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(A. a. 4)

ICNAF Comm. Doc. 68/17

ANNUAL MEETING - JUNE 1968

International Inspection Scheme

Views of Member Countries

At its 1967 Annual Meeting, the Commission continued its discussion of the possible form of an ICNAF international inspection scheme to ensure the application of the Convention and the measures in force thereunder (1967 Meeting Proceedings No. 23); such a scheme to be introduced under the authority of a Protocol relating to measures of control adopted by the Commission on 7 June 1963 but which, to 1 April 1968, still requires ratification by Denmark, Fed. Rep. Germany, Italy, Poland and Portugal before entering into force.

The Commission agreed that the views of the ICNAF Member Countries in regard to an International Inspection Scheme based on a Scheme of Joint Enforcement adopted by the 5th Meeting of NEAFC (Annex I) should be assembled by the Executive Secretary of ICNAF for consideration by the *ad hoc* Committee on Trawl Regulations at a special meeting prior to the 1968 Annual Meeting.

Comments have been received to 1 May 1968 from Canada, France, Fed. Rep. Germany, Iceland, Norway, Poland, Portugal, Spain, USSR, UK and USA and are attached as annexes II-XII.

The special meeting of the *ad hoc* Committee on Trawl Regulations to consider an international inspection scheme will be held Thursday, 30 May 1968 and following day, at Church House, Great Smith Street, London S.W.1.

Office of the Commission
Dartmouth, N. S.
April 1968

Scheme of Joint Enforcement
Adopted by 5th Meeting of NEAFC

Recommendation

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

- (1) Control shall be carried out by inspectors of the fishery control services of Contracting States. The names of the inspectors appointed for that purpose by their respective governments shall be notified to the Commission.
- (2) Ships carrying inspectors shall fly a special flag or pennant approved by the Commission to indicate that the inspector is carrying out international inspection duties. The names of the ships so used for the time being, which may be either special inspection vessels or fishing vessels, shall be notified to the Commission.
- (3) Each inspector shall carry a document of identity supplied by the authorities of the flag state in a form approved by the Commission and given him on appointment stating that he has authority to act under the arrangements approved by the Commission.
- (4) Subject to the arrangements agreed under paragraph (9), 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 stop when given the appropriate signal in the International Code of Signals by a ship carrying an inspector unless actually fishing, shooting or hauling, in which case it shall stop immediately it has finished hauling. The master of the vessel shall 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 the inspector deems necessary to verify the observance of the Commission's recommendations in force in relation to the flag state of the vessel concerned and the inspector may ask for any explanations that he deems necessary.
- (5) On boarding the vessel an inspector shall produce the document described in (3) above. Inspections shall be made so that the vessel suffers the minimum interference and inconvenience. An inspector shall limit his enquiries to the ascertainment of the facts in relation to the observance of the Commission's recommendations in force in relation to the flag state of the vessel concerned. In making his examination an inspector may ask the master for any assistance he may require. 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 shall be entitled to add or have added to the report any observations which he may think suitable and must sign such observations. 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. Where any infringement of the recommendations is discovered the inspector should where possible also inform the competent authorities of the flag state, as notified to the Commission, and any inspection ship of the flag state known to be in the vicinity.
- (6) Resistance to an inspector or failure to comply with his directions shall be treated by the flag state of the vessel as if the inspector were an inspector of that state.
- (7) Inspectors shall carry out their duties under these arrangements in accordance with the rules set out in 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. The provisions of this paragraph shall not impose any obligation on a Contracting State to give the report of a foreign inspector a higher evidential value than it would possess in the inspector's own country. Contracting States shall collaborate in order to facilitate judicial or other proceedings arising from a report of an inspector under these arrangements.

(9) (i) Contracting States shall inform the Commission by 1st March each year of their provisional plans for participation in these arrangements in the following year 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.

(ii) The arrangements set out in this Recommendation and the plans for participation shall apply between Contracting States unless otherwise agreed between them; and such agreement shall be notified to the Commission:

Provided, however, that implementation of the scheme shall be suspended between any two Contracting States, if either of them has notified the Commission to that effect, pending completion of an agreement.

