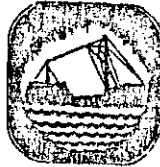


INTERNATIONAL COMMISSION FOR



THE NORTHWEST ATLANTIC FISHERIES.

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Report of the Second Session of the North-East Atlantic Fisheries Commission Committee on International Control with Draft Recommendation for a Scheme of International Inspection to ensure Adherence to the Commission's agreed Conservation Measures

The North-East Atlantic Fisheries Commission at its Fourth Meeting considered the second report of its Committee on International Control (Appendix I) which contained a draft Recommendation for a scheme of international inspection to ensure adherence to the Commission's agreed conservation measures (Appendix II). The Commission agreed that a system of international control should be introduced without delay but noted that there were still a number of points to be settled. In order to make progress as rapidly as possible it was agreed to hold a special meeting of the Commission later this year for the express purpose of settling the outstanding questions. It has been provisionally agreed that this meeting should begin in London on 15th November, 1966. It has been agreed that those members of ICNAF who are not also members of NEAFC should be invited to attend."



NORTH-EAST ATLANTIC FISHERIES COMMISSION

FOURTH MEETING

Report of the Second Session of the Committee on  
International Control

The Committee met in London from 29th to 31st March, 1966 under the Chairmanship of Mr. David Olafsson. All member countries of the Commission were represented at the meeting and at the invitation of the Commission delegations from the U.S.A., Canada and Italy also participated. The President of the Commission attended as observer.

2. In welcoming delegates, the Chairman drew attention to the discussions on the introduction of international control measures which had taken place at the Second and Third Meetings of the Commission and at the First Meeting of the Committee and recalled that the Commission had envisaged the introduction of a system of international control on 1st January, 1967.

3. The Draft Agenda previously circulated was adopted with the transposition of Items 4 and 5 and discussion proceeded on the basis of Paper IC 2/11.

Recommendation

4. The Committee agreed to take the draft proposals attached to Paper IC 2/11 as the basis of discussion. All delegations re-affirmed their support for a system of international control, subject to satisfactory and uniform arrangements for implementing it. Many delegations considered that the detailed arrangements were of such importance that they should not be introduced without the unanimous support of all Contracting States which were bound by them. To this end it was proposed, and the Committee agreed, that all the arrangements proposed, including the instructions to be given to inspectors should be incorporated in a recommendation of the Commission, though the instructions could well form an Annex to the main recommendation.

5. The draft recommendation in the form recommended by the Committee is appended to this report. The following paragraphs set out the main points made in discussion of the draft. In particular they indicate that the Committee were unable to reach agreement on any new proposals for securing uniformity of mesh measuring. In order however to enable an international system to be introduced they reached broad agreement on arrangements based on the Commission's recommendations now in force on the understanding that further consideration would be given to the question of uniformity and the points made in the Report of the Liaison Committee.

6. It was noted that inspection was simply a means by which international control would be achieved and that in the Preamble therefore it would be appropriate to refer to the establishment of arrangements for international control as distinct from inspection. It was also noted that reference to the operation of the arrangements on the "high seas" could lead to confusion in that technically this term could be applied to areas outside the territorial sea but within national fishery limits. It was agreed to modify the wording of the Preamble to avoid this difficulty. One delegation made the reservation that in accepting this wording they were not going beyond their acceptance of fishery limits co-terminous with territorial waters or beyond them only by virtue of multi-lateral agreements.

7. In the course of discussion it was stressed that vessels on passage through the Convention area returning from or intending to fish in other areas should not be stopped and inspected. On the other hand, several delegations pointed out that it would be impossible for an inspector to know the intentions of a vessel unless

enquiries were made of it. The Committee eventually agreed however that inspections should be confined to vessels actually employed in fishing or treating sea fish in the Convention area or which had recently been so employed.

8. The Committee accepted that while inspectors should not be appointed by the Commission and should derive their powers from their own authorities, they should carry some evidence of identity and authority to act under the aegis of the Commission. It was agreed that some simple form of identification approved by and emanating from the Commission should be issued to the inspector on his appointment by the authorities of his country.

9. Some delegations made the point that the effectiveness of international control measures depended upon whether the reports of foreign inspectors would be accepted as proof of an infringement in the national courts in which prosecutions would be taken. Against this, other countries stressed that this concept would be contrary to their established legal code and was not acceptable. The view was expressed that this would not necessarily impair the effectiveness of the arrangements which would largely achieve their purpose if countries were moved by the possibility of inspection of and report upon their vessels to ensure that their fishermen adhered to the Commission's recommendations; it was not the object of the arrangements to achieve numerous prosecutions but to foster adherence to the Commission's recommendations. The Committee agreed that reports of foreign inspectors should be equal in status to those of national inspectors.

