. 99/10) based on the previous Canadian working paper as modified by Denmark and the Chairman, and asked for the adoption of this document.

The Representative of Iceland presented its statement for the report asking the General Council's agreement in principle to include his statement in the minutes of the meeting. The statement by the Representative of Iceland was as follows: "In taking this decision the Contracting Parties mindful of deplorable behaviour of some NGOs in, e.g., the International Whaling Commission, are determined and resolved not to tolerate inappropriate behavior at NAFO meetings. One Contracting Party, Iceland, felt so strongly about potential threats of such actions that it recommended the requirement of consensus decisions on observer admittance."

The Representative of Latvia requested a clarification of item 9.4 of this document regarding the meaning of the term of 30 days of a decision making by the General Council

for attendance of observers. The Representative of Denmark explained that the meaning of this provision was that

the intention (of this para 9.4) is to have the final decision at least 30 days before the meeting, so, that everybody who was planning to go to the meeting should know 30 days in advance that they would participate at the meeting.

The General Council agreed to such an interpretation. The proposal (GC W.P. 99/10) "Recommendation for Rules for Granting Observer Status at NAFO Meetings" was **adopted** (Annex 9).

- 2.6 Item 8 of the Agenda "Administrative Report" was referred to STACFAD. The STACFAD report was delivered to the General Council on Thursday, September 16, 1999 with its recommendation to adopt the Administrative Report. The Report was **adopted** by the General Council.
- 2.7 Item 9 of the Agenda "Election of the Chairman and Vice-Chairman of the General Council" was postponed to the end of the Annual Meeting. At the closing session of the General Council, 17 September 1999, **Mr. Enrique Oltuski of Cuba**, nominated by Canada, was elected the **Chairman** of the General Council, and **Mr. P. Chamut of Canada**, nominated by Denmark, was elected **Vice-Chairman** of the General Council.

On behalf of Mr. E. Oltuski, who was not present at the meeting, the Representative of Cuba thanked the General Council for the election of Mr. Oltuski and expressed his appreciation on this matter.

3. Coordination of External Relations (items 10 to 11)

- 3.1 Under item 10, "Communication with the United Nations", the Chairman informed that the Executive Secretary communicated all required information to the United Nations Headquarters and FAO according to the instructions from the General Council (NAFO GF/99-188 of 05 March 1999, GF/99-389 of 15 June 1999, GF/99-316 of 06 May 1999). There were no comments from the Meeting to these documents.

During the meeting of the Heads of Delegation, some delegations questioned the procedure for presentation of NAFO papers to the UN and FAO noting that the Executive Secretary should pay more attention to timely circulation and information to Contracting Parties on such matters pursuing full transparency and thorough consultations with all Contracting Parties. The Chairman of the General Council advised the Executive Secretary accordingly.

- 3.2 Under item 11 of the Agenda, "NAFO participation at other international organizations", the Chairman noted that the General Council delegated Dr. D. Swanson (USA) to take part in the FAO Consultation on the Management of Fishing Capacity, Shark Fisheries and Incidental Catch of Seabirds in Longline Fisheries, Rome, Italy, 26-30 October 1998. The NAFO observer presented his report to the General Council (GC Working Paper 99/1, and a summary of FAO Report in GC Working Paper 99/2).

The NAFO observers, P. Gullestad (Norway), Chairman of the Fisheries Commission, and H.-P. Cornus (EU-Germany), Chairman of the Scientific Council, attended the Meeting of FAO and Regional Fishery Bodies held in Rome during 11-12 February 1999. The FAO

Report was issued in May 1999 (FAO Fisheries Report No. 597, FIPL/R597), and a summary presented to the Meeting in GC Working Paper 99/3.

H. P. Cornus, the Scientific Council Chairman, took part in the ICES Dialogue meeting on the Relationship between Scientific Advice and Fishery Managers, 26-27 January 1999 in Nantes, France. (GF/99-195, 10 March 1999).

The Assistant Executive Secretary, T. Amaratunga, took part in the Coordinating Working Party on Fishery Statistics (CWP) meeting and presented its report to the Scientific Council.

- 3.3 The Representative of USA asked the Meeting to consider the issue of the Management of Fishing Capacity and Shark Fisheries, according to the FAO work. His idea was that Contracting Parties stimulate their discussions regarding a Regional Action Plan(s) on the management of fishing capacity. The Chairman supported this idea and asked the meeting and USA delegate to provide a concrete proposal/paper to develop more concrete discussions.

The Representatives of Canada, European Union, Estonia, supported in principle the idea of reporting to NAFO their national action plans according to the FAO ideas. The USA Representative proposed to refer the issue of shark fisheries and other questions relevant to the FAO consultations to STACTIC and Scientific Council.

The Chairman summarized the discussions that all Contracting Parties should participate in preparing their action plans and other relevant submissions. He asked the USA Representative to table a working document for future discussion.

- 3.4 During the second session of the General Council (16 Sept) the Representative of the United States introduced its GC Working Paper 99/9, "The FAO International Plans of Action on the Management of Fishing Capacity, Shark Fisheries and Incidental Catch of Seabirds in Longline Fisheries and NAFO". He explained that the intent of this paper was to keep NAFO informed and cooperative on FAO International Plans of Action on the management of fishing capacity, which should include both the national and regional plans.
- 3.5 The Representative of the European Union questioned the "ambition" of one item (item 3 of the paper) regarding the reports of Contracting Parties' fishing capacity that may impact fisheries in the NAFO Regulatory Area in 2000. He asked for more time to review this paper. Following brief discussions the Representative of the USA agreed with the EU note and proposed to modify this item, which would refer only to "Contracting Parties reports and their progress in evaluating fishing capacity as it may impact fisheries in the NAFO Regulatory Area".

Regarding the shark fisheries in the NAFO Area, there was an agreement that this matter should be considered by the Scientific Council and reported back to the General Council.

- 3.6 At the closing session, the Representative of USA asked for clarification of the status of their GC W.P. 99/9 (revised) emphasizing on its proposal (under item 3 of the paper) to report on the progress of evaluating fishing capacity as it may impact fisheries in the NAFO Regulatory Area at the 22nd Annual Meeting in 2000.

The Chairman **concluded** that this working paper will be considered by all Contracting Parties during the coming year and then reviewed during 22nd Annual Meeting in Boston in the year 2000 (Annex 10).

- 3.7 On participation in NAMMCO meetings, the Representative of Norway reported that he, as NAFO observer at NAMMCO, did not present his report as the NAMMCO Annual Meeting will be held in October 1999.

4. Fishing Activities in the Regulatory Area Adverse to the Objectives of NAFO Convention (items 12 to 15)

- 4.1 Under item 12 of the Agenda "Consideration of Non-Contracting Parties' activities in the NAFO Regulatory Area", the Chairman proposed to address any relevant issues for consideration at STACFAC during this meeting. The Report by the Executive Secretary on the Scheme (data 1998) was distributed to all Contracting Parties in advance of the meeting (GC Doc. 99/1 of 01 April 1999).
- 4.2 The Chairman of STACFAC, Dr. J.-P. Plé (USA) reported that the Committee agenda would be routinely considered during this Annual Meeting. However, STACFAC was concerned with a new situation developing recently regarding "stateless" vessels, which would require new approach and discussion on this matter. STACFAC convened several sessions through 13-16 September 1999.
- 4.3 Item 13, "STACFAC Report", was presented to the Meeting by the STACFAC Vice-Chairman, Mr. Daniel Silvestre (France in respect of St. Pierre et Miquelon). He noted the following findings and recommendations (Part III of this Report):
- a) There were sightings of only two (2) vessels, the "Austral" and "High Sierra" in the NAFO Regulatory Area in 1999 (four vessels were sighted in 1998). It was suggested that such a decrease might be due to the success of the "NAFO Scheme to Promote Compliance by non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO" (NAFO GC Doc. 97/6).
 - b) A new development was noted regarding relocation of the NCP vessels from the NAFO Regulatory Area to the NEAFC Regulatory Area and these vessels often re-register between such countries as Belize, Honduras and Sao Tomé e Príncipe. The vessels "Austral" and "Albri II" (formerly known under the name "High Sierra") were exemplified in such an activity. The need for a close cooperation between international organizations was recommended for this matter.
 - c) During 1998-1999, NAFO diplomatic demarches were delivered to Honduras and Panama (by Canada), to Belize (by USA) and to Sierra Leone (jointly by Canada and USA). In addition, Canada reported the delivery of a Canadian demarche to Sao Tomé e Príncipe. The results of these actions and communication with NCP authorities are presented in STACFAC Report (Part III).

New diplomatic demarches were developed by STACFAC to Belize, Honduras, Sao Tomé e Príncipe and Sierra Leone.

4.4 STACFAC recommended the following actions and measures to the General Council:

- the Executive Secretary circulate to all NAFO Contracting Parties information on non-Contracting Party activity reported to him by other regional fishery organisations;
- the Executive Secretary circulate GF 98/1 and GF 99/1 to the Secretariats of ICCAT, NASCO, NEAFC, IBSFC and CCAMLR, and the Executive Secretary circulate to these regional fishery organisations the report he will prepare pursuant to paragraph 14 of the Scheme;
- the Contracting Parties submit a report at the next Annual Meeting on what legal, administrative and practical action they have taken to implement the Scheme;
- the Contracting Parties submit annual reports under paragraph 13 of the Scheme, including negative reports if appropriate;
- the Contracting Parties adopt the statement that the term “non-Contracting Party vessel” as used in the Scheme shall include vessels for which there are reasonable grounds for suspecting them to be without nationality;
- where there are reasonable grounds for suspecting that a vessel which has been sighted engaging in fishing activities in the NAFO Regulatory Area is without nationality, a NAFO Contracting Party may board and inspect the vessel. Where evidence so warrants, the NAFO Contracting Party may take such action as may be appropriate in accordance with international law. Contracting Parties are encouraged to examine the appropriateness of domestic measures to exercise jurisdiction over such vessels; and
- the Contracting Parties share with other NAFO Contracting Parties any reports that they prepare for consideration by the FAO with respect to the FAO initiative on Illegal, Unregulated and Unreported Fishing.

- 4.5 All Contracting Parties at the meeting supported the STACFAC report and its recommendations. The EU Representative emphasized that those recommendations should receive full endorsement from NAFO members. The Representative of Canada and USA especially pointed out their support of FAO progress on “Illegal, Unreported, Unregulated Fishing (IUU)” in light of activities of fishing vessels of non-Contracting Parties. The Representative of Norway called to extend the STACFAC mandate and activity to tackle the IUU problems in the NAFO Regulatory Area.

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

- 4.6 The Chairman of the General Council, Mr. A. Rodin, signed the diplomatic demarches to Belize, Honduras, Sao Tomé e Príncipe and Sierra Leone. On his request, the meeting agreed that the demarches will be delivered by the following Contracting Parties: Canada will deliver the demarche to Honduras; European Union, to Sao Tomé e Príncipe; and the United States, to Belize and Sierra Leone.
- 4.7 Item 14, “Report of the Working Group on Dispute Settlement Procedures” (GC Doc. 99/2) was presented to the Meeting by the Chair of Working Group, Stein Owe (Norway).

The Representative of the EU emphasized that the elaboration of NAFO specific dispute settlement procedures (DSP) has become a matter of great importance. It would not suffice to just await the entry into force of the UN Agreement because it was not at all clear whether all NAFO Contracting Parties would eventually ratify UNCLOS and the UN Agreement and because the UN Agreement did in no case cover discrete fish stocks in high seas areas. Reference was also made to certain lacunae in the provisions pertaining to provisional measures under the UN Agreement. Furthermore, attention was drawn to the recent Southern Bluefin Tuna Case which showed a possible risk of disputes arising out of regional fisheries organizations being decided in disregard of the relevant provisions of the respective regional fisheries agreements. Under these circumstances, the EU was strongly committed to a continuation of the Working Group. Otherwise, NAFO would miss a unique opportunity to set the precedent for other regional fisheries organizations.

The Representative of Denmark mentioned that NAFO DSP would be relevant if we could obtain quick resolution-results to the fishing business in a current year. He noted that the DSP mechanism should be agreed either unanimously (by a Convention amendment) or it should be agreed by a majority (a Protocol to the Convention). At present, the Working Group is far from unanimity or majority. The Canadian Representative explained that Dispute Settlement Procedure has been a long standing concern to deal with the abusive use of the NAFO objections procedure that threatened the conservation objectives of the NAFO Convention. He recalled a resolution of the General Council calling to avoid an excessive use of an objection procedure. The Canadian Representative further noted that the UN Fish Stocks Agreement would probably come into force in the near future, with a Dispute Settlement Mechanism provisions. Considering the lack of consensus in the NAFO DSP Working Group, he proposed the best resolution on this matter would be to suspend the NAFO Working Group on DSP and to continue consultations until a full consensus could be reached. The Representative of Latvia concurred with this proposal and especially noted that there should be full cooperation and voluntary consensus between Parties concerned in any settlement of disputes, and in general there should be international rules applied. The USA delegate urged to use the UN Fish Stocks Agreement, 1995, as a basis to settle disputes rather than continue NAFO discussions in a Working Group.

- 4.8 As the result of ensuing discussions, the Meeting asked the Chairman of the Working Group on DSP, Stein Owe, to present his draft of new Terms of Reference to the Working Group, which should meet sometime in 2000. The Terms of Reference were presented to the Meeting (GC Working Paper 99/12, Annex 11) and **adopted** by the General Council. It was further decided that the Working Group should meet in Copenhagen, Denmark, during 29-31 May 2000 (Annex 14).
- 4.9 Item 15, "Report of the Working Group on Allocation of Fishing Rights and Chartering of Vessels" was presented by the Chairman of the Working Group, H. Koster (EU) (GC Doc. 99/4).

The Representative of Korea stated that unused quotas should be reallocated to those Parties in need of quotas. He emphasized that the Korean NAFO quota is too small to carry on any fishery, and the Republic of Korea had been fishing up to 9,000t before joining NAFO (Annex 12).

The Representative of USA noted its paper GC W.P. 99/8 which proposed adoption of a GC resolution on fishing opportunities in the NAFO Regulatory Area. He urged to continue the Working Group proceedings, and proposed the site of the next Working Group

meeting in the USA at the time agreed by the meeting. The USA proposal for the continuation of this Working Group was **supported** by the Meeting.

The Representative of France (in respect of St. Pierre et Miquelon) asked the Meeting to consider the idea of chartering vessels as it was presented at the previous Annual Meeting by France and other related issues mentioned by the USA Representative.

The Representative of the EU proposed to consider the USA paper during this meeting and to refer the paper (Quota/Chartering W.G. W.P. 99/6) regarding the chartering vessels to STACTIC.

The Representative of Norway brought the Meeting's attention to the potential problem of "over capacity" and "flag hopping" (not "quota hopping" as it was in the past), when vessels would jump from one flag to another to utilize NAFO quotas. He noted last year's Japanese proposal to report the charter arrangements to the NAFO Secretariat and asked to refer this question to STACTIC. The Representative of Denmark supported the Norwegian proposal.

The Representative of Canada agreed with the proposal regarding Guidelines to the Expectations of Future New Members for quota allocation (GC W.P. 99/8), and he wanted to give more consideration on this proposal by USA. Regarding Quota/Chartering GC W.P. 99/6, he agreed to refer this to STACTIC.

The Representatives of Latvia, Lithuania and Estonia supported the continuation of the Working Group on allocation of fishing rights.

The Representative of Iceland suggested to consider the NAFO Contracting Parties as a whole fishing group, which could possibly utilize vessels available for fishing activity, and for this purpose the so-called "flag hopping", to his opinion, could be a solution to the "over capacity" noted by Norway.

- 4.10 The Chairman of the General Council summarized all discussions and proposed to continue deliberations in the framework of the Working Group supplemented by the Heads of Delegations consultations. He ruled that the Working Paper on the chartering of vessels (Quota/Chartering GC W.P. 99/6) should be referred to the Fisheries Commission and then to STACTIC. The Chairman of Fisheries Commission present (P. Gullestad) took the floor in a formal capacity of the Chairman and referred the W.P. 99/6 to STACTIC.
- 4.11 The Chairman noted the Working Paper 99/8, "Draft Resolution to Guide the Expectations of Future New Members with Regard to Fishing Opportunities in the NAFO Regulatory Area" prepared by the USA Delegation and proposed the Meeting to consider this issue. The Representative of Denmark (F & G) took the floor and explained that this paper reflects a proposal developed by the Working Group on Allocation of Fishing Rights (April 1999, Halifax, GC Doc. 99/4) with some modifications of wording which did not change the Working Group proposal, which had been agreed by Contracting Parties. Therefore, he proposed to adopt the Resolution based on the USA proposal.

There was a **consensus at the Meeting for adoption** of the Resolution (Annex 13).

- 4.12 At the closing session on 17 September 1999, the Meeting agreed to call a meeting of the Working Group on Allocation of Fishing Rights in Washington, D.C., 27-30 March 2000 (Annex 14). Note: This Working Group will be in conjunction with, but separately from, a

Working Group to evaluate the current management system for 3M shrimp and possible quota allocation systems for shrimp in the NAFO Regulatory Area.

5. Finance (items 16-17)

- 5.1 Items 16 and 17 were referred to the Standing Committee on Finance and Administration (STACFAD). The STACFAD proceedings are attached in Part II of this General Council Report.
- 5.2 The Chairman of STACFAD, F. Kingston (EU), delivered its report to the General Council on 16 September 1999 and noted the following:
- a) The Auditor's Report 1998 was circulated to Heads of Delegations on 25 March 1999, and STACFAD recommended the Report for adoption;
 - b) The NAFO Secretariat was represented at the Pension Society Meeting (the International Fisheries Commissions Pension Society, IFCPS, of North America) by two staff members and its report was considered by STACFAD. A new contract with Eckler Partners Ltd. for actuarial and administrative services has substantially diminished NAFO's payment from \$6,800 Cdn to approximately \$1,700 Cdn annually.
 - c) The basic budgetary items of the NAFO Secretariat were agreed as follows:
 - the budget for 2000 to be adopted in the amount of \$1,157,000 Cdn;
 - the Accumulated Surplus Account be maintained at a level not less than \$75,000 Cdn in order to fulfil NAFO's financial obligations in early 2000 until contributions are received;
 - the outstanding contributions from Bulgaria and Romania deemed uncollectible be applied against the Accumulated Surplus Account and written-off;
 - \$35,000 Cdn be allocated as a contingency to cover possible recommendations of the Fisheries Commission on an automated hail/satellite tracking report system at the NAFO Secretariat.
 - d) The Committee recommended that Contracting Parties continue attempts to contact Bulgaria and Romania in order to ascertain whether they intend to participate in NAFO and to inform them of their outstanding contributions. The Committee further recommended that Contracting Parties exchange information about such contacts through the NAFO Secretariat. The Chairman of STACFAD pointed out that the Committee discussed briefly international practice regarding "expulsion" rules and concluded that the current NAFO provisions are consistent with the international practice and expulsion rules would not be in line with the current international practice, and, therefore, would not be applicable to Bulgaria and Romania.
 - e) The Committee noted that fishery statistics (STATLANT 21A and 21B) were outstanding from a number of Contracting Parties and recommended that General Council urge Contracting Parties to submit their reports to the NAFO Secretariat on time to ensure the ongoing integrity of the NAFO statistical database and provide valuable information to the NAFO Scientific Council.
 - f) The dates of next Annual Meetings were recommended as follows:

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

2001	-	Scientific Council	-	12-21 September
	-	General Council	-	17-21 September
	-	Fisheries Commission	-	17-21 September
2002	-	Scientific Council	-	11-20 September
	-	General Council	-	16-20 September
	-	Fisheries Commission	-	16-20 September

- 5.3 The site of the Annual Meeting 2000 will be in Boston, Massachusetts, USA.