(10) (i) When nets are inspected the meshes of the cod-end are to be examined with a flat gauge with parallel sides, a thickness of 2 mm. and the appropriate width made of any durable material that will retain its shape and constructed with a wedge shaped section or sections having a taper of 2 cm. in 8 cm. calibrated to measure the width of the meshes in which the section or sections are inserted. An illustration of such a gauge is appended.

(ii) The appropriate width is the appropriate width prescribed in the Commission's recommendations for the type of net inspected and the area in which the inspection takes place which are in force in relation to the flag state of the vessel concerned.

(iii) At least 20 consecutive meshes of the cod-end running parallel to its long axis, starting at least ten meshes from the lacings, are to be examined, or the maximum number if less than 20.

(iv) The gauge should be inserted into the meshes when wet so as to measure the long axis of the mesh when stretched diagonally lengthwise. If the section of the gauge with parallel sides passes easily through a mesh it is not undersized. If the inspector has any doubt as to whether the gauge passes easily through, he shall insert the gauge in the mesh held horizontally and attach a weight of 5 kilogrammes to the gauge and if the section in the gauge with parallel sides passes through the mesh the mesh is not undersized.

(v) The number of undersized meshes and the width of each mesh examined shall be entered in the inspector's report, together with the average width of the meshes examined.

(vi) Inspectors shall have authority to inspect all nets other than those which are dry and stowed away below deck.

(11) The inspector shall affix an identification mark approved by the Commission, to any net which appears to have been used in contravention of the Commission's recommendations in force in relation to the flag state of the vessel concerned and shall record this fact in his report.

(12) The inspector may photograph the net in such a way that the identification mark and the measurement of the net is visible, in which case the subjects photographed should be listed in the report and copies of the photographs should be attached to the copy of the report to the flag state.

(13) The inspector shall so far as reasonably practicable examine the catch and may take such measurements as he deems necessary to establish whether and to what extent undersized fish of protected species are present in the part of the catch inspected. He shall report his findings including the number of fish measured and the size of any fish which are undersized to the authorities of the flag state of the inspected vessel as soon as possible.

Paragraph (13)(1) Annex A
Paragraph (10)(1) Annex A

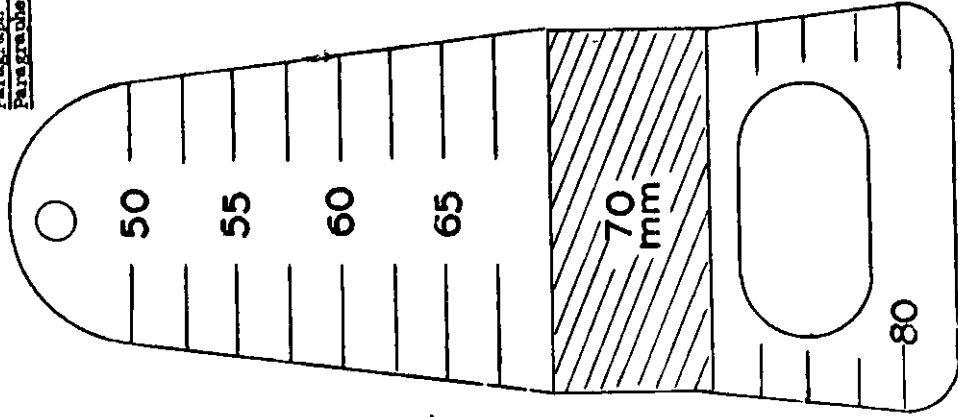


Illustration 2.