10. It was accepted that inspectors' enquiries should be limited to the ascertainment of facts to establish whether the Commission's recommendations were being adhered to and

that there should be no powers of arrest or seizure. There was an inconclusive discussion of the question of including provision for the sealing of nets which some delegations considered to be desirable. The fact of an inspection would be recorded by a copy of the report in the form agreed by the Commission being given to the master of the vessel for his retention as well as being sent to the authorities of the flag state and the Commission.

11. The Committee agreed that resistance to directions of an inspector would be considered as resistance to the authority of the flag state.

12. It was agreed that international inspection would be carried out in accordance with rules drawn up by the Commission but that inspectors would remain responsible to and under the operational control of their national authorities.

#### Annex - Instructions to Inspectors

13. On the question of the inspection of nets a searching discussion took place during which several conflicting points of view emerged. Some delegations pointed out that the Liaison Committee of I.C.E.S. had reported that the I.C.E.S. gauge was the most accurate instrument for measuring mesh sizes. It was stressed that for international inspection it would be necessary to introduce a uniform method of measurement and several delegations supported the Liaison Committee suggestion that the I.C.E.S. gauge should be used for all such inspections. It was pointed out that the question of prosecutions based on measurements made with an I.C.E.S. gauge would have to be left to the flag state of the fishing vessels concerned. Some delegations, however, considered that **different** methods of mesh measurement should not be used in national and international enforcement.

14. Other delegations pointed out that while it was desirable to have a uniform method of measurement for national and international enforcement it was not essential. The I.C.E.S. gauge was considered impracticable for national enforcement for various reasons and countries using other methods for national enforcement would find it difficult to base prosecutions on results obtained by international inspection using it. The question before the Committee was, therefore, to decide between a scientifically accurate gauge which involved enforcement difficulties and a less accurate type which was easier to use for general inspection and enforcement purposes.

15. Delegations noted also the view expressed in the supporting memorandum that the wording of the draft paragraph on mesh measurement to some extent contradicted the wording of Commission recommendations already in force. It was suggested that it would be more appropriate to await the Commission's decision on a uniform method of measurement before attempting to draft instructions on how inspectors should measure nets in carrying out international enforcement. Some delegations stressed that disagreement on this essential part of the scheme would make the rest of it valueless. They were therefore prepared to accept the draft paragraph on a provisional basis until such time as the Commission agreed on a uniform system of measurement. Other delegations felt that it would be preferable to concentrate on reaching agreement on the rest of the scheme in order that the whole could be brought into operation quickly when the Commission reached agreement.

16. The Swedish Delegation said that while they regarded agreement on a uniform method of measuring as being of the greatest importance, in the absence of this they would be prepared to agree to a compromise involving acceptance of the parts of the paragraph which were not inconsistent with the Commission's recommendations. There was broad agreement with the Swedish proposals which are set out in paragraph (4) of the Annex. Some delegations however had a reservation on the question of inspecting all nets on board, and for this reason the paragraph is placed in square brackets. Subject to this reservation it was agreed to recommend that this formulation could be used until a uniform method was adopted by the Commission.

17. The Committee was in general agreement with the provisions on inspection of fish in paragraph (5) of the Annex. Two delegations however had reservations. One considered that the powers given to inspectors could be open to abuse and that in practice no infraction of the Commission's recommendations would be detectable until the vessel reached its home port. International inspection would not, therefore, serve the intended purpose of detecting infractions. Another delegation made the reservation that as the Convention allowed for 10 per cent by weight of undersized protected species to be contained in catches of fish intended for industrial purposes this fact should be reflected in the paragraph.

18. In the absence of agreement on a uniform method of measuring nets the Committee were unable to proceed to discussion of the form which reports by inspectors should take. During discussion of various items which would have to be included in a report form however it emerged that delegations were content that some minor technical



requirements should be covered in a report form rather than in the provisions of the Annex. The matter of distribution of report forms received some consideration however during the discussion which led to the drafting of paragraph (5) of the Appendix covering recording of the fact of inspection.

19. On the question of participation in mutual inspection arrangements the Committee took note of views submitted by Delegations but agreed that since full substantive discussion had not been possible the Chairman should report orally on this subject to the Commission at its next meeting.

20. The delegations of the U.S.A., Canada and Italy expressed their appreciation for the opportunity afforded them to be present at the meeting, which had proved valuable to them in presenting a clear picture of the current situation on international inspection and the problems which arose when schemes of this kind were considered.

Office of the Commission  
London, S.W.1.