The site of the Annual Meeting 2001 will be in Havana, Cuba.

- 5.4 On the other matter re allocation of funds in the year 2001 for publication of a book "ICNAF-NAFO Century Book", the Representative of USA expressed his concern and questioned the procedures for a pre-publication review of the contents of the book. The meeting could not arrive to any solution on this matter and **agreed** that the present funds of \$9,000 Cdn for the book should be provisional, and during the next Annual Meeting this matter should be reconsidered again.

The Representative of the European Union noted their concerns regarding the Preliminary Budget estimates for 2000 (under item 9 of STACFAD Report) requesting that the estimates should include two (2) meetings: Dispute Settlement Procedures and Shrimp 3M and 3L, which were decided by the meeting.

- 5.5 The General Council reviewed the STACFAD Report item by item and **adopted** all recommendations.

6. Closing Procedures (items 18-21)

- 6.1 Item 18 "Time and Place of the Next Annual Meeting" was reported by STACFAD (above) and agreed by the General Council to convene the 22nd Annual Meeting of NAFO in Boston, Massachusetts, USA.
- 6.2 Under item 19, "Other Business", the Chairman introduced a GC Working Paper 99/11 "Working Group Draft Calendar 2000", which was officially **adopted** by the Council (Annex 14).

On presentation from the EU Delegation, the General Council thanked and applauded the out-going Chairman of the Scientific Council, Hans-Peter Cornus (EU-Germany) who demonstrated high scientific knowledge and effective management skill of the NAFO Scientific Council and greatly contributed to the development of Precautionary Approach to NAFO-managed stocks.

- 6.3 The draft Press Release was prepared by the Executive Secretary and circulated to Heads of Delegations for their final review and comments.

The Chairman proposed the Contracting Parties present their comments on the Press Release to the NAFO Secretariat and then, the draft Press Release would be circulated to Contracting Parties (Annex 15).

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Annex 2. Opening Statement by the Representative of Canada (Mr. P. Chamut)

Mr. Chairman, distinguished Representatives, it is a pleasure for Canada to participate at this year's NAFO Annual Meeting.

On behalf of the entire Canadian delegation, I wish to extend a warm welcome to all delegates. We hope that you enjoy your stay in Nova Scotia and are able to take advantage of the fine fall weather.

I would like to welcome Ukraine as our newest member to NAFO. Ukraine deposited its instruments of accession to the NAFO Convention on August 27. The Ukraine is joining at a time when stocks are severely depleted, and fishing opportunities are modest. It is a time when our challenge as an organization is to focus on our obligations for conservation and stock rebuilding. We look forward to working with the Ukraine to help advance our objectives for effective fisheries controls, and rebuilding of a sustainable fishery in the Northwest Atlantic.

I would like to introduce the new Canadian Commissioner to NAFO – Mr. John Angel who replaces Dr. William Murphy. Mr. Angel brings a wealth of experience in the fisheries domain. He is formerly a colleague with the Department of Fisheries and Oceans in Halifax and is currently President of the Canadian Association of Prawn Producers.

Mr. Chairman, I am very pleased to advise that on August 3 of this year, Canada ratified the United Nations Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks. This was an important step for Canada and like-minded countries who share the objective to halt the depletion of global straddling and highly migratory fish stocks.

The U.N. Fish Agreement marks a milestone in providing a framework for international co-operation on the high seas, a goal long sought by Canada. The Agreement will go a long way towards ensuring the sustainability of our ocean resources for future generations. Proper conservation and management and responsible fishing practices will make a significant contribution to ensure the sustainability of the important fish resources of our oceans.

Canada applauds those governments that have already ratified the UN Fish Agreement. We encourage all NAFO members who have not already done so to ratify the Agreement with a view to expediting its entry into force and its full implementation.

This year marks the 50th anniversary of the Conference which led to the founding of the International Commission for the Northwest Atlantic Fisheries or ICNAF – the predecessor organization to NAFO.

This Conference led to the first instance where Nations joined together in a mutual commitment to ensure that the resources of the high seas are conserved and utilized prudently.

Over the years, much progress was made by ICNAF, and by NAFO in establishing a management framework intended to provide for sustainable fisheries in the Northwest Atlantic.

Four years ago NAFO adopted strengthened Conservation and Enforcement Measures and last year NAFO adopted on a permanent basis the program for 100% observer coverage and satellite tracking on NAFO member vessels. The new strengthened measures were rightly hailed a

milestone on the road towards enhanced international co-operation towards a common purpose. That purpose is to ensure that high seas fishing activities are conducted in a rational, sustainable and responsible manner.

We need to build on the achievements of recent years to sustain the progress which has been made in the establishment of sound conservation measures and in controlling overfishing and deterring unsustainable fishing practices. The implementation of these measures has laid the groundwork for the recovery and rebuilding of stocks in the Northwest Atlantic. I believe that this is of fundamental importance and benefit to all NAFO Parties, like Canada, who wish to see renewed fishing possibilities in the NAFO Regulatory Area.

This 21st annual meeting of NAFO will be an especially critical one for the Organization, as we are facing a number of important issues which will have significant implications for the future.

The assessments and recommendations of the Scientific Council underline the need for continuing restraint and vigilance in surveillance and enforcement of the NAFO conservation measures in order to ensure that the path to rebuilding of stocks is not compromised.

The Scientific Council recommends continuing in 2000 most of the moratoria on fishing for groundfish stocks. On the other hand, it is heartening to see continued positive signs for 3LNO yellowtail flounder.

We must also remain vigilant to the danger signals reported by the Scientific Council, in particular the high proportion of catches of young, immature fish, either in the directed fishery or caught as bycatch. Measures such as tighter bycatch and discard rules, increased minimum fish and mesh sizes as well as area and seasonal closures must be considered to protect juvenile fish and allow these stock to rebuild.

Canada's objective is sustainable fisheries in the Northwest Atlantic. I am sure this objective is shared by all. However with most of the NAFO stocks currently under moratoria, it is clearly too early to benefit from the restraint we have practised over the past several years nor consider that this challenge has been met. In fact, we also need to consider modifying or extending some conservation measures or introducing new ones if we are to achieve our goal.

I would also like to highlight the work of the Scientific Council and fisheries managers who continue to elaborate on the concepts for a precautionary approach to fisheries management in the NAFO Regulatory Area. The meetings to date represent positive steps in introducing this management approach to NAFO stocks.

This approach will take time to implement as we grapple with the complexities of fisheries science and management. We know that the precautionary approach is not limited to the development of biological limits and reference points. It can and must also include conservation measures to protect juveniles and the spawning stock including closed areas, gear restrictions and bycatch protection provisions. Comprehensive monitoring, control and surveillance measures are also an integral part of the precautionary approach. Such systems are essential to the viability and sustainability of NAFO stocks, and to meeting our collective obligations under the Convention.

As Contracting Parties to the NAFO Convention, we all share the responsibility to conserve the resources in the NAFO Regulatory Area. We must ensure that achievement of that responsibility remains our primary objective, rather than accommodating short term economic interests.

I am looking forward to a constructive and positive dialogue at this session which will help advance the interests of this Organization and all its members. Thank you.

Annex 3. Opening Statement by the Representative of the European Union (E. Mastracchio)

Mr. Chairman, distinguished Delegates, ladies and gentlemen, it is a great pleasure for me to be here in Canada once again, this time in a new venue. However, I know that to many present here today, it is a very familiar one. It is appropriate that we are here in Nova Scotia on the very western side of the Northwest Atlantic, at the very heart of the important fisheries of this side of the Atlantic Ocean. I look forward to being able to profit from the seafood products of this great ocean during my stay here. One change from the last meeting is the arrival of a new member to this body, namely the Ukraine. Chairman, I would personally like to welcome the Delegation from the Ukraine. I know that we can all look forward to a very fruitful relationship with our new colleagues.

The European Community continues in its firm belief that our future in fisheries lies with the sound conservation and management of all the fish stocks in the Northwest Atlantic. We all have common interests as Contracting Parties in ensuring that those fish stocks remain available not just for our own futures but for those of our children. In order to do this, NAFO must remain at the very forefront of good management in international fisheries.

As in previous years, we have a number of important challenges ahead of us. I must reiterate the Community's firm commitment to the sound management of fishery resources based on the best scientific advice available, which reflects consistency and compatibility, both within areas under national jurisdiction and beyond. That is why I am concerned with the Canadian regulatory measures taken for 1999 for cod in area 2J 3KL. This is despite the fact that in the framework of the 1998 Annual Meeting, Canada notified NAFO that they were applying a moratorium for this stock. Sound management and compatibility will remain the basis of the Community's thinking throughout this week.

During this week, NAFO will be discussing a number of issues, which are of particular interest for the Community. In the time since the last Annual Meeting, you will recall that we have met as Contracting Parties on several occasions in the context of various Working Groups.

At the beginning of the year, a meeting was held in Bergen to discuss the issue of a NAFO dispute settlement mechanism. For the Community, the issue of such a mechanism peculiar to NAFO is of the utmost importance. We strongly support compulsory and binding dispute settlement, prevention of disputes and, if disputes do nevertheless arise, mechanisms that entail binding decisions with due regard to the peculiarities of the NAFO Convention.

In Dartmouth in March, our experts met to discuss the issue of transparency, an issue which has been on the table for some time and which I feel we should try to resolve at this meeting. It is an issue, which has been examined not only by NAFO but also by other regional fisheries organisations. The outcome of our deliberations will, however, very much influence the way in which this issue is dealt with elsewhere.

Finally in May, experts from the Contracting Parties came across the Atlantic to San Sebastian in Spain where they had the opportunity to discuss with scientists in a joint forum the issue of the Precautionary Approach. What seems clear to me now from this meeting is the need for us to have consistent terminology and concepts.

Mr. Chairman, I would like to wish everyone present today the very best towards achieving great success in our work this week. My Delegation and I are looking forward to working with you and with all our colleagues constructively in order to achieve what we must achieve; this means that we can fulfil all the objectives and challenges, which we have set ourselves. Thus said, we will push forward the interests of our organisation and ensure that NAFO remains at the forefront of international fisheries. Thank you.

Annex 4. Opening Statement by the Representative of Ukraine (V. G. Chernik)

Mr. Chairman, Distinguished Delegates.

In this opening statement I would like first of all to express our deep thanks and appreciation to the NAFO Secretariat and the Government of Canada providing these fine arrangements and support for the session in such a beautiful and pleasant city as Halifax. We are happy to meet our colleagues from other delegations at this session. Thank you all for your warm greetings.

Last month Ukraine acceded to the NAFO Convention and it is a great honor for my country to join NAFO – the advanced regional fisheries organization. Ukraine places special importance on cooperation in the fisheries. We are looking forward to integrating into the NAFO "family".

As the new member-state Ukraine will do its best to develop joint efforts in moving towards our common goal promoting international fisheries law and ensuring that fishing in the Convention Area is conducted in a rational, sustainable and responsible manner. We believe that long-term distant fishing traditions and considerable experience of our fishermen and scientists will be useful for NAFO as well.

Being dependent upon the exploitation of living resources of other regions and sub-regions, due to poor stocks in the waters under Ukrainian jurisdiction, modern fishing industry of Ukraine is based to a great extent on distant fishing. Ukrainian shipowners such as "Atlantika", "Autarktyka", "Yugrefrans Flot", "Kerchrybprom", "Yugrybpoisk" are well known among international fisheries community.

According to the FAO statistics in 1990 Ukraine fished about 1 200 thousand tons, 80 percent of which was the outcomes of distant fishing. Along with the other regions of the World ocean Ukrainian fishing vessels as a part of the USSR fishing fleet worked for many years in the Northwest Atlantic waters having acquired appropriate experience. Our specialists always paid a due attention to the fishing conditions of the area and strictly followed its conservation and management measures in spite of the fact that last years they had to fish under the NAFO Contracting Parties flags.

Adequate supplies for the nutrition purposes of Ukrainian 50 million population makes us further cooperative in establishing equitable multilateral management. Ukraine traditionally supports the efforts of international community aimed at conserving and sustainable exploiting of the World Ocean living resources.

To confirm its intention to cooperate in this field in accordance with internationally established legal regime, Ukraine signed the UN Fish Stock Agreement, recently became a Party to the UN Convention on the Law of the Sea, and, finally, acceded to the NAFO Convention. Using the NAFO experience and traditions as one of the most advanced international fisheries organization, Ukraine also takes an active part in establishing and developing such organization and instruments as Commission for the Conservation of Antarctic Marine Living Resources, Draft Convention on Conservation of Marine Living Resources of the Black Sea and Draft Convention on Conservation of Marine Living Resources of the Southeast Atlantica. Our faithful conduct is proved by the fact that Ukraine has never allowed unauthorized fishing or any other illegal activities in the NAFO Convention Area.

Mr. Chairman,

It is from the above-mentioned standpoint that we are here to work and to cooperate. Our delegation would like to be a good and helpful partner for others and expects that Ukraine's position will find due understanding and support by the NAFO Contracting Parties.

We wish everybody fruitful and productive work during the session. Thank you, Mr. Chairman.

Annex 5. Opening Statement by the Representative of the United States of America (A. Rosenberg)

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen.

The United States is very pleased to take part in this 21st Annual Meeting of NAFO and welcomes the Ukraine as the newest member of NAFO. We would also like to introduce the newest United States Commissioner, Mr. James O'Malley, to the membership. Mr. O'Malley is the Executive Director of the East Coast Fisheries Federation and has been a U.S. delegation member to NAFO meetings since 1996.

NAFO has embarked on several new and important initiatives in recent years, including: transparency, dispute settlement, precautionary approach, and quota allocation. All of these issues are elements of the UN Fish Stocks Agreement and the United States urges our fellow Contracting Parties in this organization to continue to address them. I hope that we can come to closure on transparency and make real progress in each of the other areas at this meeting. We would also like to congratulate the governments of Canada and the Ukraine for recently ratifying the UN Agreement.

The United States would like to note the important work of the FAO over the past two years where international plans of action have been developed for the management of fishing capacity, reductions in bycatch of seabirds and the conservation and management of sharks. The United States is strongly supportive of the role of regional organizations such as NAFO in implementing these international initiatives.

Finally, Mr. Chairman, our perspective is that, while NAFO may not currently be setting quotas for a large amount of fish, this organization has taken on the responsibility of managing a very important and productive area of the world's oceans. Thus, we must adhere conservatively to the best scientific advice available for all stocks and we must be precautionary in our management of new, existing and recovering stocks.

Mr. Chairman, the United States looks forward to working with all our fellow members of NAFO to meet our resource conservation and management goals.

Thank you very much.

**Annex 6. Opening Statement by the Representative of the
Russian Federation (V. Izmailov)**

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen,

The Russian Delegation welcomes all the Participants of the 21st NAFO Annual Meeting. We are also happy to express our welcome to the Ukrainian Delegation, which country had recently acceded to the NAFO Convention. *The Russian Delegation hopes that, as Russians say, "the walls in our native house",* NAFO Headquarters, in the city of Dartmouth, would help us to carry out productive work, and the Russian delegation is looking for the same.

Russia supports the UN idea which calls for responsible fishing and precautionary approach in the management of fish stocks. And as it was already mentioned here that the fish stocks in the NAFO Regulatory Area are at low level, the Russian Delegation believes that our decisions on the management of stocks should be based on the best scientific evidence. The Russian delegation appeals to all Contracting Parties of NAFO to apply as much as possible means for the scientific research and unification of those methods in the Regulatory Area.

Russia also welcomes the NAFO idea with respect to transparency of NAFO work and its proceedings. And Russia also would like to consider this prudently on a precautionary basis that our decisions would not harm any Party.

The Russian side pays a lot of attention to reliability of fishing data and control of fishing in the NAFO Regulatory Area. I would like to inform the Meeting that the Russian Federation has adopted the law committing the Russian fishing industry to install satellite tracking devices on all Russian fishing vessels beginning 1 January 2000.

Mr. Chairman, on behalf of the Russian delegation, I wish all delegations present very productive work and accomplishments during this Annual Meeting.

Thank you!

**Annex 7. Opening Statement by the Representative of France
(in respect of St. Pierre et Miquelon) (G. Grignon)**

Mr. Chairman, Dear Colleagues,

We wish to extend a warm welcome to Ukraine who has joined this year. We also wish to thank our Canadian friends for their hospitality. I am sorry that I was not able to attend the meeting hosted by the American delegation last night where I was nevertheless ably represented by my colleague, Mr. Daniel Silvestre.

This is now the fourth meeting France on behalf of Saint Pierre et Miquelon has attended since it joined NAFO. In many ways, we feel more established in our role within the Organization even though it has only been 4 years.

As a small community located in the area for centuries, Saint Pierre has always been highly dependent on fisheries resources.

Because of this high dependency, we have paid a lot of attention to the rules and concepts introduced during the last decade, through UN or FAO agreements or recommendations.

Concepts of sustainable development, control, transparency, allocations, as well as the needs of small coastal communities, and international cooperation, are now being introduced either by new regional fisheries organizations which are being set-up, or through rules edicted by existing organizations.

NAFO plays a very important role in this respect. A lot of work has already been done, although we have still to deal with a number of constructive proposals.

For its part, France in respect of Saint Pierre et Miquelon has tabled proposals which take into consideration the concerns expressed by NAFO members.