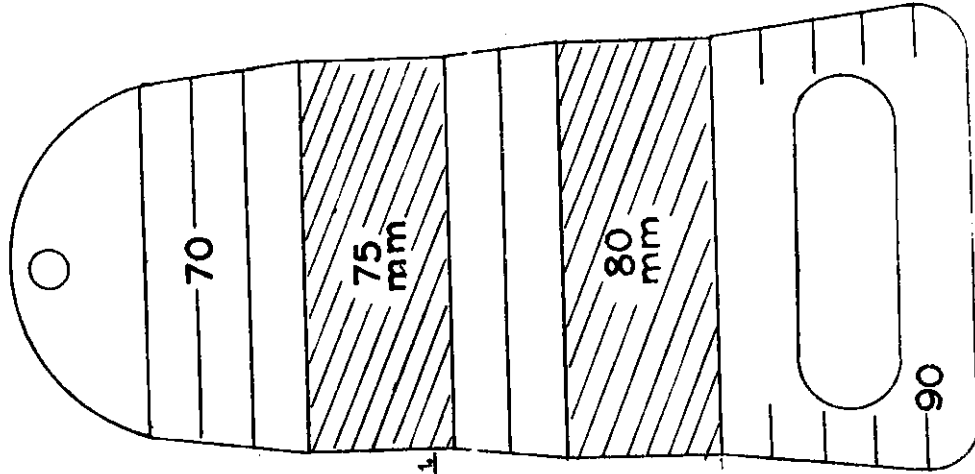


Illustration 1.

CANADA

Views concerning International Inspection Scheme

(letter dated 18 December 1967 from Dr A.W.H.Needler)

"...the Canadian view is that the Scheme of Joint Enforcement of the North-East Atlantic Fisheries Commission, which is to come into force on January 1, 1968, would provide a useful basis for drafting an International Inspection Scheme for ICNAF with the understanding that certain modifications would be required because of differences between NEAFC and ICNAF regulations.

"The Canadian view is that consideration should be given to the following modifications in order to make the NEAFC scheme applicable to the ICNAF Convention Area:

1. Preamble: Should refer to the Protocol relating to measures of control instead of to Article 13(3) of the NEAF Convention.
2. Item (9)(i) Consideration might be given to informing the Commission of provisional plans for the following year by 1st April since the ICNAF Annual Meeting is normally one month later than the NEAFC Annual Meeting.
3. Item (10)(i) Should be amended to read - 'When nets are inspected the meshes of the codend should be examined with a flat wedge-shape gauge having a taper of 2 cm in 8 cm and a thickness of 2.3 mm inserted into the meshes under a pressure or pull of 5 kg.'
4. Item (10)(ii) May be deleted, since a gauge with parallel sides is not at present approved as an ICNAF measuring device.
5. Item (10)(iii) Should be amended to read 'At least 20 consecutive meshes of the codend, beginning at the after end and at least 10 meshes from the lacings, and running parallel to the long axis, are to be examined, or the maximum number if less than 20.'
6. Item (10)(iv) May be deleted
7. Item 13 Should be amended to read - 'Where a vessel is fishing in Subareas 3, 4 or 5 primarily for species to which the Commission's recommendations do not apply and with trawl nets having a mesh size less than that specified in the Commission's recommendations, he shall so far as is practicable examine the catch to establish to what extent regulated species are present in the part of the catch inspected. He shall report his findings including the number of fish examined and the number of those of regulated species present to the authorities of the flag state of the inspected vessel as soon as possible.'
8. A new Item 14 should be added to read as follows - 'It is understood that these arrangements will apply only to areas outside the national fishery limits and will not affect the rights, claims and views of the parties hereto in regard to the limits of territorial waters and fishing zones.'"

FRANCE

Views concerning International Inspection Scheme

(letter dated 4 November 1967 from M. J. Rougé)

"...J'ai l'honneur de vous faire connaître que la délégation française serait favorable à l'adoption d'un système de contrôle basé dans l'ensemble sur celui qui vient d'être adopté par la Commission des Pêcheries du Nord Est Atlantique.

"Il est toutefois un des aspects particuliers de cette Recommandation qui ne lui paraît pas pouvoir être transposé sans modifications dans la zone de l'I.C.N.A.F: il s'agit du paragraphe 10 al.i et iv, décrivant la jauge à utiliser pour mesurer les mailles des filets.

"Il lui apparaît en effet que la réglementation applicable à la zone de l'I.C.N.A.F. en ce qui concerne le mesurage des mailles des filets est différente de celle du N.E.A.F.C. et qu'à ce titre il conviendrait d'étudier dans quelle mesure la même jauge peut être utilisée."