April, 1966

DRAFT SCHEME OF JOINT ENFORCEMENT

Recommendation

Pursuant to Article 13(3) of the Convention the Commission recommends the establishment of the following arrangements for international control outside fishery limits for the purpose of ensuring the application of the Convention and the measures in force thereunder:-

- (1) Inspection shall be carried out by officers of the fishery control services of Contracting States, appointed for that purpose by their respective governments, whose names shall be notified to the Commission.
- (2) Ships carrying inspectors which may be either special inspection vessel or fishing vessels shall fly a special flag or pennant to indicate that the inspector is carrying out international inspection duties. The names of the ships so used from time to time shall be notified to the Commission.
- (3) Each inspector shall carry a document of identity supplied by the Commission and given him on appointment stating that he has authority to act under the arrangements approved by the Commission.
- (4) A vessel of any Contracting State employed for the time being in fishing for sea fish or in the treatment of sea fish in the Convention area shall, unless actually fishing or while shooting or hauling, stop when given the international signal (the letter 'K') by a ship carrying an inspector and permit the inspector, who may be accompanied by a witness to board it. The master shall enable the inspector to make such examination of catch, nets or other gear and any relevant documents as may be necessary to verify the

observance of the Commission's recommendations which have taken effect under the Convention and shall give any necessary explanations that may be required in connection with this examination.

- (5) An inspector shall limit his enquiries to the ascertainment of the facts in relation to the observance of the Commission's recommendations. He may not seize any vessel or net or arrest any person. He shall draw up a report of his inspection in a form approved by the Commission. He shall sign the report in the presence of the master of the vessel who will record the fact by adding his own signature to the form. Copies of the report shall be given to the master of the vessel and to the Inspector's Government who shall transmit copies to the appropriate authorities of the flag state of the vessel and to the Commission.
- (6) Resistance to the directions of an authorised inspector shall be considered as resistance to the authority of the flag state of the vessel.
- (7) Inspectors shall carry out their duties under these arrangements in accordance with the rules set out in the Annex to this recommendation but they shall remain under the operational control of their national authorities and shall be responsible to them.
- (8) Contracting States shall consider and act on reports of foreign inspectors under these arrangements on the same basis as reports of national inspectors.
- (9) The Infractions Committee shall be responsible to the Commission for the general oversight of the arrangements and for considering and suggesting to the Commission any necessary modifications in the Annex.

- (10) Contracting States shall inform the Commission by 1st March each year of their plans for participation in these arrangements and the Commission may make suggestions to Contracting States for the co-ordination of national operations in this field including the number of inspectors and ships carrying inspectors.
- (11) The Infractions Committee shall include in its annual report to the Commission a statement on the results of the inspections carried out and Contracting States shall furnish to the Commission such information as the Commission shall request for this purpose.

Annex - Instructions to Inspectors

Powers of Inspectors

- (1) Within the Convention area an inspector may require a vessel of any state party to the Convention employed for the time being in fishing for sea fish or in the treatment of sea fish to stop by giving the recognised signal (the letter 'K') and may board the vessel accompanied by a witness if necessary. An inspector may make such examination of the vessel's catch, nets or other gear and any relevant documents as may be necessary to verify observance of the Commission's recommendations in force in relation to the flag state of the vessel concerned and may require any necessary explanations. In making his examination the inspector may ask the master for the assistance of his crew in manhandling the nets.
- (2) No vessel should be required to stop while actually fishing or while shooting or hauling. If the net is in use when a vessel is approached, the master should be asked to stop as soon as hauling has been completed.

Inspections should be made so that the vessel suffers the minimum interference and inconvenience and enquiries should be confined to those necessary to ascertain the facts relating to the observance of the Commission's recommendations.

#### Procedure for inspection

- (3) On boarding the vessel the inspector shall produce the document establishing his identity and his right to carry out the inspection. He shall then inspect the document establishing the vessel's nationality and note the necessary particulars on the report form, together with the position of the vessel.

#### Net Inspections

- (4) When nets are inspected 20 meshes in each net are to be examined with a flat gauge with a thickness of 2 mm. and the appropriate width and the results entered on the report form. The gauge shall be made of any durable material that will retain its shape. It should be inserted into the meshes of the net so as to measure the long axis of the mesh when stretched diagonally lengthwise and that section of the gauge which is of the appropriate regulation width according to the area fished and net material used should pass easily through the mesh whether the net is wet or dry. All nets on board may be inspected.

#### Inspection of Fish

- (5) The inspector shall make such tests of the catch and take such measurements of the fish as he deems necessary to indicate the composition of the catch as regards undersized fish. He shall report his findings, including the number of fish measured and the sizes of any fish which are undersized.