We look forward to NAFO's comments on our proposals, such as the one arising from the Working Group on Allocation and Chartering.

The needs of Saint Pierre are modest, but access to the resource is essential for its development and existence, and we are ready to cooperate in a spirit of constructive dialog within NAFO, as we have done during the last four years.

Thank-you Mr. Chairman.

Annex 8. 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
 - c) Reports from Contracting Parties on their communication with Bulgaria and Romania
7. Transparency in the NAFO decision-making process (participation of inter-governmental and non-governmental organizations)
8. Administrative Report
9. Election of Chairman and Vice-Chairman

III. Coordination of External Relations

10. Communication with the United Nations (Resolution 52/28 - 26 Nov 97)
11. NAFO Participation at other International Organizations
 - a) FAO Consultation on the Management of Fishing Capacity, Shark Fisheries and Incidental Catch of Seabirds in Longline Fisheries, 1999
 - b) Meeting FAO and Regional Fisheries Bodies, 1999
 - c) ICES Dialogue Meeting, 1999
 - d) NAMMCO Annual Meeting, 1999
 - e) CWP-FAO Meeting, 1999

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

12. Consideration of Non-Contracting Parties activities in the NAFO Regulatory Area and agreement on the task of STACFAC at the current meeting
13. Report of STACFAC at the Annual Meeting and decisions on actions
14. Report of the Working Group on Dispute Settlement Procedures (DSP)

15. Report of the Working Group on the Allocation of Fishing Rights and Chartering of Vessels

V. Finance

16. Report of STACFAD at the Annual Meeting
17. Adoption of the Budget and STACFAD recommendations for 2000

VI. Closing Procedure

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

**Annex 9. Recommendation for Rules for Granting Observer
Status at NAFO Meetings
(GC Working Paper 99/10)**

Delete Rule 1.2 of the Rules of Procedure for both the General Council and the Fisheries Commission. Add Rule 9 and 10 respectively as follows:

Observers

(General Council)

Rule 9

- 9.1 The Executive Secretary shall invite:
- Intergovernmental organizations that have regular contacts with NAFO as regards fisheries matters or whose work is of interest to NAFO or vice-versa.
 - Non-Contracting Parties identified as harvesting fishery resources in the Regulatory Area.
- 9.2 All non-governmental organizations (NGOs) that support the general objectives of NAFO and with a demonstrated interest in the species under the purview of NAFO should be eligible to participate as an observer in all plenary meetings of the General Council, except meetings held in executive session or meetings of Heads of Delegations.
- 9.3 Any NGO desiring to participate as an observer in a meeting of the General Council shall notify the Secretariat of its desire to participate at least 100 days in advance of the meeting. This application must include:
- Name, address, telephone, fax number of the organization and the person(s) proposed to represent the organization;
 - Address of all its national/regional offices;
 - Aims and purposes of the organization and a statement that the NGO generally supports the objectives of NAFO, i.e., optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area;
 - Information on the organization's total number of members, its decision-making process and its funding;
 - A brief history of the organization and a description of its activities;
 - Representative papers or other similar resources produced by or for the organization on the conservation, management, or science of fishery resources to which the Convention applies;
 - A history of NAFO observer status granted/revoked;
 - Information or input that the organization plans to present at the meeting in question and that it would wish to be circulated by the Secretariat for review by Contracting Parties prior to the meeting, supplied in sufficient quantity for such distribution.
- 9.4 The Executive Secretary shall review applications received within the prescribed time, and, at least 90 days before the meeting for which the application was received, shall notify the Contracting Parties of the names and qualifications of NGOs having fulfilled the requirements stipulated in Rule 9.3. With respect to the plenary meetings of the General Council, if one or more of the Contracting Parties object giving in writing its reasons within 30 days, the matter will be put to a vote by written procedure.

Applications will then be considered as accepted in accordance with the procedures laid down in Article V para 2 of the Convention at least 30 days prior to the meeting. The Executive Secretary shall also circulate any reasons given in a preliminary objection as well as any comments that Contracting Parties may include with their vote on this matter.

9.5 Any NGO admitted to a meeting of the General Council may:

- Attend meetings, as set forth above, but may not vote;
- Make oral statements during the meeting upon the invitation of the chairman;
- Distribute documents at meetings through the Secretariat;
- Engage in other activities as appropriate and as approved by the chairman.

Any NGO admitted to a meeting of the General Council may not use films, videos, tape-recording devices etc. to record meeting proceedings.

9.6 Observers will be required to pay a fee, which will cover the additional expenses generated by their participation, as determined annually by the Executive Secretary.

9.7 The Executive Secretary will determine whether, due to conference room capacity, seating limitations require that a limited number of observers per NGO may be present at any meetings. The Executive Secretary will transmit any such determination in the conditions of participation.

9.8 All observers admitted to a meeting shall be sent or otherwise receive the same documentation generally available to Contracting Parties and their delegations, except those documents deemed confidential by a Contracting Party or the Executive Secretary.

9.9 All observers admitted to a meeting shall comply with all rules and procedures applicable to other participants in the meeting. Failure to conform to these rules or any other rules that NAFO may adopt for the conduct of observers may result in removal from the meeting by the presiding officer and revocation of observer status.

9.10 These rules shall be subject to review and revision, as appropriate, at or after the 23rd Annual Meeting (2001), where the Secretariat will prepare a report on the Observers' participation. If any Contracting Party so requests, the adequacy of these rules shall be reviewed and assessed and, if necessary amendments shall be adopted in the light of the need of NAFO to function effectively when conducting its business.

Observers

(Fisheries Commission)

Rule 10

10.1 The Executive Secretary shall invite:

- Intergovernmental organizations that have regular contacts with NAFO as regards fisheries matters or whose work is of interest to NAFO or vice-versa.
- Non-Contracting Parties identified as harvesting fishery resources in the Regulatory Area.

- 10.2 All non-governmental organizations (NGOs) that support the general objectives of NAFO and with a demonstrated interest in the species under the purview of NAFO should be eligible to participate as an observer in all plenary meetings of the Fisheries Commission, except meetings held in executive session or meetings of Heads of Delegations.
- 10.3 Any NGO desiring to participate as an observer in a meeting of the Fisheries Commission shall notify the Secretariat of its desire to participate at least 100 days in advance of the meeting. This application must include:
- Name, address, telephone, fax number of the organization and the person(s) proposed to represent the Organization;
 - Address of all its national/regional offices;
 - Aims and purposes of the organization and a statement that the NGO generally supports the objectives of NAFO, i.e., optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area;
 - Information on the organization's total number of members, its decision-making process and its funding;
 - A brief history of the organization and a description of its activities;
 - Representative papers or other similar resources produced by or for the organization on the conservation, management, or science of fishery resources to which the Convention applies;
 - A history of NAFO observer status granted/revoked;
 - Information or input that the organization plans to present at the meeting in question and that it would wish to be circulated by the Secretariat for review by Contracting Parties prior to the meeting, supplied in sufficient quantity for such distribution.
- 10.4 The Executive Secretary shall review applications received within the prescribed time, and, at least 90 days before the meeting for which the application was received, shall notify the Contracting Parties of the names and qualifications of NGOs having fulfilled the requirements stipulated in Rule 10.3. With respect to the plenary meetings of the Fisheries Commission, if one or more of the Contracting Parties objects giving in writing its reasons within 30 days, the matter will be put to a vote by written procedure. Applications will then be considered as accepted in accordance with the provisions laid down in Article XIV para 2 of the Convention at least 30 days prior to the meeting. The Executive Secretary shall also circulate any reasons given in a preliminary objection as well as any comments that Contracting Parties may include with their vote on this matter.
- 10.5 Any NGO admitted to a meeting of the Fisheries Commission may:
- Attend meetings, as set forth above, but may not vote;
 - Make oral statements during the meeting upon the invitation of the chairman;
 - Distribute documents at meetings through the Secretariat;
 - Engage in other activities as appropriate and as approved by the chairman.
- Any NGO admitted to a meeting of the Fisheries Commission may not use films, videos, tape-recording devices etc. to record meeting proceedings.
- 10.6 Observers will be required to pay a fee, which will cover the additional expenses generated by their participation, as determined annually by the Executive Secretary.

- 10.7 The Executive Secretary will determine whether, due to conference room capacity, seating limitations require that a limited number of observers per NGO may be present at any meetings. The Executive Secretary will transmit any such determination in the conditions of participation.
- 10.8 All observers admitted to a meeting shall be sent or otherwise receive the same documentation generally available to Contracting Parties and their delegations, except those documents deemed confidential by a Contracting Party or the Executive Secretary.
- 10.9 All observers admitted to a meeting shall comply with all rules and procedures applicable to other participants in the meeting. Failure to conform to these rules or any other rules that NAFO may adopt for the conduct of observers may result in removal from the meeting by the presiding officer and revocation of observer status.
- 10.10 These rules shall be subject to review and revision, as appropriate, at or after the 23rd Annual Meeting (2001), when the Secretariat will prepare a Report on the observers' participation. If any Contracting Party so requests, the adequacy of these rules shall be reviewed and assessed and, if necessary amendments shall be adopted in the light of the need of NAFO to function effectively when conducting its business.

**Annex 10. The FAO International Plans of Action on the Management
of Fishing Capacity, Shark Fisheries and Incidental Catch of
Seabirds in Longline Fisheries and NAFO**
(GC Working Paper 99/9, Revised)

The FAO Committee on Fisheries, meeting in February 1999, endorsed International Plans of Action (IPOAs) on the Management of Fishing Capacity, the Conservation and Management of Sharks and Reducing Incidental Catch of Seabirds in Longline Fisheries. These Plans of Action are expected to be adopted by the FAO Conference in November 1999 and are described below.

Each of the three IPOAs expressly call for States to cooperate internationally, including through regional fisheries organizations like NAFO, to achieve their objectives. Although the attainment of these objectives is substantially in the hands of States, and it is too early to define precisely what NAFO's role may be in these activities, it is clear that NAFO can make important contributions.

In light of these developments at the global level, the United States proposes that:

Overall

1. NAFO Contracting Parties who will be reporting on their implementation of the three IPOAs to FAO also submit that information to NAFO;

Capacity

2. the Fisheries Commission designate an observer to the November 1999 meeting in Mexico on refining the measurement of fishing capacity;
3. NAFO Contracting Parties are requested to report on their progress in evaluating fishing capacity as it may impact fisheries in the NAFO Regulatory Area for the 22nd Annual Meeting in 2000;

Sharks

4. the Fisheries Commission request the Scientific Council to summarize all available information from the Convention Area on catches of elasmobranchs by species, by NAFO Division; and
5. the Fisheries Commission request the Scientific Council to review available information on elasmobranch relative biomass, by species, from research vessel surveys and to quantify the extent of exploitation and initiate work to develop precautionary reference points.

Background

1. International Plan of Action for the Management of Fishing Capacity (IPOA-CAPACITY)
 - a) In the context of the Code of Conduct for Responsible Fisheries and its overall objective of sustainable fisheries, the issues of excess fishing capacity in world fisheries is an increasing concern. Excessive fishing capacity is a problem that, among others, contributes substantially to overfishing, the degradation of marine fisheries resources, the decline of food production potential, and significant economic waste.

The Code of Conduct provides that States should take measures to prevent or eliminate excess fishing capacity and should ensure that levels of fishing effort are commensurate with sustainable use of fishery resources.

- b) The IPOA-CAPACITY is voluntary. It has been elaborated within the framework of the Code of Conduct for Responsible Fisheries as envisaged by Article 2(d). The provisions of Article 3 of the Code apply to the interpretation and application of this IPOA and its relationship with other international instruments.

This document is in furtherance of the commitment of all States to implement the Code of Conduct. States and regional fisheries organizations should apply this document consistently with international law and within the framework of the respective competencies of the organizations concerned.

- c) The immediate objective of the IPOA-CAPACITY is for States and regional fisheries organizations, to achieve world-wide by 2003, but not later than 2005, an efficient, equitable and transparent management of fishing capacity. The management of fishing capacity on the basis of national and regional plans should be achieved through the following three phases: assessment and diagnosis (preliminary analysis to be completed by the end of 2000), adoption of management measures (preliminary steps to be adopted by the end of 2002) and periodic adjustment of such assessment and diagnosed measures, as appropriate. States and regional fisheries organizations should complete these steps and progressively implement by 2005 the complementary measures specified in the IPOA-CAPACITY. *Inter alia*, States and regional fisheries organizations confronted with an overcapacity problem, where capacity is undermining achievement of long-term sustainability outcomes, should endeavour initially to limit at present level and progressively reduce the fishing capacity applied to affected fisheries. Where long-term sustainability outcomes are being achieved, States and regional fisheries organizations nevertheless need to exercise caution to avoid growth in capacity undermining long-term sustainability objectives.

This objective may be achieved through a series of actions related to four major strategies:

- i. the conduct of national, regional and global assessments of capacity and improvement of the capability for monitoring fishing capacity;
- ii. the preparation and implementation of national plans to effectively manage fishing capacity and of immediate actions for coastal fisheries requiring urgent measures;
- iii. the strengthening of regional fisheries organizations and related mechanisms for improved management of fishing capacity at regional and global levels;
- iv. immediate actions for major transboundary, straddling, highly migratory and high seas fisheries requiring urgent measures.

These strategies may be implemented through complementary mechanisms to promote implementation of the IPOA-CAPACITY: awareness building and education, technical co-operation at the international level, and co-ordination.

The management of fishing capacity should be based on the Code of Conduct for Responsible Fisheries and take into consideration in the following major principles and approaches: participation, phased implementation, holistic approach, conservation priorities, new technologies, mobility, transparency.

2. International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks)

- a) *For centuries artisanal fishermen have conducted fishing for sharks sustainably in coastal waters, and some still do. However, during recent decades modern technology in combination with access to distant markets have caused an increase in effort and yield of shark catches, as well as an expansion of the areas fished.*

There is concern over the increase of shark catches and the consequences which this has for the populations of some shark species in several areas of the world's oceans. This is because sharks often have a close stock-recruitment relationship, long recovery times in response to over-fishing (low biological productivity because of late sexual maturity; few off-spring, albeit with low natural mortality) and complex spatial structures (size/sex segregation and seasonal migration).

- b) *The IPOA-SHARKS is voluntary. It has been elaborated within the framework of the Code of Conduct for Responsible Fisheries as envisaged by Article 2(d). The provisions of Article 3 of the Code of Conduct apply to the interpretation and application of this document and its relationship with other international instruments. All concerned States are encouraged to implement it.*

*For the purposes of this document, the term "shark" is taken to include all species of sharks, skates, rays and chimaeras (Class *Chondrichthyes*), and the term "shark catch" is taken to include directed, bycatch, commercial, recreational and other forms of taking sharks.*

- c) *The IPOA-SHARKS applies to States in the waters of which sharks are caught by their own or foreign vessels and to States the vessels of which catch sharks on the high seas.*

*States should adopt a national plan of action for conservation and management of shark stocks (*Shark-plan*) if their vessels conduct directed fisheries for sharks or if their vessels regularly catch sharks in non-directed fisheries. When developing a *Shark-plan*, experience of subregional and regional fisheries management organizations should be taken into account, as appropriate.*

States, within the framework of their respective competencies and consistent with international law, should strive to cooperate through regional and subregional fisheries organizations or arrangements, and other forms of cooperation, with a view to ensuring the sustainability of shark stocks, including, where appropriate, the development of subregional or regional shark plans.

*The *Shark-plan* should contain a description of the prevailing state of:*

- Shark stocks, populations;*
- Associated fisheries; and,*
- Management framework and its enforcement.*

3. International Plan of Action for reducing incidental catch of Seabirds in longline fisheries (IPOA-Seabirds)

- a) Seabirds are being incidentally caught in various commercial longline fisheries in the world, and concerns are arising about the impacts of this incidental catch. Incidental catch of seabirds may also have an adverse impact on fishing productivity and profitability. Governments, non-governmental organizations, and commercial fishery associations are petitioning for measures to reduce the mortality of seabirds in longline fisheries in which seabirds are incidentally taken.

Key longline fisheries in which incidental catch of seabirds are known to occur are: tuna, swordfish and billfish in some particular parts of oceans; Patagonian toothfish in the Southern Ocean, and halibut, black cod, Pacific cod, Greenland halibut, cod, haddock, tusk and ling in the northern oceans (Pacific and Atlantic). The species of seabirds most frequently taken are albatrosses and petrels in the Southern Ocean, northern fulmars in the North Atlantic and albatrosses, gulls and fulmars in the North Pacific fisheries.

- b) IPOA-SEABIRDS is voluntary. It has been elaborated within the framework of the Code of Conduct for Responsible Fisheries as envisaged by Article 2(d). The provisions of Article 3 of the Code of Conduct apply to the interpretation and application of this document and its relationship with other international instruments. All concerned States are encouraged to implement it.

The IPOA-SEABIRDS applies to States in the waters of which longline fisheries are being conducted by their own or foreign vessels and to States that conduct longline fisheries on the high seas and in the exclusive economic zones (EEZ) of other States.

- c) In implementing the IPOA-SEABIRDS States should carry out a set of activities. This should be done as appropriate in conjunction with relevant international organizations. The exact configuration of this set of activities will be based on assessment of the incidental catch of seabirds in longline fisheries.

States with longline fisheries should conduct an assessment of these fisheries to determine if a problem exists with respect to incidental catch of seabirds. If a problem exists, States should adopt a National Plan of Action (NPOA-SEABIRDS) for reducing the incidental catch of seabirds in longline fisheries.

States which determine that an NPOA-SEABIRDS is not necessary should review that decision on a regular basis, particularly taking into account changes in their fisheries, such as the expansion of existing fisheries and/or the development of new longline fisheries. If, based on a subsequent assessment, States determine that a problem exists, they should follow the procedures outlined in the above paragraph, and implement an NPOA-SEABIRDS within two years.

States should start the implementation of the NPOA-SEABIRDS no later than the COFI Session in 2001.

In implementing their NPOA-SEABIRDS States should regularly, at least every four years, assess their implementation for the purpose of identifying cost-effective strategies for increasing the effectiveness of the NPOA-SEABIRDS.

**Annex 11. Terms of Reference for the Working Group
on Dispute Settlement Procedures (DSP)**
(GC Working Paper 99/12)

Proposed re-formulation of the mandate for the Working Group on Dispute Settlement Procedures:

- (a) examine the desirability and, as appropriate, the development of procedures for the settlement of disputes between NAFO Contracting Parties
 - by implementing in a NAFO context the 1995 UN Agreement and UNCLOS dispute settlement procedures, and
 - by including additional measures if needed;
- (b) report on the results of its work and its recommendations at the next annual meeting of NAFO.