GERMANY

Views concerning International Inspection Scheme

(letter dated 11 September 1967 from Mr G. Möcklinghoff)

"...The German delegation holds the view that the 'Scheme of Joint Enforcement' as it was passed and recommended to its members by the North-East Atlantic Fisheries Commission in May 1967 should, on principle, also be suited for carrying out the Convention on the Northwest Atlantic Fisheries. Some items of the Scheme will only have to be adapted to the special regulations of ICNAF. This is, however, only a technical matter.

"As to Section (4) of the Scheme, the German delegation feels that it would be more expedient, if net controls could be restricted to such gear, as is ready for use on deck or which has just been used.

"Furthermore, the German delegation is of the opinion that the Scheme of the North-East Atlantic Fisheries Commission represents a minimum regulation. Numerous restrictions on the authority of control officers have been laid down, since sufficient experience relating to an international control system is not available."

ICELAND

Views concerning International Inspection Scheme

(letter dated 1 April 1968 from Dr J. Jonsson)

"...The Icelandic Government agrees on the scheme of joint enforcement adopted by the 5th meeting of NEAFC and has no objections of having it also to apply for the ICNAF Area."

NORWAY

Views concerning International Inspection Scheme

(letter dated 6 October 1967 from Mr O. Lund)

"...Norway in principle will support an international inspection scheme for the ICNAF Area based on the NEAFC scheme with such practical adjustments which might be necessary."

POLAND

Views concerning International Inspection Scheme

(letter dated 29 April 1968 from First Secretary of the Polish Embassy, Ottawa)

"... the Polish Government makes notification of the objections to the following provisions contained in ICNAF Commissioners' Document 67/18, Annex D.:

1. Section (9) item (ii)
2. Section (10) item (vi)
3. Section (13)

"Reasons

"Poland has always maintained the view that international control over the observation of the ICNAF should be arranged according to principles mutually accepted by the member states as a basis for bilateral agreements to be concluded between individual countries - members of the ICNAF.

"The acceptance of this method of introducing international control would help to avoid formal and legal difficulties arising from the fact that a number of the countries being members of the ICNAF do not maintain diplomatic relations between themselves and do not recognise each other.

"In view of the above Poland is compelled to express its objection to paragraph 9, section (ii) Annex D, stating that in these circumstances Poland can participate in the operation of the international control scheme based on the accepted recommendation only with respect to the following countries: Canada, Denmark, France, Great Britain, Iceland, Italy, Norway, Romania, Union of the Soviet Socialist Republics and United States of America.

"As regards the control of gear and catch paragraph 10 section VI and paragraph 13, Poland takes the view that such control may be exercised only with respect to gear and catch actually on the deck of the fishing vessel. This stand-point arises from the fact that the Polish Fisheries operate distant fishing vessels carrying processing equipment. Such vessels change fishing grounds in the course of a voyage, carrying gear complying with the regulations in force in these grounds. For this reason, the gear carried may differ from the recommendations in force in the ICNAF area, and control of this gear is unnecessary as it is not intended for use in the area covered by ICNAF.

"As regards the control of catch, this should also be limited to the time when the catch is actually on deck. Since Polish fishing vessels process their catch to produce fillets or processed fish frozen in blocks, it is Poland's view that control exercised at sea would be difficult and would inevitably destroy part of the catch to which control was applied. In this connexion, Poland cannot agree to control of catch which has been removed from deck to the holds of the vessel, or of gear stored below deck."

PORTUGAL

Views concerning International Inspection Scheme

(letter dated 28 October 1967 from Captain Tavares de Almeida)

"...As I stated during the 17th Annual Meeting (Proc.No.9, Item 10), as far as Portugal is concerned, we assume the conditions in the NEAFC and ICNAF areas to be different and, therefore, they may require different schemes.

"We can see in the Commissioners' Doc. No. 65/10, Addendum (photocopy enclosed) that when the Portuguese Commissioner to ICNAF suggested in the Meeting of the Panel 2 of the 11th Annual Meeting that there was convenience of establishing a system of inspection for enforcement of the ICNAF Trawl Regulations, he had in mind that such system would be, exclusively, made by agents of ICNAF.