**Annex 12. Statement by the Representative of the Republic of Korea
on Quota Allocation Practices
(Mr. G. Lee)**

I first would like to thank Mr. Koster and his Working Group colleagues for their hard work. As Korea was not present at the April meeting, I would like to take this opportunity to state Korea's basic positions with respect to point 7 of the report, specifically regarding the idea of reallocation of underutilized quotas.

1. Korea can understand the reasoning for which the idea of reallocation of unused and under-utilized fishing quotas has been raised. However, I have to say that this kind of across-the-board approach risks creating unintended disadvantages to certain countries. Korea would be a good example.
2. We have been unable to use the allocated quotas ever since Korea joined the NAFO in 1993. The reason is quite simple and most of you already know it. The allocated quotas have been simply too small and not considered commercially profitable by the Korean enterprises. For example, Korea's quota for 3M redfish for this year is just 69 tons while it fished more than 9,000 tons on average before joining this organization. It is self-evident that any government would not be in a position to urge its fishing industry to operate in the red.
3. Korea, as a responsible Party, fully understands the need to limit the TACs and is quite committed to NAFO's Conservation and Enforcement Measures, which it has faithfully implemented. But, at the same time, and given its own experience with the allocated quotas, Korea strongly feels that we first have to look into what has caused each relevant country to not use or under-utilize them and what should be done to address these problems including eventual adjustment in the current quota table. Otherwise, this kind of discussion, without all the facts, would worsen the situation for countries like Korea and I believe it would not be in overall interests of this Organization.
4. Finally, any decision-making with respect to transfers of fishing quota should be made on a consensus basis. Otherwise, it would be totally unacceptable to the Contracting Party concerned and further weaken the domestic support for its government's participation in this Organization, which is already fragile.

**Annex 13. Resolution to Guide the Expectations of Future New Members
with Regard to Fishing Opportunities in the NAFO Regulatory Area
(GC Working Paper 99/8)**

The Contracting Parties,

NOTING that in accordance with relevant principles of international law, the Northwest Atlantic Fisheries Organization (NAFO) is the competent regional fishery management organization, and in accordance with the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (hereafter, the "Convention"), it has implemented conservation and management measures for particular stocks in the Convention Area;

NOTING Article XI(4) of the Convention;

NOTING Article 11 of the UN Agreement for the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks; and

DESIRING to guide the expectations of future new members with regard to fishing opportunities in the NAFO Regulatory Area;

HAVE AGREED to the following guidance:

1. NAFO is an open organization. Non-members may join the Organization by depositing an *instrument of accession* in accordance with Article XXII of the Convention. In accordance with Article IV of the Convention, all Contracting Parties are members of the General Council.
2. Should any new member of NAFO obtain membership in the Fisheries Commission, in accordance with Article XIII (1) of the Convention, such new members should be aware that presently and for the foreseeable future, stocks managed by NAFO are fully allocated, and fishing opportunities for new members are likely to be limited, for instance, to new fisheries (stocks not currently allocated by TAC/quota or effort control), and the "Others" category under the NAFO Quota Allocation Table.

Annex 14. Working Group Calendar 2000
(GC Working Paper 99/11)

<u>Working Group</u>	<u>Date</u>	<u>Place</u>
1) Precautionary Approach	29 February, 1-2 March	Brussels
2) Quota } 3) Shrimp }	27-30 March	Washington, DC
4) Dispute Settlement Procedures	29-31 May	Copenhagen
5) STACTIC 6) STACTIC on Juveniles 7) Technical WG on Communication }	26-30 June	Dartmouth

Annex 15. Press Release

1. The 21st Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO) was held in Dartmouth, Nova Scotia, Canada, during 07-17 September 1999, 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 Holiday Inn, Dartmouth.
2. The meeting was attended by 200 participants from sixteen 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, Ukraine and United States of America.
3. Prior to the 21st Annual Meeting, the following NAFO meetings were held during 1999: (1) Working Group on Dispute Settlement Procedures (DSP) (Bergen, Norway, February 1999); (2) Working Group on Transparency and participation of observers (Dartmouth, Canada, March 1999); (3) Working Group on Allocation of Fishing Rights and Chartering of Vessels (Halifax, April 1999); (4) Scientific Council Meeting on Precautionary Approach (San Sebastian, Spain, April 1999); (5) Joint Scientific Council/Fisheries Commission Working Group on Precautionary Approach (San Sebastian, Spain, May 1999); (6) Scientific Council Meeting (Dartmouth, Canada, June 1999); (7) Symposium on Pandalid Shrimp (Dartmouth, Canada, September 1999).
4. The Scientific Council, under the chairmanship of H.-P. Cornus (EU-Germany), reviewed and assessed the status of 25 fish stocks in the NAFO Regulatory and Convention Areas. The scientific advice and recommendations from the Scientific Council were presented to the *Fisheries Commission* with a special emphasis that major groundfish stocks are at low abundance and should be placed under moratoria in 2000. The Scientific Council noted a steady increase of biomass of Greenland halibut in Divisions 2J+3KL and Yellowtail flounder in Div. 3LNO. The Scientific Council studied a precautionary approach (PA) to NAFO-managed stocks and recommended PA to several model stocks – Cod in Div. 3NO; Yellowtail flounder in Div. 3LNO; Shrimp in Div. 3M.

A joint Scientific Council and Fisheries Commission Working Group on Precautionary Approach will meet in 2000 to elaborate concepts, management plans and implementation of PA to other NAFO stocks.

5. The Fisheries Commission, under the chairmanship of P. Gullestad (Norway), 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 to impose moratoria in 2000 on the following stocks: Cod in Divisions 3M and 3L (that portion within the Regulatory Area) and 3NO, Redfish in Div. 3LN, American plaice in Divisions 3M and 3LNO, Witch flounder in Div. 3NO and 3L (that portion within the Regulatory Area) and Capelin in 3NO. The Quota Table for 2000 was adopted (Attachment 1).

With regard to management measures for Cod in 2J3KL, Contracting Parties other than Canada expressed their serious concern that management measures for the stock may not be consistent throughout its range in the Convention Area in the year 2000.

New conservation and enforcement measures were agreed as follows:

- Regulation of incidental catch limits including basic requirements that vessels shall not conduct direct fisheries for species for which incidental catch limits apply;
- Concerning the shrimp fishery on the Flemish Cap in Division 3M, it was decided that the existing effort allocation Scheme in the shrimp fishery would continue, and that the fishing days should be 90% of maximum number of those observed by Contracting Parties for their vessels in one of the years during 1993-1995.
- A new shrimp fishery was established in Division 3L with a TAC of 6,000 mt for 2000 and 2001. The fishery will be undertaken with strict management measures: fishing area restrictions, gear restrictions, by-catch rules and 100% observer coverage.
- Regulatory measures for chartering vessels between Contracting Parties. The chartering of vessels will be restricted to one vessel per year to any Contracting Party interested.

On the subject of the precautionary approach, the Fisheries Commission adopted a Resolution to Guide Implementation of the Precautionary Approach within NAFO (Attachment 2). However, the process for implementing a precautionary approach to fisheries will continue, and it has been agreed to hold a joint meeting between Fisheries Commission and Scientific Council in 2000.

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 reached to adopt provisional Rules of Procedure for admitting observers of NGOs to General Council and Fisheries Commission meetings.
 - The Working Group on Dispute Settlement Procedures will continue its work under new terms of reference during 2000.
 - The Working Group on Allocation of Fishing Rights will be convened in USA in 2000.
 - The President of NAFO signed diplomatic démarches to the Non-Contracting Party flag-States whose vessels fished in the NAFO Regulatory Area in 1998/1999, namely Belize, Honduras, Sao Tome & Principe and Sierra Leone.
 - The General Council adopted a Resolution to guide expectations of any new Contracting Party with regards to Quota Allocations (Attachment 3).

7. The following elections of NAFO officers took place:

Chairman of the General Council	-	E. Oltuski (Cuba)
Vice-Chairman of the General Council	-	P. Chamut (Canada)
Chairman of the Fisheries Commission	-	P. Gullestad (Norway)
Vice-Chairman of the Fisheries Commission	-	D. Swanson (USA)
Chairman of Standing Committee on International Control (STACTIC)	-	D. Bevan (Canada)

Chairman of Standing Committee on Finance and Administration (STACFAD)	-	G. F. Kingston (EU)
Vice-Chairman of Standing Committee on Finance and Administration (STACFAD)	-	J.-P. Plé (USA)
Chairman of the Scientific Council	-	W. Brodie (Canada)
Vice-Chairman of the Scientific Council	-	R. Mayo (USA)
Chairman of the Standing Committee on Publications (STACPUB)	-	O. A. Jørgensen (Denmark/Greenland)
Chairman of the Standing Committee on Fishery Science (STACFIS)	-	H.-J. Rätz (EU-Germany)
Chairman of the Standing Committee on Research Coordination (STACREC)	-	R. Mayo (USA)
NAFO General Council 17 September 1999		NAFO Secretariat Dartmouth, N.S., Canada

Attachment 1
(Press Release)

QUOTA TABLE. Total allowable catches (TACs) and quotas (metric tons) for 2000 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	Div. 3M	Div. 3NO*	Div. 3M	Div. 3LN*	Div. 3M*	Div. 3LNO*	Div. 3LNO	Div. 3NO*	Div. 3NO*	Capelin	G. halibut	Squid (<i>Illex</i>) ^{2,3}	Shrimp
1. Canada	0	0	500	0	0	0	9750 ⁷	0	0	0	3 890	N.S. ⁴	5 000
2. Cuba	0	-	1750	0	-	-	-	-	0	-	-	510	67
3. Denmark (Faroe Islands and Greenland)	0	-	69	-	-	-	-	-	-	-	-	-	67
4. European Union	0	0	3100	0	0	0	200 ⁷	-	0	0	14 355	N.S. ⁴	67
5. France (St. Pierre et Miquelon)	-	-	69	-	-	-	-	-	-	-	-	-	67
6. Iceland	-	-	-	-	-	-	-	-	-	-	-	-	67
7. Japan	-	-	400	-	-	-	-	-	0	0	2 658	510	67
8. Korea	-	-	69	-	-	-	-	-	-	-	-	453	67
9. Norway	0	-	-	-	-	-	-	-	0	0	-	-	67
10. Poland	0	-	-	-	-	-	-	-	0	0	-	227	67
11. Estonia	-	-	-	-	-	-	-	-	-	-	-	-	67
12. Latvia	0	0	13 850 ¹	0	0	-	-	0	0	-	-	1 133 ¹	67
13. Lithuania	-	-	-	-	-	-	-	-	-	-	-	-	67
14. Russia	-	-	-	-	-	-	-	-	-	-	3 307	-	67
15. Ukraine	-	-	-	-	-	-	-	-	-	-	-	-	67
16. United States of America	-	-	69	-	-	-	-	-	-	-	-	453	67
17. Others	0	0	124	0	0	0	50 ⁷	0	-	-	1 725 ³	794	0
Total Allowable Catch	-	-	5 000 ⁶	-	-	-	10 000 ⁶	-	-	-	25 935	34 000	6 000

¹ 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.² The opening date for the Squid (*Illex*) fishery is 1 July.³ 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.⁴ 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.⁵ Of which no more than 40% (690 t) may be fished before 1 May 2000 and no more than 60% (1380 t) may be fished before 1 October 2000.⁶ Each Contracting Party shall notify the Executive Secretary bi-weekly of catches taken by its vessels from this stock. Not more than 2500 tons may be fished before July 1, 2000. 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 50 and then 100 percent of the TAC for that stock.⁷ Contracting Parties shall inform the NAFO Executive Secretary before 1 December 1999 of the measures to be taken to meet the advice of the NAFO Scientific Council.⁸ The provisions of Part I, Section A.5c) of NAFO Conservation and Enforcement Measures shall apply.⁹ No directed fishing - The provisions of Part I, Section A.3a and c of NAFO Conservation and Enforcement Measures shall apply.

Attachment 2
(Press Release)

RESOLUTION

to Guide Implementation
of the Precautionary Approach within NAFO

The Fisheries Commission,

NOTING that considerable work and progress have occurred toward implementation of the precautionary approach within the NAFO context;

NOTING Article 6 and Annex II of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks;

NOTING the provisions of Article 7.5 of the FAO Code of Conduct for Responsible Fisheries;

NOTING the Roles and Responsibilities of Scientists and Managers outlined in Annex 3 to the Report of the Working Group on Precautionary Approach (NAFO/FC Doc. 98/2);

DESIRING to further harmonize terminology and application of the precautionary approach within relevant fisheries organizations;

FURTHER DESIRING to be precautionary in its management of stocks within the NAFO Regulatory Area;

RESOLVES to apply a precautionary approach widely for stocks under NAFO purview and to achieve this goal agree:

1. To determine precautionary reference points for stocks where sufficient information exists.
2. For all other stocks, to determine provisional precautionary reference point, whenever possible, and a precautionary approach otherwise.
3. To provide mechanisms to fill in data gaps.
4. To implement precautionary management strategies (harvest control rules), consistent with 1. and 2. above.
5. To consider additional supportive management measures to complement the application of the precautionary approach.
6. To define and adopt precautionary strategies for the re-opening of fisheries and for new and developing fisheries.
7. To harmonize terminology and concepts for the application of the precautionary approach within relevant fisheries organizations.

RESOLUTION
to Guide the Expectations
of Future New Members with Regard to Fishing Opportunities
in the NAFO Regulatory Area

The Contracting Parties,

NOTING that in accordance with relevant principles of international law, the Northwest Atlantic Fisheries Organization (NAFO) is the competent regional fishery management organization, and in accordance with the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (hereafter, the "Convention"), it has implemented conservation and management measures for particular stocks in the Convention Area;

NOTING Article XI(4) of the Convention;

NOTING Article 11 of the UN Agreement for the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks; and

DESIRING to guide the expectations of future new members with regard to fishing opportunities in the NAFO Regulatory Area;

HAVE AGREED to the following guidance:

3. NAFO is an open organization. Non-members may join the Organization by depositing an instrument of accession in accordance with Article XXII of the Convention. In accordance with Article IV of the Convention, all Contracting Parties are members of the General Council.
4. Should any new member of NAFO obtain membership in the Fisheries Commission, in accordance with Article XIII (1) of the Convention, such new members should be aware that presently and for the foreseeable future, stocks managed by NAFO are fully allocated, and fishing opportunities for new members are likely to be limited, for instance, to new fisheries (stocks not currently allocated by TAC/quota or effort control), and the "Others" category under the NAFO Quota Allocation Table.

**Annex 16. List of Decisions and Actions by the General Council
(21st Annual Meeting, 13-17 September 1999)**

Substantive issue	Decision/Action (GC Doc. 99/9, Part I: item)
1. Membership of Ukraine	Acceded to the NAFO Convention on 30 August 1999 Admitted to the Fisheries Commission on 13 September 1999
2. Transparency of NAFO Activities and Decisions: - Rules for Granting Observer Status at NAFO Meetings	Discussed: items 2.4-2.5 Adopted: item 2.5
3. Report of STACFAC - New Diplomatic Demarches to Belize, Honduras, São Tomé e Príncipe, Sierra Leone	Discussed: items 4.1-4.6 Agreed/signed: item 4.6
4. Working Group on Dispute Settlement Procedures (DSP) - New Terms of Reference - Working Group Meeting, Copenhagen, Denmark, 29-31 May 2000	Discussed: items 4.7-4.8 Adopted: item 4.8 Agreed: item 4.8
5. Working Group on Allocation of Fishing Rights - Resolution to Guide the Expectations of Future New Members with Regard to Fishing Opportunities in the NAFO Regulatory Area - Working Group Meeting, Washington, D.C., USA, 27-30 March 2000	Discussed: items 4.9-4.12 Adopted: item 4.11 Agreed: item 4.12
6. Election of Officers: - Chairman of the General Council - Vice-Chairman of the General Council	Enrique Oltuski (Cuba) Patrick Chamut (Canada)
7. Budget for 2000 - hail report computer system	Adopted: \$1,157,000 Cdn, item 5.2 - \$35,000 Cdn

PART II

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

1. Opening by the Chairman

The first session of the Standing Committee on Finance and Administration (STACFAD) was opened by Mr. G.F. Kingston (European Union) at 1015 hrs on 13 September 1999.

The Chairman welcomed all delegates and in his opening remarks noted that the agenda had a number of issues which have financial implications for the Organization. Delegates from the following Contracting Parties were present: Canada, Cuba, Denmark (in respect of Faroe Islands and Greenland), European Union, France (in respect of St. Pierre et Miquelon), Japan, Latvia, Norway, Russian Federation, and United States of America. The NAFO Secretariat was represented by Dr. Chepel, F. Keating and S. Goodick (Annex 1).

2. Appointment of Rapporteur

B. Steinbock (Canada) and S. Goodick (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 1998

The Executive Secretary presented the Auditors' Report and Financial Statements of the Northwest Atlantic Fisheries Organization for the Year Ended 31 December 1998. The Executive Secretary indicated that the Auditors' Report, signed by Deloitte & Touche, was circulated to the Heads of Delegation on 25 March 1999.

The Canadian representative referred to Note 11 of the Auditors' Report entitled "Uncertainty Due to the Year 2000 Issue" and sought clarification whether the Y2K audit had been completed as authorized by the 1998 budget. The Executive Secretary confirmed that \$4000 of the \$5000 authorized was expended and that the audit confirmed that the NAFO Secretariat computers are Year 2000 compliant. A copy of the Y2K Audit Report was provided to the Committee (Annex 10).

Note 10 of the Auditors' Report concerns a proposed change to the recording of capital assets for non-profit organizations as required by the Canadian Institute of Chartered Accountants. Due to this requirement, this change to the Organization's accounting policy will be reflected in the financial statements for the 1999 fiscal year. Capital assets have previously been expensed on acquisition. As of January 1, 1999, the Organization will begin to capitalize all capital assets (over \$500) and amortize them accordingly.

As stated in Note 4 of the Auditors' Report entitled "Provision for Employee Termination Benefits", the Committee noted the Organization's practice of funding this liability at the rate of \$10,000 per annum as approved by the General Council at the 19th Annual Meeting in 1997.

STACFAD recommended to the General Council that the 1998 Auditors' Report be adopted.

5. Meeting of the Pension Society

The International Fisheries Commissions Pension Society (IFCPS) administers the pension plans and benefits for employees of NAFO and other international fisheries commissions based in North America. The annual meeting was held during 19-22 April 1999 in Ottawa, Ontario, Canada. The next annual meeting of the IFCPS is scheduled to take place in Seattle, Washington, USA during 26-28 April 2000.

The Executive Secretary presented STACFAD Working Paper 99/2 summarizing the annual meeting, which was attended by the NAFO Secretariat staff F. Keating and S. Goodick. The following items were noted:

- a) The IFCPS signed a contract with Eckler Partners Limited during 1998 to provide pension consulting, actuarial and administrative services. The Society and representatives from the Commissions have been pleased with the services provided by Eckler Partners Limited and NAFO's annual share of the contract has substantially diminished from \$6,800 to approximately \$1,700.
- b) The IFCPS is continuing to review the premium rates for Group Life Insurance and Long Term Disability Insurance in an effort to reduce costs.
- c) A new set of investment guidelines for an improved asset mix of the Canadian Pension Plan Funds was established. The new guidelines see a switch from 100% Guaranteed Investment Certificates (GIC's) to an asset mix of 50% stocks and 50% bonds. The new asset mix will provide a more stable investment base and return on investment.

6. Review of Cost Implications of the Hail and Satellite Tracking Systems at the NAFO Secretariat

STACFAD Working Paper 99/1 (Annex 3) and Addendum 1 to STACTIC Working Paper 99/2 were distributed and reviewed by the Committee.

The Executive Secretary noted that the computer system to handle reports has been upgraded in stages over the previous years. In 1998, NAFO Headquarters installed a network and server, which could provide opportunities to handle the hail system. The cost for the system upgrade is being covered within the annual operating expense budget.

The General Council, at the 20th Annual Meeting of NAFO, allocated \$35,000 to the 1999 budget for the automation of the hail system. In 1999, the NAFO Secretariat signed a Contract with Software Kinetic Company (of Halifax) to undertake research and to find a solution to the automated system along the guidelines of multinational compatibility/accessibility and of cost-effectiveness. The proposal, including cost implications, is outlined in the attached working paper. The cost incurred for this contract was \$2,600. As only \$2,600 of the 1999 budgeted amount of \$35,000 for the automation of the hail system has been expended, the remaining \$32,400 will be returned to the Accumulated Surplus.

It is anticipated that a STACTIC Working Group will meet before the next Annual Meeting to review the technical feasibility of this proposal.

STACFAD recommended that \$35,000 be allocated to the 2000 budget as a contingency to cover possible recommendations of the STACTIC Working Group on this matter.

7. Administrative and Financial Statements for 1999 (July)

The Executive Secretary presented the Administrative Report and Financial Statements (NAFO GC Doc. 99/5 and GF/99-485).

The Committee reviewed the financial statements in detail and noted, in particular, the following:

- the total 1999 projected expense obligations are \$1,129,000, which is \$37,000 over the approved budget of \$1,092,000.
- salaries are projected to be \$35,500 over budget. NAFO follows the salary scale of the Public Service of Canada. Salary levels were updated pursuant to contracts ratified by the Treasury Board of Canada and the Public Service Alliance of Canada. The contracts were for the period June 1997 to June 1999 and salary increases were retroactive to June 1997.
- Termination benefits are projected to be \$18,000 over budget and are calculated based upon current salary levels that were retroactive to 1997.
- The costs of the Scientific Council Meeting are projected to be \$19,000 over budget. A change in venue for the June Scientific Council resulted in increased meeting space costs. Also the implementation of a Local Area Network at the Scientific Council meeting increased costs by approximately \$5,000.
- Computer Services is projected to be \$32,400 under budget. Only \$2,600 of the \$35,000 allocated for the automation of the hail system was expended during the year.

The financial statements were prepared as of 31 July 1999 and Contributions Receivable from Contracting Parties were at \$106,514. Subsequent to the preparation of these financial statements, payments have been received from Denmark (in respect of Faroe Islands)(\$16,763.94), Republic of Korea (\$16,763.94) and the Russian Federation (\$20,471.49). The representative from Cuba informed participants that a payment in the amount of \$17,930.78 (1998 contribution) was in the process of being issued. Outstanding contributions are due from Cuba (\$17,374.09) and Estonia (\$17,705.95).

It was also noted that contributions were not received from Bulgaria and Romania. The Executive Secretary noted that attempts to contact Bulgaria and Romania by the NAFO Secretariat 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.**

A schedule of outstanding contributions detailing the total amounts due from Bulgaria and Romania was distributed. (Annex 4).

The Committee discussed attempts by Contracting Parties to contact Bulgaria and Romania with respect to outstanding contributions and their intentions to participate in NAFO. Both Canada and the USA had forwarded démarches to the Governments of Bulgaria and Romania with no positive information on their intentions. **The Committee recommended that Contracting Parties continue attempts to contact Bulgaria and Romania in order to ascertain whether they intend to participate in NAFO and to inform them of their outstanding contributions. The Committee further recommended that Contracting Parties exchange information about such contacts through the NAFO Secretariat.**

The Executive Secretary reported the conclusions of the Summary of International Organizations' rules regarding payment of contributions and participation to deal with situations similar to NAFO's experience with Bulgaria and Romania (Addendum 1 – Item 6 – Itemized Memorandum to GC Agenda). The Committee noted that the NAFO rules and provisions were consistent with international practice and that the expulsion of those members with outstanding contributions was not part of current practice.

In GC Working Paper 99/5 the Chairman of the Scientific Council referred two recommendations with cost implications. The Scientific Council considered NAFO representation at international meetings as valuable for the Council and recommended that NAFO be represented by the Executive Secretary or the Assistant Executive Secretary at the 30 November – 3 December 1999 Advisory Committee on Fisheries Research (ACFR) Meeting of the Food and Agriculture Organization in Rome.

STACFAD recommended to the General Council that NAFO be represented by the Executive Secretary or the Assistant Executive Secretary at the ACFR meeting 30 November – 3 December 1999 and that funds be allocated from the 1999 accumulated surplus.

The Committee noted that fishery statistics (STATLANT 21A & 21B) were outstanding from a number of Contracting parties and **recommended that General Council urge Contracting Parties to submit their reports to the NAFO Secretariat on time to ensure the ongoing integrity of the NAFO Statistical database.**

8. 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 \$196,736 provided that all outstanding member contributions (excluding Bulgaria/Romania) are received.

As in past years, STACFAD recommended that \$75,000 be maintained as a minimum balance in this account in order to fulfill NAFO's financial obligations in early 2000 until contributions are received.

The remaining estimated accumulated surplus balance (\$121,736) at the end of 1999 would be used to reduce contributions due from Contracting Parties in 2000.

9. Preliminary Budget Estimate for 2000

The Executive Secretary presented the preliminary budget estimate for 2000 (Annex 5).

The Committee reviewed the preliminary budget estimate in detail and noted:

- salary levels include a 2% cost of living adjustment (COLA), as NAFO follows the scale of the Public Service of Canada. Current contracts have expired as of June 1999 and no COLA salary increases will be given until an agreement is finalized between the Treasury Board of Canada and the Public Service Alliance of Canada .
- computer services include \$35,000 for automation of the hail system;
- the meeting account has been itemized to reflect budget estimates for the various meetings scheduled during 2000. At least five inter-sessional meetings are scheduled for 2000 including the following: WG on Quota Allocations, Inter-sessional WG on the

Precautionary Approach and an inter-sessional STACTIC WG, WG on DSP and WG on Shrimp;

- the preliminary budget estimate for 2000 is \$1,157,000;
- the preliminary calculation of the 2000 billing is \$1,035,264 (Annex 6).

STACFAD recommended to the General Council that the budget of \$1,157,000 be adopted for 2000.

10. Preliminary Budget Forecast for 2001

STACFAD noted the preliminary budget forecast for 2001 (Annex 7) would be reviewed in detail during the 22nd Annual Meeting.

STACFAD Working Paper 99/3 (Annex 8) on the publication of NAFO century book – Northwest Atlantic Fisheries in the 20th Century” was presented by the Executive Secretary. The Committee agreed in principle with the proposal and **recommended that the Executive Secretary proceed on this basis.**

The Canadian representative emphasized that cost recovery be encouraged through the sale of the majority of the expected print run. The Committee also requested that the Executive Secretary review the anticipated demand for this publication and report to STACFAD at the next annual meeting.

STACFAD Working Paper 99/6 (Annex 9) on NAFO's financial contribution to a joint ICES/NAFO Symposium, 2001 was presented for review. The Committee had concerns with the amount of the contribution considering NAFO's emphasis on budget restraints. There were also concerns with the appropriateness of NAFO funding the transportation of artwork to the Symposium. STACFAD is not opposed to providing a contribution to the joint ICES/NAFO Symposium in August 2001 and requested that the Scientific Council review its request in light of the foregoing concerns for reference back to STACFAD at the next Annual Meeting.

11. Time and Place of 2001-2002 Annual Meeting

The location of the Annual Meeting for 2000 is scheduled for Boston, Massachusetts, USA and an invitation has been extended by Cuba to host the Annual Meeting in Havana for 2001. The 2002 Annual Meeting will be held in Halifax, Nova Scotia, Canada, unless an invitation to host the Annual Meeting is extended by a Contracting Party and accepted by the Organization.

The representative from the United States of America stated that their Contracting Party is uncomfortable with the location of the 2001 Annual Meeting.

The dates of the next Annual Meetings are as follows:

2000	-	Scientific Council	-	13-22 September
	-	General Council	-	18-22 September
	-	Fisheries Commission	-	18-22 September
2001	-	Scientific Council	-	12-21 September
	-	General Council	-	17-21 September
	-	Fisheries Commission	-	17-21 September

STACFAD recommended that the dates of the 2002 Annual Meeting be as follows:

2002	-	Scientific Council	-	11-20 September
	-	General Council	-	16-20 September
	-	Fisheries Commission	-	16-20 September

12. Other issues including any questions referred from the General Council during the current Annual Meeting

1) Year 2000 Preparedness:

The Canadian representative reiterated the need, as a matter of due diligence, for the Organization to be prepared with contingency plans to address the year 2000 (Y2K) computer challenge. The Executive Secretary again noted that the Y2K audit conducted during 1999 provided assurances that NAFO computers were year 2000 compliant. A copy of the Y2K Audit Report (STACFAD Working Paper 98/3) was provided to the Committee (Annex 10).

2) Access to NAFO Documents via the Internet:

The Committee recommended that the Secretariat provide a report not later than the next Annual Meeting regarding improved electronic access to NAFO documents, including those that are for restricted or limited distribution.

13. Election of Chairman and Vice-Chairman

STACFAD elected F. Kingston, of the European Union, for the position of Chairman and J.-P. Plé, of the United States of America, for the position of Vice-Chairman.

14. Adjournment

The final session of the STACFAD meeting adjourned on 15 September 1999 at 1730 hrs.

Annex 1. List of Participants

<u>Name</u>	<u>Contracting Party</u>
B. Steinbock	Canada
V. Sarda	Cuba
J.H. Toftum	Denmark (in respect of Faroe Islands and Greenland)
G.F. Kingston	European Union
M. Stein	European Union
G. Grignon	France (in respect of St. Pierre et Miquelon)
H. Nakayama	Japan
R. Derkacs	Latvia
K. Dørum	Norway
M.G. Botvinko	Russian Federation
G.V. Goussev	Russian Federation
D. Warner-Kramer	USA
L.I. Chepel	NAFO Secretariat
S.M. Goodick	NAFO Secretariat
F.D. Keating	NAFO Secretariat

Annex 2. Agenda

1. Opening by the Chairman, G.F. Kingston (EU)
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. Administrative and Financial Statements for 1999 (July)
8. Review of Accumulated Surplus Account
9. Preliminary Budget Estimate for 2000
10. Preliminary Budget Forecast for 2001
11. Time and Place of 2001-2002 Annual Meeting
12. *Other issues including any questions referred from the General Council during the current Annual Meeting*
13. Election of Chairman and Vice-Chairman
14. Adjournment

Annex 3. Cost Implications of the Hail and Satellite Tracking Systems at the NAFO Secretariat

The provisions of the Hail and Satellite Tracking Systems are spelled-out in the NAFO Conservation and Enforcement Measures (FC Doc. 98/1, Part III.E and FC Doc. 99/1, Part VI).

Pursuant to these provisions, the Secretariat is responsible for the receipt, verification and transmittal of the hail/satellite reports to the Contracting Party with inspection presence in the NAFO Regulatory Area (RA). In 1999, there were two (2) Contracting Parties with inspection vessels/aircraft in the RA - Canada and the European Union.

During previous years, 1995-1997, there were several stages of upgrades of the NAFO Secretariat computer system to accommodate specifically the hail system. A new database, Microsoft Access 7.0, and an X.25 Connection were introduced enabling the hail reports communication from the NAFO Secretariat to Contracting Parties with inspection presence (Canada and EU).

For the last years, it became evident that we were actually facing two reporting systems – hail and satellite tracking, which require ultimate computer automation and management through one consolidated technical system. The basis for this approach was established by the Fisheries Commission, which adopted standardized formats for hail transfer by electronic means.

In 1998, the NAFO Secretariat established a complete computer network system at its Headquarters, which includes:

high speed cabling of 100 MB/sec; Central Server of 128 MB of RAM and 4 gigabyte harddrives (2); separate E-mail address-connection.

Those costs were \$10,095 Cdn and reported to STACFAD at the 20th Annual Meeting.

In 1999, the NAFO Secretariat signed a Contract with the Software Kinetic Company (of Halifax) pursuing the goal to undertake research and find a solution to the automated system along the guidelines of multinational compatibility/accessibility and its cost-effectiveness.

The recommendation of the Software Company are attached in Addendum 1. The total costs projected are as follows:

- Hardware, up to \$11,080 Cdn (one time)
- Software Kinetic fees-labour - \$35,000 Cdn (one time)
- Annual communication-internet fees – in the range of \$300-400 Cdn/month.

The actual annual cost of hail transmissions by the NAFO Secretariat was in the range projected in the budget - \$4,300 or at the level of 1997 and 1998.

Addendum 1
(to Annex 3)

Proposed Solution for NAFO Automotive Reporting System
(by Software Kinetic Company)

1. Hail/Satellite Message Processing System

A PC workstation/server is the proposed hardware platform. This hardware platform would be a typical name brand Pentium PC (including 17" monitor, keyboard, mouse, graphics card, and 200W power supply, CD-ROM) with a 3 year warranty and include:

- 2 hard drives (at least 2 Gb each) to allow mirroring of data,
- Tape backup device
- Uninterruptable Power Supply (UPS), and
- Appropriate hardware for Internet connectivity (this may be supplied by the ISP depending upon the type of Internet access selected).
- A permanent Internet connection is preferred to allow real-time handling of Hail Messages and to ensure the availability of Forward Hail Messages to the inspection organizations. A high speed Internet connection is not required, as the actual amounts of data being transferred are very small.

The software needed to run on the proposed hardware platform would include:

- Microsoft NT Server
- Microsoft Office Pro (includes Microsoft Word, PowerPoint, Excel, Access)
- InterMail Post Office (mail server software)
- PGP (e-mail encryption and digital signature software)

Custom application software would be developed for the following processing tasks:

- Decrypting and verifying digital signatures using PGP
- Validating received Hail Messages
- Generating Forward and Return Hail Messages
- Entering validated Hail Message information into the database
- Encrypting and digitally signing outgoing e-mail messages
- Porting existing Access database to new Access database

2. Security Recommendation – Firewall

Additionally, the use of a firewall would improve security. Software Kinetics recommends that the NAFO Secretariat consider including a firewall as part of the solution. The firewall would be a commercially available software application that would run on a dedicated PC host running Unix or NT. The advantages of using a commercially available firewall are that the product is technically supported and easy to setup and maintain.

A packet filtering firewall should be sufficient for the NAFO Secretariat's needs. The packet filtering firewall is the easiest and least expensive implementation of a commercially available firewall. The amount and type of traffic to be checked is minimal and thus the packet filtering firewall is preferred over a proxy filter firewall.

3. Additional Firewall Considerations

A low-end solution would be to use a router and implement a router control list. The Internet Service Provider typically controls the routers. This most likely mean that the NAFO Secretariat would have little or no control of or access to the router configuration. In addition, routers provide little or no customization capabilities.

A medium-end solution would be to procure a PC running Linux with a free-ware packet filter software application. This would allow the NAFO Secretariat to implement a cost effective method to implement a firewall but this solution adds additional manual maintenance support requirements over the long term.

4. Cost Estimates

All prices noted in this section are estimates and are not be considered as a quote. These cost estimates are provided for discussion purposes only. A firm fixed price will be quoted at a later date following discussions with the NAFO Directorate regarding their preferences. These cost estimates do not include applicable taxes.

The following table provides cost estimantes for the hardware and software components of the system.

ITEM	ESTIMATED COST
Basic Pentium PC (including Windows NT Server OS and 3 year warranty)	\$4000
UPS	\$500
Printer	\$500
Microsoft Office Professional	\$800
InterMail Post.Office	\$1500 (see NOTE 1)
PGP software (encryption, digital signatures)	\$200
Internet connection (on-demand 28.8 communication line)	\$1000 (see NOTE 2)
Firewall Hardware (basic Pentium PC)	\$2500
Firewall Software (Linux - Red Hat)	\$80 (see NOTE 3)
TOTAL:	\$11,080.00

NOTE 1: This includes a license for > 10 mail accounts and software support and maintenance.

NOTE 2: Unlimited on-demand access to the Internet through an Internet Service Provider (ISP) requires the use of a normal business phone line (supplied by the phone company) and a router (supplied by the ISP). The cost of the router and its set-up are included in the estimated cost noted in the table. The business phone line charges are not included in the cost estimate noted in the table. There is an ongoing service charge paid on a monthly basis for the unlimited access connection. Other communication options exist including ISDN and ASKL. This solution assumes that e-mail sent to the Inspection Organizations does not need to be stored locally on the NAFO mail server for pickup - the e-mail will be immediately delivered to the Inspection Organizations mailbox (wherever they chose to host their mail server).

NOTE 3: Linux is a Unix like operating system that includes firewall software suitable for this application.

On going charges will apply for such items as the business phone line (approximately \$60/month) and ISP unlimited on-demand service charges (approximately \$200/month). These on-going charges have not been included in the cost estimates noted in the table above. These on-going costs must be considered for future expenditure considerations.

Software Kinetics has assumed that the proposed system hardware and operating system software will be order by the NAFO Directorate and delivered to Software Kinetics. The installation, development and configuration of application software will occur at Software Kinetics using the procured system as a development platform. Once the complete system has been build and fully tested (i.e., a Factory Acceptance Test), it will then be installed and configured for use at the NAFO Directorate.

The following tasks will be performed:

- System configuration (system assembled at Software Kinetics site for testing and development purposes),
- Security Implementation (NT, mail accounts, user accounts, etc.),
- Design, develop and test the Hail Message handling application software,
- Perform Factory Acceptance Test, Site Acceptance Test (including development of test procedures),
- Port existing Access database to new platform,
- Create System User Manual,
- System installation at NAFO Directorate,
- Project Management,
- Firewall configuration, set up and installation, and
- User training.

Software Kinetics estimates that these tasks will involve a Project Manager, up to 2 Software Specialists and a Systems Management specialist. The Project Manager would be responsible for managing the entire effort and ensuring Customer satisfaction. The Software Specialists would design, develop and test the application, port the existing Access database to the new platform, and create the user documentation. The Systems Management Specialist would set-up and configure the computer hardware, the operating systems and the firewall. One of the Software specialists would provide the user training.

User training will be a day in duration and will be performed on the NAFO site.

The estimated labour cost to perform the work noted above is **\$35,000.00**.

The estimated schedule to complete this work would be 3 months after receipt of order.

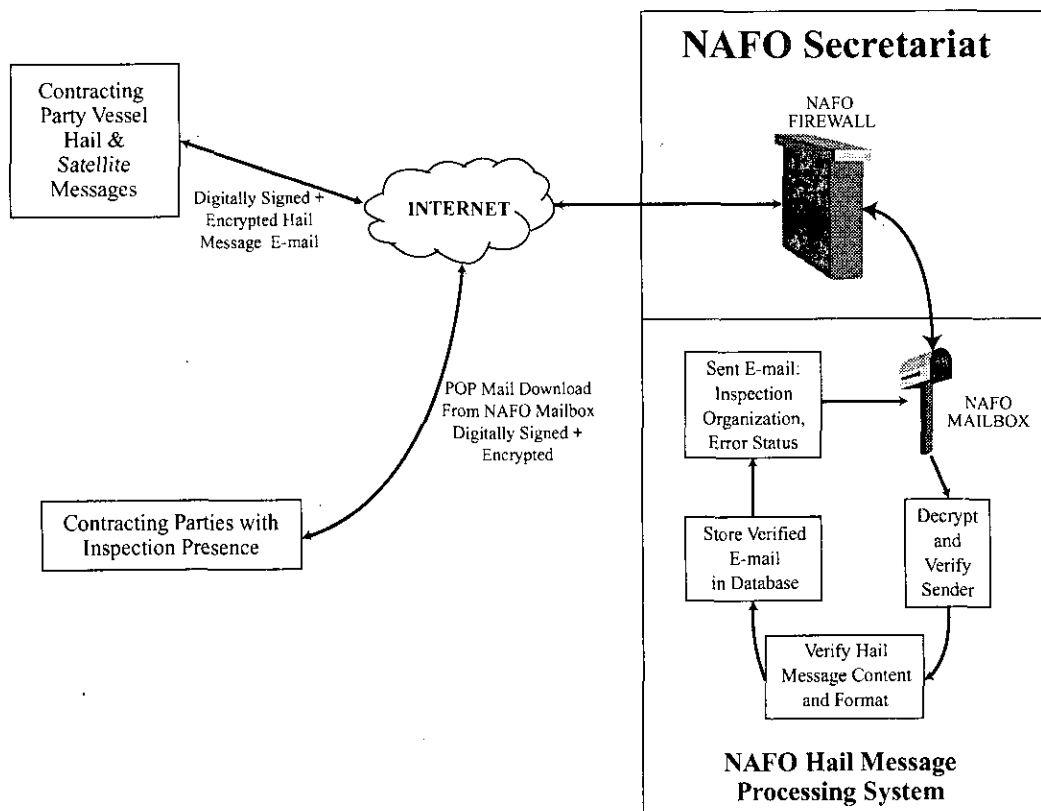


Figure 1. Graphical Representation of the Proposed System

In addition to the capabilities noted above, the automated system would also have to satisfy the following requirements:

1. All Hail Message e-mails shall be protected against unauthorized modification or access.
2. Hail Messages transmitted via a public medium (e.g. the Internet) shall be encrypted to ensure confidentiality and authenticity.
3. Only Hail Messages that are complete and have validated data shall be entered into the Hail Message database.
4. Only Hail Messages that are complete and have validated data shall be transmitted to the appropriate inspection organizations.
5. Hail message sending parties shall be notified via e-mail regarding invalid Hail Messages.
6. The system hosting the database and processing the Hail messages shall aim to meet the criteria of a C-2-level trusted system.
7. The Hail message database shall be capable of producing reports from the collected data (the three reports currently being produced by the NAFO Secretariat shall be continued).
8. Hail Messages electronically received shall be processed automatically by the system.
9. Forward Hail Messages generated for the third party inspection organizations shall be accumulated on the system for later retrieval by those third party inspection organizations.
10. Return Hail Messages for electronically received Hail Messages shall be sent to the appropriate return address.

Annex 4. Schedule of Outstanding Contributions from Bulgaria and Romania

The following is a summary of outstanding contributions from Bulgaria and Romania:

	<u>Bulgaria</u>	<u>Romania</u>
1 January – 31 December 1982		\$2,700.75
1 January – 31 December 1983		11,000.00
1 January – 31 December 1984		11,483.06
1 January – 31 December 1985		12,688.81
1 January – 31 December 1986		11,784.09
1 January – 31 December 1987		15,273.97
1 January – 31 December 1988		14,189.50
1 January – 31 December 1989		16,618.05
1 January – 31 December 1990		17,875.65
1 January – 31 December 1991		20,060.56
1 January – 31 December 1992		18,702.14
1 January – 31 December 1993	18,109.12	17,473.10
1 January – 31 December 1994	14,893.10	14,893.10
1 January – 31 December 1995	16,614.28	16,614.28
1 January – 31 December 1996	15,944.93	15,944.93
1 January – 31 December 1997	15,002.75	15,002.76
1 January – 31 December 1998	16,121.90	16,121.89
1 January – 31 December 1999	16,267.88	16,267.87
	\$112,953.96	\$264,694.51

Annex 5. Budget Estimate for 2000

NORTHWEST ATLANTIC FISHERIES ORGANIZATION

Budget Estimate for 2000

(Canadian Dollars)

	Approved Budget for 1999	Projected Expenditures for 1999	Preliminary Budget Forecast for 2000	Budget Estimate for 2000
1. Personal Services				
a) Salaries	\$ 632,000	\$ 667,500	\$644,000	\$677,500 ^a
b) Superannuation and Annuities	77,000	78,000	50,000	73,500
c) Additional Help	1,000	1,000	1,000	1,000
d) Group Medical and Insurance Plans	47,000	49,500	48,000	52,000
e) Termination Benefits	23,000	41,000	20,000	23,000 ^b
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	8,000	6,400	20,000	20,000 ^c
3. Transportation	1,000	1,000	1,000	1,000
4. Communications	63,000	56,000	64,000	60,000
5. Publications	27,000	27,000	27,000	28,000
6. Other Contractual Services	42,000	42,000	35,000	43,000
7. Materials and Supplies	30,000	30,000	30,000	30,000
8. Equipment	5,000	5,000	5,000	5,000
9. Meetings				
Annual General Meeting and				
Scientific Council Meeting	42,000	61,000	50,000	62,000 ^d
Inter-sessional Meetings	23,000	25,000	20,000	20,000
10. Computer Services	60,000	27,600	15,000	50,000 ^e
	\$1,092,000	\$1,129,000	\$1,041,000	\$1,157,000

^a The current contract between the Treasury Board of Canada and the Public Service Alliance of Canada expired in June 1999. The budget includes a 2% Cost of Living Adjustment (COLA) increase, although, no COLA's will be given until an agreement is finalized.

^b This figure is for 2000 credits and conforms with NAFO Staff Rule 10.4(a).

^c Travel costs for 2000 includes the home leave to Ukraine for the Executive Secretary and family; the Assistant Executive Secretary's attendance at the intersessional meeting of the Co-ordinating Working Party on Fishery Statistics (CWP) of Food and Agriculture Organization of the United Nations (FAO), and two persons to the meeting of Directors and Executive Secretaries of the seven International Commissions located in North America re discussion of pension scheme for employees, April 2000, Seattle, USA.

^d This figure includes the cost for Annual Meeting, September 2000, Boston, USA and the Scientific Council Meeting, June 2000, Halifax, N.S., Canada.

^e This figure includes \$35,000 for the automation of the hail system.

Annex 6. Preliminary Calculation of Billing for 2000

Preliminary calculation of billing for Contracting Parties
against the proposed estimate of \$1,157,000 for the 2000
financial year (based on 18 Contracting Parties to NAFO)
(Canadian Dollars)

Budget Estimate.....	\$1,157,000.00
Deduct: Amount from Accumulated Surplus Account.....	<u>121,736.00</u>
Funds required to meet 2000 Administrative Budget.....	<u>\$1,035,264.00</u>

60% of funds required = \$621,158.40

30% of funds required = 310,579.20

10% of funds required = 103,526.40

Contracting Parties	Nominal Catches for 1997	% of Total Catch in the Convention Area	10%	30%	60%	Deduct 1999 Billing Adjustment ³	Amount Billed
Bulgaria	-	-	-	\$17,254.40	-	(\$301.26)	\$ 16,953.14
Canada ¹	427,200	55.92	\$61,373.07	17,254.40	\$347,351.78	(301.26)	425,677.99
Cuba ¹	750	.10	-	17,254.40	621.16	(301.26)	17,574.30
Denmark (Faroes & Greenland) ^{1,2}	93,637	12.26	13,452.22	17,254.40	76,154.02	(301.26)	106,559.38
Estonia	3,239	0.42	-	17,254.40	2,608.87	(301.26)	19,562.01
European Union	21,646	2.83	-	17,254.40	17,578.78	(301.26)	34,531.92
France (St. Pierre et Miquelon)	2,500	0.33	359.16	17,254.40	2,049.82	(301.26)	19,362.12
Iceland ¹	7,197	0.94	-	17,254.40	5,838.89	(301.26)	22,792.03
Japan	2,494	0.33	-	17,254.40	2,049.82	(301.26)	19,002.96
Republic of Korea	-	-	-	17,254.40	-	(301.26)	16,953.14
Latvia	997	0.13	-	17,254.40	807.51	(301.26)	17,760.65
Lithuania ¹	1,785	0.23	-	17,254.40	1,428.66	(301.26)	18,381.80
Norway ¹	3,705	0.49	-	17,254.40	3,043.68	(301.25)	19,996.83
Poland	-	-	-	17,254.40	-	(301.25)	16,953.15
Romania	-	-	-	17,254.40	-	(301.25)	16,953.15
Russian Federation	1,465	0.19	-	17,254.40	1,180.20	(301.25)	18,133.35
Ukraine	-	-	-	17,254.40	-	-	17,254.40
United States of America ¹	197,280	25.83	28,341.95	17,254.40	160,445.21	(301.25)	205,740.31
	763,895	100.00	\$103,526.40	\$310,579.20	\$621,158.40	(\$5,121.37)	\$1,030,142.63
Add: Advanced Payments							<u>5,121.37</u>
Funds required to meet 1 January - 31 December 2000 Administrative Budget							<u>\$1,035,264.00</u>

¹ Provisional Statistics used when calculating 1997 nominal catches due to outstanding reports from some Contracting Parties.

² Faroe Islands = 8,345 metric tons
Greenland = 85,292 metric tons

³ Ukraine's contribution for September to December 1999 (Article XVI.8 of the Convention).

Annex 7. Preliminary Budget Forecast for 2001
(Canadian Dollars)

NORTHWEST ATLANTIC FISHERIES ORGANIZATION

1.	Personal Services	
	a) Salaries	\$ 691,000
	b) Superannuation and Annuities	74,000
	c) Additional Help	1,000
	d) Group Medical and Insurance Plans	52,000
	e) Termination Benefits	21,500 ^a
	f) Accrued Vacation Pay	1,000
	g) Termination Benefits Liability	10,000
2.	Travel	10,000 ^b
3.	Transportation	1,000
4.	Communications	60,000
5.	Publications	37,000 ^c
6.	Other Contractual Services	43,000
7.	Materials and Supplies	30,000
8.	Equipment	5,000
9.	Meetings	
	Annual General Meeting and	
	Scientific Council Meeting	61,000 ^d
	Inter-sessional Meetings	20,000
10.	Computer Services	<u>15,000</u>
		\$1,132,500

^a This figure is for 2001 credits and conforms with NAFO Staff Rule 10.4(a).

^b Travel costs for 2001 include 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, April 2001 and the Assistant Executive Secretary's attendance at a sessional meeting of the Co-ordinating Working Party on Fishery Statistics (CWP) of Food and Agriculture Organization of the United Nations (FAO).

^c This figure includes \$9,000 for NAFO 20th Century Book.

^d This figure includes the cost for Annual Meeting, September 2001 and the Scientific Council Meeting, June 2001, in Halifax, N.S., Canada.

Annex 8. Publication of NAFO century book – "Northwest Atlantic Fisheries in the 20th Century"

This idea was presented to Contracting Parties by the NAFO Secretariat (GF/99-384 of 11 June 1999).

The general structure/format of the book would be similar to the "NAFO Meeting Proceedings" published in 1993 (compilation of NAFO history through 1979-1992). In addition, there should be ICNAF chapter and one more important feature – a special part of contributions-essays from Contracting Parties of NAFO to address open-minded thoughts and visions about the past (XX century) and future (XXI century) of the Northwest Atlantic Fisheries.

In general, there would be the following structure of the book:

Introduction/Preface	2 pages
Contributions by Contracting Parties	30 pages
Vol. I – ICNAF Period (1949-1979):	
Part I – Convention	35 pages
Part II – ICNAF Activities and Major Decisions	120 pages
Part III – Index, Abbreviations, People-Chairmen	10 pages
Vol. II – NAFO Period (1979-2000)	
Part I – Convention	40 pages
Part II – NAFO Activities and Major Decisions	350 pages
Part III – NAFO Proposals & Resolutions, Quota Proposals	40 pages
Part IV – Index, People, Abbreviations Photographs, etc.	12 pages 30 pages
Total	669 pages (approx.)

The volume of this publication is expected to be 600-700 books. The book will be supplied to all Contracting Parties (approximately 250 books), major international fisheries organizations and libraries that maintain contacts with NAFO (30-40 books). The residue will be stored at the NAFO Secretariat for expected retail sale to interested parties. We expect that the price should be in the range of \$50-60 CAD per book.

Our estimates of the cost implications to NAFO budget 2001 are in the range of \$8806 CAD (Addendum I).

Addendum 1
(to Annex 8)

NAFO
20th Century Book
Cost Analysis

Cost Estimate to Print 20th Century Book:

<u>Printing Costs</u>		<u>Cost per Page</u>	<u>Cost per Book</u>	<u># of Books</u>	<u>Total Printing Cost</u>
Black Pages	649	\$0.0108	\$ 7.01		
Colour Pages	<u>20</u>	\$0.1500	<u>\$ 3.00</u>		
Total	669		\$10.01	600	\$6,006

		<u>Cost per Book</u>		<u>Total Binding Cost</u>
<u>Binding</u>				
Soft Cover		\$ 4.00	500	\$2,000
Hard Cover		\$ 8.00	<u>100</u>	<u>\$ 800</u>
			600	\$2,800

TOTAL PUBLICATION COSTS \$8,806

Annex 9. NAFO's Financial Contribution to the Joint ICES/NAFO Symposium, 2001

ICES/NAFO Symposium on Hydrobiological Variability

In 1998, STACFEN recommended that NAFO co-sponsor, along with ICES, the planned symposium on *Hydrobiological Variability During the 1990s* to be held in 2001 in Edinburgh. The co-convenors are to be Jens Meincke (Germany) and Bob Dickson (UK). The ICES Hydrography Working Group has supported the joint sponsorship with NAFO. The Chairman of STACFEN, M. Stein, was appointed to the Steering Committee for the symposium and K. Drinkwater to the editorial board for publication of the symposium proceedings. Given that both NAFO and ICES would be proposing to hold similar symposia on a review of the 1990s early in the next decade, a single symposium was felt to be more efficient. In addition to allowing the traditional regional focus that separate symposium would foster, the joint meeting will provide the opportunity to place both the ICES and NAFO areas into a larger-scale perspective through comparisons of different areas around the North Atlantic.

The Executive Secretary of NAFO received a letter from the General Secretary of ICES regarding the possible financial contribution of NAFO. He noted that the Symposium coincides with the 70th anniversary of the Continuous Plankton Recorder (CPR) in Edinburgh where the Symposium will be held. They would like to mark this occasion by including as part of the Symposium, an art exhibition of approximately 100 water colours of marine organisms painted by the inventor of the CPR, Sir Alister Hardy. However, such an exhibition is feasible only if a donation can be secured to cover the costs of collecting, mounting, transporting and insuring the collection, which the Sir Alister Hardy Foundation of Ocean Science estimated at GBP 3 500 (approximately CDN \$8 000).

STACFEN recommended that *NAFO's financial contribution to the Joint ICES/NAFO Symposium, August 2001, include the equivalent of GBP 3 500 (approximately CDN \$ 8 000) to cover the cost of the art exhibition.*

The **recommendation** made by STACFEN for the work of the Scientific Council as endorsed by the Council is as follows:

1. *NAFO's financial contribution to the Joint ICES/NAFO Symposium, August 2001, should include the equivalent of GBP 3,500 (approximately CDN \$8 000) to cover the cost of the art exhibition.*

Annex 10. Report on the Year 2000 Audit of the NAFO Secretariat Computer Requirements and Upgrades (Y2K)

All networked workstations were tested for compliance on three levels. First, the hardware itself was tested to see if it complied with NSTL (National Standards Testing Laboratories) published testing standards. Second, the operating system was tested for compliance and finally individual applications were catalogued and researched for compliance.

One computer failed the hardware test while all others passed. The nature of the failure of the one computer is such that it may be possible to manually roll the date over to January 1, 2000 when the time comes and have the computer function normally. It is a professional recommendation however, that the mother board and processor be replaced well in advance of that date for a few reasons: 1) the computer requires more processing power than most other computers on a daily basis but it is presently the slowest at NAFO; 2) the computer processes the mission-critical database application and disruption of this application by problems in January of 2000 should be avoided if possible. The cost of such an upgrade would not exceed CDN \$600.00.

The second stage of our testing involved installing an upgrade to the Windows '95 operating system on all workstations to bring those machines' operating systems up to compliance with Y2K standards.

The final stage of our testing is the most time consuming and critical to the overall preparedness of the NAFO Secretariat for the year 2000. Because of the age, and manufacturer's difficulties, of some software in use, it will be impossible to state with 100% accuracy, of the compliance of some software.

There have been three owners of the WordPerfect name in very recent history. Because of this, it has been difficult finding a definitive answer as to Y2K compliance of versions prior to V7.0. It is our opinion that the software should continue to work with the following possible exceptions: the ability to sort files by date, inserting today's date in a document, mail-merge type functions that use dates. This is by no means a comprehensive list and it is possible that the software will not function at all.

dBase III+ (V1.1) appears to be fully compliant once told to store dates as four digits as opposed to two.

Here is an excerpt from the dBase web site:

"For all versions of dBase from version III+ to the current Visual dBase for Windows 5.5, date fields are stored as a string in the format YYYYMMDD. In dBase III+ a new SET CENTURY command was added for the approaching 21st century. SET CENTURY ON allows display and editing of the 4 digit year. SET CENTURY OFF limits display and entry of the year to 2 digits. All calculations and storage involving date fields handle the year correctly regardless of the state of SET CENTURY. With SET CENTURY OFF, the command, STORE {01/012000} TO MYDATE, will display the year as 00 even though it is stored correctly in memory as the string 20000101. The command REPLACE mydatefld with {01/01/2000} will sort the correct date to disk. Note that the YEAR function always returns a 4 digit year."

Lotus 123 is fully compliant, as is Quattro Pro for windows.

AccPac V6.1 is fully year 2000 compliant.

There is an issue with Microsoft Access but there is a patch available and once thoroughly tested we will be installing it on any computer currently running Access.

There are a number of miscellaneous applications where we have not been able to confirm Y2K compliance. These applications include Quick Tax Deluxe, and Payday 1.2A. Given the nature of Quick Tax and Payday (they require annual updates) it is difficult to imagine these products not being Y2K compliant by January of 2000. We will continue to seek definitive answers on all of these products.

Finally, the most serious issue facing NAFO's efforts to become fully Y2K ready is the database and associated front-end applications. We will soon be conducting testing on the database to determine the ease with which we can convert the date fields to four digits. The other issue is with the front-end applications that are currently being used to update, and get information from, the database. These applications, forms, queries, etc. will have to be re-written to adjust for the four digit dates. We will not be able to advise as to the cost of these adjustments until we have had more time to conduct testing. We expect to be able to offer a better opinion by early September. We anticipate the worst scenario would cost in the neighborhood of CDN \$2,500 - \$4,000.

PART III

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

1. Opening by the Chairman

The meeting was called to order by the Chairman, Dr. Jean-Pierre Plé (USA) at 10.15 on 13 September 1999. The following Contracting Parties were present: Canada, Denmark (in respect of the Faroe Islands and Greenland), European Community (EC), France (in respect of St-Pierre et Miquelon), Iceland, Japan, Norway, Russian Federation, Ukraine and the United States of America (USA) (Annex 1). The Chairman particularly welcomed the delegate from the Ukraine whose country was attending the meeting for the first time.

2. Appointment of Rapporteur

Mr. Andrew Thomson (EC) was appointed rapporteur.

3. Adoption of the Agenda

The agenda was adopted (Annex 2).

4. Review of 1999 information on the activities of non-Contracting Party vessels in the Regulatory Area

The Canadian Representative referred to two papers concerning the activities of non-Contracting Party (NCP) vessels in the NAFO Regulatory Area (NRA). This information together with information from other Contracting Parties was circulated to all Contracting Parties in various letters from the NAFO Secretariat during 1999 and are now compiled in GC Doc. 99/7. The Canadian information covered the period 1 January to 31 December 1998 (STACFAC WP 99/3) and the period 1 January to 31 August 1999 (STACFAC WP 99/4). The paper for 1999 indicated, that compared to 1998's sightings of four vessels, only two vessels, the "Austral" and the "High Sierra" were sighted fishing in the NAFO Regulatory Area in 1999. Upon request, Canada explained that although the total number of hours of aerial surveillance decreased during 1998 compared to 1997, Canada continued to operate at least two surveillance flights per week.

No other Contracting Party present indicated any sightings of other non-Contracting Party vessels in the Regulatory Area. It was suggested that one explanation might be due to the success of the "NAFO Scheme to Promote Compliance by non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO" agreed in 1997. Non-Contracting Party vessels appeared to be encountering more difficulty in finding appropriate flag-States.

A worrying development appeared to be that with the successful deterrent effect of the NAFO Scheme, non-Contracting Party vessels were now moving to other regions of the world. Both the "High Sierra" and the "Austral" have been sighted in the NEAFC Regulatory Area, the former being re-named the "Albri II" and now allegedly registered in Belize. Reference was also made to the letter from the European Commission of 27 July 1999 informing that over a brief period of time, the "High Sierra" / "Albri II" claimed to be registered in Belize and Honduras and that the "Austral" has also changed name to the "Australia" and reregistered in São Tomé e Príncipe. The Chairman prepared a summary of information of nationality of the "High Sierra" and the "Austral" — Annex 3.

The Parties agreed that there is a clear need for greater inter-regional co-operation between relevant regional fishery organisations. Further discussion on this point took place under agenda item 8.

5. Review of 1999 information on landings and transshipments of fish caught by non-Contracting Party vessels in the Regulatory Area

No Contracting Party reported information on landings and transshipments of fish caught by non-Contracting Party vessels in the Regulatory Area. The European Community and Denmark (in respect of Faroe Islands and Greenland), reported on attempted landings by non-Contracting Party vessels in the Faroe Islands. The Chairman thanked the port officials of the Faroe Islands for their efforts in implementing the Scheme, which resulted in the denial of landings of fish from the "High Sierra" / "Albri II" and the "Austral" / "Australia".

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 at this meeting.

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

In accordance with the decisions taken by the General Council, diplomatic démarches were delivered to the non-Contracting Party Governments whose vessels were sighted fishing in the Regulatory Area in 1998. Four such démarches were delivered on behalf of the NAFO General Council to Honduras and Panama (delivered by Canada), to Belize (delivered by the USA) and to Sierra Leone (delivered by both Canada and the United States). Canada indicated that they had also delivered a démarche to São Tomé e Príncipe as regards the "Austral" / "Australia", but without reply at this stage. The European Community noted that normal protocol does not demand a reply to such démarches. It was actions by those non-Contracting Parties, which were more important.

On a positive note, the Chairman noted that Panama had recently acceded to ICCAT with the implications that Panama may be more willing to co-operate with regional fisheries organisations including NAFO. Furthermore, letters of démarche to the Governments of Sierra Leone, São Tomé e Príncipe, Belize and Honduras were prepared by the Chairman and are attached to this report as Annexes to .

8. Review of the performance of the NAFO Scheme to deal with non-Contracting Parties fishing in the NAFO Regulatory Area

The report of the Executive Secretary, as called for in paragraph 14 of the Scheme, was presented as NAFO/GC Doc. 99/1 and covers the period 1 January to 31 December 1998 (Annex 4). Norway, who wanted to initiate a discussion on an additional measure in the Scheme, suggested that vessels prohibited from landing and transshipping fish be denied a licence to fish in the waters of the Contracting Parties. Their proposal is set out in STACFAC WP 99/7 (Annex 5). There was no agreement by the Parties on the use of such additions to the existing measures in the Scheme. In particular, other Parties considered that the aim of the Scheme was not to stop vessels from fishing, but to encourage them to fish in compliance with international conservation and management measures.

STACFAC considered ways to improve international co-operation with other international fishery organisations, and in particular with NEAFC. The NEAFC Secretariat has already started to inform NAFO of sightings of non-Contracting Party vessels in the NEAFC Regulatory Area. It was agreed that as a starting point, the NAFO Executive Secretary should be instructed to share GF 98/1 and GF 99/1, which provide summary information under the Scheme, with the Secretariats of NEAFC, NASCO, ICCAT, IBSFC and CCAMLR. This would initially cover the periods 1997 and 1998. The Executive Secretary should be instructed to share similar summary data for 1999 when this report is prepared in April 2000.

STACFAC also agreed to the need for all Contracting Parties to report to the next Annual Meeting on how they have implemented the Scheme, both in legal, administrative and practical terms.

9. Review of information on the vessels Austral, High Sierra, Porto Santo, and Santa Princesa, which were fishing in the Regulatory Area under the flag of Sierra Leone

As a result of the démarche made to Sierra Leone, that country withdrew registration for the "Austral", the "High Sierra", the "Porto Santo" and the "Santa Princesa" as of 4 January 1999. Since the Government of Sierra Leone took this action, STACFAC has no information regarding the new names or nationality of the "Santa Princesa" and the "Porto Santo". STACFAC reviewed evidence that the "High Sierra" has claimed, on separate occasions, to be registered in Belize or Honduras under the name "Albri II". However, in June 1999, the United States received information from the Director of Belize's International Merchant Marine Registry (IMMARBE) that the "Albri II" is not registered in Belize. In addition, in July 1999, the United States received information that the "High Sierra" is not registered in Honduras. As a result of conflicting information regarding nationality, there are reasonable grounds for suspecting that the "Albri II" is a vessel without nationality.

In addition, STACFAC reviewed information that the "Austral" now claims to be registered in São Tomé e Príncipe under the name "Australia". However, STACFAC also reviewed other evidence that in August 1999, while fishing on the high seas of the Northeast Atlantic Ocean, the "Australia" asserted that it was in fact the "Austral" and claimed to be registered in Sierra Leone. Again, as a result of conflicting information regarding nationality, there are reasonable grounds for suspecting that the "Australia" is a vessel without nationality.

10. NAFO response to stateless vessels operating in the NAFO Regulatory Area

In direct relation to the above point, STACFAC examined the way in which NAFO should respond to stateless vessels operating in the NAFO Regulatory Area and the legal implications of taking action against such vessels. The Chairman referred to Article 92 of the 1982 UN Convention on the Law of the Sea (UNCLOS), which refers to the status of ships: "1. Ships shall sail under the flag of one State only and, save in exceptional cases expressly provided for in international treaties or in this Convention, shall be subject to its exclusive jurisdiction on the high seas. A ship may not change its flag during a voyage or while in a port of call, save in the case of a real transfer of ownership or change of registry. 2. A ship which sails under the flags of two or more States, using them according to convenience, may not claim any of the nationalities in question with respect to any other State, and may be assimilated to a ship without nationality."

The European Community referred to Article 91 of UNCLOS, which empowers States to fix the conditions for granting nationality to a ship, as well as to Article 110 of the same Convention, which refers to the rights to interfere with foreign ships on the high seas. In particular, he referred

to paragraph (1)(d) of that Article, which concerns ships without nationality. He also referred to Article 21(17) of the 1995 UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks. The UNCLOS reference was to action taken where there are reasonable grounds for suspecting that a vessel is without nationality. Under customary international law, such a vessel may be treated by the boarding State as its own vessel. He also referred to the Judgement of 1 July 1999 in the M/V Saiga Case of the International Tribunal for the Law of the Sea, which gave important elements concerning the obligation of States to verify and ascertain the registration of foreign vessels.

The question remained as to what action was possible if a vessel did indeed prove to be stateless. The Chairman explained that under US law, such a vessel could be assimilated and considered to be subject to US jurisdiction. Further action against the vessel would have to be consistent with domestic law. Canada also indicated that they had domestic legislation in place in respect of vessels fishing without a nationality.

Denmark (in respect of Faroe Islands and Greenland) was unsure as to the customary international law in the case of stateless vessels. In particular, they expressed their opinion that the existing legal framework unfortunately does not give authority for the arrest of a stateless vessel while fishing on the high seas. The European Community held that Article 110 of UNCLOS gave powers under international law but that certain States might need to adopt appropriate domestic measures to deal with those vessels.

The Parties agreed that the Scheme as it stands should apply to vessels without nationality. To this end, the Chairman prepared a recommendation to the General Council, to clarify the applicability of the Scheme to such vessels (Annex 6) and which calls upon the Contracting Parties to examine their ability to take other appropriate measures against stateless vessels.

11. Exchange of views on the FAO Committee on Fisheries (COFI) initiative on Illegal, Unregulated and Unreported Fishing

The Parties had a fruitful exchange of views on the recent initiative of the FAO Committee on Fisheries (COFI) on Illegal, Unregulated and Unreported Fishing (IUU). They particularly focused on the Australian paper on IUU Fishing prepared for the 1999 Session of COFI "A proposal to develop a global plan of action to curb illegal, unregulated and unreported fishing". The purpose of Australia's proposal is to develop a global plan of action to curb such fishing comprising a core of practical management and enforcement options covering fisheries production and trade. Their initiative was aimed at having compatibility between measures in both national and high seas waters.

After extensive discussion, the Parties were able to agree that no action needs to be taken at this time by NAFO. However, it was recommended that the Parties should reflect on any ideas there may be to improve on the NAFO Scheme and to share their ideas with the other NAFO Contracting Parties. A broader reflection on the problem was desirable. In the event of a plan of action being adopted, NAFO Contracting Parties would have to decide on what further action should be taken.

12. Report and recommendations to the General Council

STACFAC recommends to the General Council that:

1. — démarches, in the form of letters signed by the President of NAFO, be made to the flag States of non-Contracting Party vessels which were sighted fishing in the NAFO Regulatory Area in 1999 in an effort to discourage vessels from these countries from fishing in the NAFO Regulatory Area, and other flag States to confirm registry of other non-Contracting Party vessels sighted fishing in the NAFO Regulatory Area in 1999 or in previous years (Annexes 7 to 10);
2. — the Executive Secretary circulate to all NAFO Contracting Parties information on non-Contracting Party activity reported to him by other regional fishery organisations;
3. — the Executive Secretary circulate GF 98/1 and GF 99/1 to the Secretariats of ICCAT, NASCO, NEAFC, IBSFC and CCAMLR, and the Executive Secretary circulate to these regional fishery organisations the report he will prepare pursuant to paragraph 14 of the Scheme;
4. — the Contracting Parties submit a report at the next Annual Meeting on what legal, administrative and practical action they have taken to implement the Scheme;
5. — the Contracting Parties submit annual reports under paragraph 13 of the Scheme, including negative reports if appropriate;
6. — the Contracting Parties adopt the statement that the term "non-Contracting Party vessel" as used in the Scheme shall include vessels for which there are reasonable grounds for suspecting them to be without nationality;
7. — where there are reasonable grounds for suspecting that a vessel which has been sighted engaging in fishing activities in the NAFO Regulatory Area is without nationality, a NAFO Contracting Party may board and inspect the vessel. Where evidence so warrants, the NAFO Contracting Party may take such action as may be appropriate in accordance with international law. Contracting Parties are encouraged to examine the appropriateness of domestic measures to exercise jurisdiction over such vessels; and
8. — the Contracting Parties share with other NAFO Contracting Parties any reports that they prepare for consideration by the FAO with respect to the FAO initiative on Illegal, Unregulated and Unreported Fishing.

13. Other matters

No other matters were discussed.

14. Adjournment

The formal session of STACFAC adjourned at 14.12 on Wednesday 15 September 1999.

Annex 1. List of Participants

<u>Name of Participant</u>	<u>Contracting Party</u>
Anne Frenette	Canada
Louis Simard	"
Einar Lemche	Denmark (in respect of Faroe Islands and Greenland)
Henrik Fischer	" " "
	"
Friedrich Wieland	European Community
Andrew Thomson	" " "
Rolf Åkeson	" " "
Helena Figueiredo	" " "
Lars Erik Svensson	" " "
Ignacio Ybáñez	" " "
Gerard Grignon	France (in respect of St-Pierre et Miquelon)
Daniel Silvestre	" " "
	"
Kolbeinn Árnason	Iceland
Akinori Tajima	Japan
Kengo Tanaka	"
Stein Owe	Norway
Kjell Dørum	"
Gennady Goussev	Russian Federation
Valentin Litvinov	Ukraine
Victor Kachurenko	"
Gene Martin	United States of America
Jean-Pierre Plé	" " " "

Annex 2. Agenda

1. Opening by the Chairman, Mr. Jean-Pierre Plé (USA)
2. Appointment of the Rapporteur
3. Adoption of the Agenda
4. Review of 1999 information on activities of non-Contracting Party vessels in the Regulatory Area
5. Review of 1999 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 NAFO Regulatory Area
7. Reports by Contracting Parties on diplomatic contacts with non-Contracting Party Governments concerning fishing in the Regulatory Area
8. Review of the performance of the NAFO Scheme to deal with non-Contracting Parties fishing in the NAFO Regulatory Area
9. Review of information on the vessels Austral, High Sierra, Porto Santo and Santa Princesa, which were fishing in the Regulatory Area under the flag of Sierra Leone
10. NAFO response to stateless fishing vessels operating in the NAFO Regulatory Area
11. Exchange of views on the FAO Committee on Fisheries (COFI) Initiative on Illegal, Unregulated and Unreported Fishing
12. Report and Recommendations to the General Council
13. Other Matters
14. Adjournment

Annex 3. Summary of Information of Nationality of the High Sierra and Austral
(STACFAC Working Paper 99/6)

January 4, 1999 Sierra Leone revokes
registration of High Sierra and Austral
(STACFAC W.P. 99/1)

High Sierra

<u>Date</u>	<u>Information</u>	<u>Reporting Source</u>
1/24/99	High Sierra registered in Sierra Leone	GF/99-148
2/9/99	High Sierra renamed Albri II and registered in Honduras	STACFAC W.P. 99/1
2/12/99	High Sierra renamed Albri II and registered in Belize (Belize registry valid 5/27/94 to 5/26/99)	GF/99-126
6/16/99	U.S. informed by Belize that Albri II is not registered in Belize	STACFAC W.P. 99/1
8/7/99 & 8/17/99	Albri II observed claiming registry in Belize	STACFAC W.P. 99/2

Austral

<u>Date</u>	<u>Information</u>	<u>Reporting Source</u>
3/11/99	Austral observed in NRA; claiming registry in Sierra Leone (unconfirmed)	GF/99-217
3/25/99	Austral observed claiming registry in Sierra Leone	GF/99-235
4/4/99	Austral observed claiming registry in Sierra Leone	GF/99-267
6/7/99	Austral renamed Australia and registered in São Tomé & Príncipe (São Tomé and Príncipe registry valid 2/19/99 to 2/19/00)	GF/99-370
8/7/99	Austral observed claiming registry in Sierra Leone	STACFAC W.P. 99/2
8/10/99	Austral observed claiming registry in Sierra Leone	GF/99-470
8/17/99	Austral observed claiming registry in Sierra Leone	STACFAC W.P. 99/2

**Annex 4. Report – 1998 on the Scheme to Promote Compliance by non-Contracting
Party Vessels with the Conservation and Enforcement Measures**
(GC Doc. 99/1)

REPORT - 1998

on

the Scheme to Promote Compliance by non-Contracting Party Vessels with the Conservation and Enforcement Measures (GC Doc. 97/6)

"Under the Scheme, NAFO Contracting Parties shall report to the NAFO Secretariat all information regarding sightings, fishing, port entries, landing/transshipment by Non-Contracting Party vessels which have been sighted fishing in the NAFO Regulatory Area. The NAFO Secretariat will prepare its summary report by 01 April for the previous year."

Contracting Parties (reported)	Reports on: (with brief comments)					Information from NAFO Secretariat to Contracting Parties
	Sightings of NCP vessels	Fishing activity	Boarding (by NAFO inspector)	Port entries	Landings/ Transshipments, Fish on board	
Canada	"High Sierra" – Sierra Leone 02.12.98	Div. 3M Cod, Redfish, Shrimp	02.12.98	Torshavn, Faroe Islands	Fish on board: Shrimp - 3.0mt Redfish – 1.5mt Others - 0.2mt	GF/98-618 04 Dec 98
European Union	"Porto Santo" – Nationality not identified 26.01.98	Div. 3M Cod	Radio contact	N/A	Fish on board: Cod 35-40mt	GF/98-052 26 Jan 98
	"High Sierra" – Sierra Leone 20.11.98	Div. 3M	Radio contact	N/A	Cod – 0.04mt Others – 0.02mt	GF/98-593 20.11.98

(Annex 4 con'td)

Reports

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

Canada

NAFO diplomatic demarches signed by the NAFO President (A. Rodin) were delivered to the Governments of Honduras and Panama.

In accordance with the Scheme, non-Contracting Party vessels did not land or discharge in Canadian ports during 1998.

Estonia

Estonian inspection forces did not conduct inspections under the Scheme in Estonian ports in 1998.

Lithuania

In accordance with the Scheme, non-Contracting Party vessels did not land fish in the Lithuanian port of Klaipeda in 1998.

United States of America

NAFO diplomatic demarches signed by the NAFO President (A. Rodin) were delivered to the Governments of Belize and Sierra Leone.

In accordance with the Scheme (paragraph 13i) there were no inspections of non-Contracting Party vessels in U.S. ports in 1998. Paragraph 13ii) on landings and/or transshipment is not applicable.

The following additional information is provided regarding the steps taken by the United States to ensure compliance with the Scheme.

Under U.S. law (46 U.S.C. Sec. 251) foreign-flag vessels are generally prohibited from landing in a U.S. port fish caught on the high seas, and as a result, foreign-flag fishing vessels do not call on U.S. ports. Nonetheless, to ensure compliance with the Scheme, upon receipt of notification of a NCP sighting report from the NAFO Secretariat, this information is shared with fisheries law enforcement officials of the National Marine Fisheries Service and with the U.S. Coast Guard. Both agencies place the name of the sighted NCP vessel on a "watch list". If the sighted NCP vessel then enters a U.S. port, the vessel would be boarded and inspected in accordance with the Scheme.

**Annex 5. Unregulated Fisheries in the NAFO Regulatory Area on Stocks
regulated by NAFO. Additional measures to counteract activities by
Non-Contracting Parties.
(STACFAC Working Paper 99/7)**

Introduction

NAFO has for a number of years been in the lead in an attempt to counteract unregulated fisheries on the high seas. It was a great achievement when NAFO at the annual meeting in 1997 agreed to adopt a Scheme to promote Compliance by Non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO. That scheme has inspired other regional fisheries management organisations such as CCAMLR (Commission for the Conservation of Antarctic Marine Living Resources) and NEAFC (North East Atlantic Fisheries Commission) to adopt similar measures.

Norway would like NAFO to start a discussion on the inclusion of a new element in this Scheme to add to the incentives not to fish unregulated in the NAFO Regulatory Area.

The Norwegian experience

Norway has for a number of years been working seriously in dealing with unregulated fisheries on the high seas. Norway has experienced such a fishery on stocks regulated i.a. in Norwegian waters just outside the 200-mile zones in the Barents Sea. The initiatives taken by Norway in this regard have been inspired by recent developments in the international arena, like the adoption of the UN Agreement on 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 the FAO Code of Conduct for Responsible Fishing. Measures similar to those incorporated in Norwegian legislation, like denial of landings, are found in the present NAFO Scheme.

In an attempt to further discourage unregulated fisheries on the high seas Norway has established a regulation stating that an application for a licence to fish in Norwegian waters may be denied if the vessel or the vessel's owner has taken part in an unregulated fishery in international waters on a fish stock subject to regulations in waters under Norwegian fisheries jurisdiction. The Norwegian regulation reads:

«Even if other requirements are satisfied, the licence may be refused if, in areas under Norwegian fishery jurisdiction, the vessel's owner, master or crew have contravened the provisions relating to fishing and hunting operations or the conditions prescribed in a licence granted, or if the vessel has been used in connection with such contravention. The same applies if the vessel or owner of the vessel has either taken part in fishing outside quota arrangements in international waters for a stock which is subject to regulation in waters under Norwegian fisheries jurisdiction or taken part in fishing operations that contravene regulatory measures laid down by regional or subregional fisheries management organisations or arrangements.

A licence which has been granted may be withdrawn at any time on the same grounds as set out in the preceding paragraph.»

This provision i.a. implies that a given vessel may be denied a fishing licence in Norwegian waters also if it is operated by others than those who participated in the unregulated fishery. Vessels which previously have taken part in the unregulated fishery in the «Loophole» in the Barents Sea, have been denied a license in Norwegian waters even after being flagged to another state. It

should be noted that such vessels would also be denied a licence to fish in Norwegian waters under Norwegian flag.

After a more recent amendment the legislation now also targets unregulated fishery on stocks regulated by a regional or sub-regional fisheries management organisation (i.e. CCAMLR, NEAFC, NAFO etc.).

Of course it is not without difficulties to track fishing vessels when they change their flag. This is due to the fact that they do not only get another flag, but also a new name, side number and radio call sign. However, Norway has gained some experience in tracking vessels that have been engaged in unregulated fisheries on the high seas. It may for instance be suitable to request information about «the history» of all vessels applying for a fishing licence before granting such a licence. A copy of the licence application form used in Norway is enclosed (./.).

The Norwegian experience so far, is that these new measures and the publicity following the introduction and the follow-up of the measures, have lead to vessel owners thinking twice before engaging in unregulated fisheries on the high seas. Some of the owners have already experienced that the second hand value of their vessels have dropped dramatically as the market for these vessels in the North East Atlantic has almost disappeared. This is due to the fact that ship brokers are aware of these vessels and advice potential buyers.

It should be mentioned that following an agreement to end most of the unregulated fishery in the Barents Sea the number of vessels that would have been denied a licence in Norwegian waters is greatly reduced.

A new NAFO measure

To add to the disincentives already contained in the NAFO Scheme, not least economic in nature, Norway would suggest that NAFO adopts a measure along the following lines:

«A licence to fish in areas under the fisheries jurisdiction of Contracting Parties shall be denied, if the fishing vessel in question has been prohibited to land and transship fish pursuant to paragraph 10 of the Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Enforcement Measures by NAFO.

This measure does not affect the exercise by NAFO Contracting Parties of their sovereignty within their exclusive economic zones.»

Such a provision would build on the existing mechanisms in the Scheme and not affect the possibility of stricter measures in the EEZs of Contracting Parties.

**APPLICATION FOR LICENSE
FOR FISHING WITHIN WATERS OF NAFO CONTRACTING PARTIES**

Flag state	
Name of vessel	
External registration number	
International radio call signal	
Target species	
Fishing area(s)	
Time period	
Owner's name and address	
Charterer's name and address	
Tonnage (OC and LC)	
Length in meters (overall and between perpendiculars)	
Horse power (kilowatts and horsepower total installed engine power)	
Previous flag state(s) since ¹	
Previous name(s) since ¹	
Previous radio call signal(s) since ¹	
Previous owner's(owners) name(s) and address(es) since ¹	

Date

Signature:

¹The date of entry into force.

**Annex 6. Draft Recommendation by STACFAC to the General Council
concerning vessels for which there are reasonable grounds for
suspecting them to be without nationality
(STACFAC Working Paper 99/8)**

During 1999, several vessels for which there are reasonable grounds for suspecting them to be without nationality were observed engaging in fishing activities in the NAFO Regulatory Area.

In order to further the effectiveness of the Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO ("Scheme") and to clarify the Scheme's applicability to vessels suspected to be without nationality, STACFAC recommends that the General Council adopt the following statement:

"The term non-Contracting Party vessel as used in the Scheme shall include vessels for which there are reasonable grounds for suspecting them to be without nationality."

Where there are reasonable grounds for suspecting that a vessel, which has been sighted engaging in fishing activities in the NAFO Regulatory Area, is without nationality, a NAFO Contracting Party may board and inspect the vessel. Where evidence so warrants, the NAFO Contracting Party may take such action as may be appropriate in accordance with international law. Contracting Parties are encouraged to examine the appropriateness of domestic measures to exercise jurisdiction over such vessels.

Annex 7. Proposed letter to the Government of Belize

The Honorable
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 21st Annual Meeting to note that NAFO is encouraged that no new vessels registered in Belize have thus far been observed fishing in the NAFO Regulatory Area during 1999. However, I have also been instructed to express concern and to ask for your assistance regarding a vessel formerly registered in Sierra Leone that has claimed to be registered in Belize.

The NAFO Contracting Parties are deeply concerned that Non-Contracting Parties which allow vessels flying their flags to fish in the NAFO Regulatory Area do not comply with their obligations to cooperate with international conservation and management measures. Such vessels have continued to be present in the NAFO Regulatory Area fishing on resources which are at historically depleted and critical levels.

For several years, NAFO Contracting Parties urged the Government of Sierra Leone to withdraw vessels flying its flag from the NAFO Regulatory Area. As of January 4, 1999, the Government of Sierra Leone revoked the registration of the "Austral", "High Sierra", "Porto Santo" and "Santa Princesa", all of which had previously been identified by NAFO as flying the flag of Sierra Leone while fishing in the NAFO Regulatory Area to the detriment of NAFO's Conservation and Enforcement Measures.

Since the Government of Sierra Leone took this action, NAFO has evidence that the "High Sierra" has claimed, on separate occasions, to be registered in Belize or Honduras under the name "Albri II". However, in June 1999, a NAFO Contracting Party received information from the Director of Belize's International Merchant Marine Registry (IMMARBE) that the "Albri II" is not registered in Belize. In addition, in July 1999, a NAFO Contracting Party received information that the "High Sierra" is not registered in Honduras. As a result of conflicting information regarding the vessel's nationality, there are reasonable grounds for suspecting that the "Albri II" is a vessel without nationality. NAFO Contracting Parties request that the Government of Belize confirm that the "High Sierra" and the "Albri II" are not registered in Belize.

On behalf of the Contracting Parties to NAFO present at its 21st 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, Ukraine and the United States of America.

(DATE)

A. Rodin
President and
Chairman of General Council

Annex 8. Proposed letter to the Government of Honduras

The Honorable
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 21st Annual Meeting to note that NAFO is encouraged that no new vessels registered in Honduras have thus far been observed fishing in the NAFO Regulatory Area during 1999. However, I have also been instructed to express concern and to ask for your assistance regarding a vessel formerly registered in Sierra Leone that has claimed to be registered in Honduras.

The NAFO Contracting Parties are deeply concerned that Non-Contracting Parties which allow vessels flying their flags to fish in the NAFO Regulatory Area do not comply with their obligations to cooperate with international conservation and management measures. Such vessels have continued to be present in the NAFO Regulatory Area fishing on resources which are at historically depleted and critical levels.

For several years, NAFO Contracting Parties urged the Government of Sierra Leone to withdraw vessels flying its flag from the NAFO Regulatory Area. As of January 4, 1999, the Government of Sierra Leone revoked the registration of the "Austral", "High Sierra", "Porto Santo" and "Santa Princesa", all of which had previously been identified by NAFO as flying the flag of Sierra Leone while fishing in the NAFO Regulatory Area to the detriment of NAFO's Conservation and Enforcement Measures.

Since the Government of Sierra Leone took this action, NAFO has evidence that the "High Sierra" has claimed, on separate occasions, to be registered either in Belize or Honduras under the name "Albri II". However, in June 1999, a NAFO Contracting Party received information from the Director of Belize's International Merchant Marine Registry (IMMARBE) that the "Albri II" is not registered in Belize. In addition, in July 1999, a NAFO Contracting Party received information from your government that the "High Sierra" is not registered in Honduras. As a result of conflicting information regarding the vessel's nationality, there are reasonable grounds for suspecting that the "Albri II" is a vessel without nationality. NAFO Contracting Parties request that the Government of Honduras to confirm that the "High Sierra" and "Albri II" are not registered in Honduras.

On behalf of the Contracting Parties to NAFO present at its 21st 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, Ukraine and the United States of America.

(DATE)

A. Rodin
President and
Chairman of General Council

Annex 9. Proposed letter to the Government of São Tomé e Príncipe

The Honorable
Secretary of State
São Tomé e Príncipe

Dear Mr. Minister:

I have been instructed by all members of the Northwest Atlantic Fisheries Organization (NAFO) present at its 21st Annual Meeting to raise at the highest level their concern about the fishing activity by a vessel flying your flag in the NAFO Regulatory Area.

The NAFO Contracting Parties are deeply concerned that Non-Contracting Parties which allow vessels flying their flags to fish in the NAFO Regulatory Area do not comply with their obligations to cooperate with international conservation and management measures. Such vessels have continued to be present in the NAFO Regulatory Area fishing on resources which are at historically depleted and critical levels. The "Australia", registered in Sao Tome and Principe, but previously named the "Austral" while registered in Sierra Leone, has been observed fishing in the NAFO Regulatory Area to the detriment of critical resources.

For several years, the "Austral" was observed fishing in the NAFO Regulatory Area to the detriment of NAFO's Conservation and Enforcement Measures. After repeated urgings by the NAFO Contracting Parties, the Government of Sierra Leone revoked the registration of the "Austral" as of January 4, 1999. Subsequently, the owners of this vessel changed its name to "Australia" and registered the vessel in your country. However, NAFO Contracting Parties have other evidence that in August 1999, while fishing on the high seas of the Northeast Atlantic Ocean, the "Australia" asserted that it was in fact the "Austral" and claimed to be registered in Sierra Leone. As a result of conflicting information regarding the vessel's nationality, there are reasonable grounds for suspecting that the "Australia" is a vessel without nationality.

NAFO requests the Government of Sao Tome and Principe to confirm whether the "Australia" is registered in Sao Tome and Principe. If this vessel is registered in Sao Tome and Principe, NAFO urges the Government of Sao Tome and Principe to withdraw the "Australia" from the NAFO Regulatory Area and to take effective measures to prevent its return.

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, including most recently Sierra Leone as described above.

The Contracting Parties draw attention of the Government of Sao Tome and Principe 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 in 1997, and which calls for measures to be taken against Non-Contracting Party vessels sighted fishing in the NAFO Regulatory Area. At its 21st Annual Meeting, the NAFO Contracting Parties agreed that the Scheme also applies to vessels for which there are reasonable grounds for suspecting them to be without nationality. A copy of the Scheme is attached.

On behalf of the Contracting Parties to NAFO present at its 21st 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, Ukraine and the United States of America.

(DATE)

A. Rodin
President and
Chairman of General Council

Annex 10. Proposed letter to the Government of Sierra Leone

The Honorable
Secretary of State
Sierra Leone

Dear Mr. Minister:

Further to my letter of September 1998, I have been instructed by all members of the Northwest Atlantic Fisheries Organization (NAFO) present at its 21st Annual Meeting to express appreciation for the action taken by the Government of Sierra Leone to revoke the registration of the "Austral", "High Sierra", "Porto Santo" and "Santa Princesa" as of January 4, 1999. Each of these vessels had for many years fished in the NAFO Regulatory Area while flying the flag of Sierra Leone.

As noted in previous letters to your government, the NAFO Contracting Parties are deeply concerned that Non-Contracting Parties which allow vessels flying their flags to fish in the NAFO Regulatory Area do not comply with their obligations to cooperate with international conservation and management measures. Such vessels have continued to be present in the NAFO Regulatory Area fishing on resources which are at historically depleted and critical levels. The "Austral", "High Sierra", "Porto Santo" and "Santa Princesa", flew the flag of Sierra Leone as a means to circumvent the agreed Conservation and Enforcement Measures adopted by NAFO. Through your action, these vessels are no longer authorized to fly the flag of Sierra Leone as a means to undermine NAFO measures.

To date, the NAFO Contracting Parties have no information as to the new names or nationalities of the "Porto Santo" and the "Santa Princesa". The NAFO Contracting Parties have evidence that the "High Sierra" has been renamed the "Albri II" and is registered in Belize. However, in June 1999, a NAFO Contracting Party received information from the Director of Belize's International Merchant Marine Registry (IMMARBE) that the "Albri II" is not registered in Belize. Furthermore, the "Albri II" has also claimed to be registered in Honduras. In addition, the NAFO Contracting Parties have information that the "Austral" has been renamed the "Australia" and claims to be registered in Sao Tome and Principe. However in recent months this vessel has also claimed to be registered in Sierra Leone as the "Austral". As a result of conflicting information concerning the vessels' nationality, there are reasonable grounds for suspecting that the "High Sierra"/"Albri II" and the "Austral"/"Australia" are vessels without nationality.

NAFO requests the Government of Sierra Leone to confirm that the "Austral" is no longer registered in Sierra Leone. In addition, NAFO requests any information on the disposition of the "Porto Santo" and the "Santa Princesa" following the revoking of their registration in Sierra Leone.

On behalf of the Contracting Parties to NAFO present at its 21st 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, Ukraine and the United States of America.

(DATE)

A. Rodin
President and
Chairman of General Council

cc: His Excellency, Ambassador John E. Leigh, Ambassador to the United States and High Commissioner to Canada, Republic of Sierra Leone

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