"In fact, it is our opinion that this system seems to be that which may, more easily, be put in force without raising problems that are to be expected, namely those of the sovereignty, since it respects to fleets of 14 countries, constituted by many hundreds of trawlers.

"I know that, up to the present, the only delegation that made a reference, indirect, to the Portuguese proposal was the Norwegian one, affirming (Commissioner's Doc. No.65/10, page 3) that:

'It is presumed that a system of international inspection under the auspices of the Commission itself would be preferable. However, this will mean that the Commission will be faced with both economic and practical problems which would be difficult to solve.'

"We recognize that these agents will be another charge for the ICNAF but, it is evident that the share of the member countries in such charge will have no comparison at all with that which will be annually spent by each of these member countries, with the presence in the Banks of their own enforcement vessels and enforcement officers.

"I also beg to refer to the fact that Portugal has accepted in the NEAFC are the enforcement system that will be adopted there, and that Portugal has defended in the ICNAF Area another one completely different, and as I told before, beside special reasons concerning to Portugal, generally speaking, the conditions are quite different in these two areas.

"So, on one hand, the vessels that fish in the NEAFC area are of several types, mostly small ones, without conditions to lodge the enforcement officers, and, beside this, they are more or less dispersed catching various species, while the vessels operating in the ICNAF Area are almost of big size, they have conditions to lodge the enforcement officers and, normally, they fish in groups, which facilitates very much the enforcement system that we place again for appreciation."

INTERNATIONAL COMMISSION FOR



RESTRICTED
THE NORTHWEST ATLANTIC FISHERIES

Serial No.1461
(A.a.4)

Commissioners' Document No. 10

ANNUAL MEETING - JUNE 1965

Report on Proposals by Member Countries
on possible systems for Joint Enforcement of ICNAF Trawl Regulations

Portugal

"System of International Inspection or Joint Enforcement"

"When the Portuguese Delegation to the ICNAF suggested in the meeting of Panel 2 in 1961, the convenience of a system of inspection for enforcement of the ICNAF Trawl Regulations, it had in mind that such system would be exclusively made by agents of the ICNAF.

"This is the system that the Portuguese Government is ready to accept, because it seems to be that which may be more easily put in force without raising problems which are to be expected, namely that of the sovereignty, because it respects to a fleet of 13 countries constituted by about one thousand trawlers.

"In its general lines and without entering now in details, such system should be as follows:

- i) One of the inspectors chosen by the ICNAF and depending on same, would embark, at the beginning of the campaigns, at any port of the member-countries, more convenient for economical reasons, and would proceed to the fishing grounds in that particular trawler; the inspections would then be initiated to that same trawler;
- ii) As soon as such trawler was in the vicinity of any other trawler of whatever member-country or the same of that in which the inspector was embarked, the inspector would pass then to that second trawler where he would stay until a 3rd trawler of any other member-country or the same was in the vicinity;
- iii) The procedure indicated in ii) would be repeated until the end of the 1st voyage of the trawlers and the inspector of the ICNAF would then embark in the most convenient trawler for the ICNAF to return him home;
- iv) After the unloading of the trawlers and their return back to the fishing grounds, one inspector would initiate a new procedure equal to those indicated in i), ii) and iii);
- v) All the member-countries would take the compromise that their trawlers would facilitate the passing of the inspectors from one trawler to the other. It must be emphasized that such manoeuvre would only interrupt the fishing activities of the two trawlers during a maximum of 30 minutes to the utmost (the one transporting the inspector and the one taking him on board). The trawlers would also supply lodging and food to the inspector.
- vi) All the infringements verified by the inspectors are to be transmitted to the ICNAF that, in turn, will put same before the member-countries."

SPAIN

Views concerning International Inspection Scheme

(letter dated 26 October 1967 from Mr I. Cuvillo)

"...Que España ya aprobó durante la 5ª Reunión de Comisión Internacional de Pesquerías del Atlántico Nordeste (NEAFC) celebrada en París en Mayo de 1.967, el Proyecto de Inspección Internacional que entrará en vigor el 1º de Enero de 1.969, si bien está pendiente de ratificación.

"El punto de vista de España, por tanto, en cuanto a Inspección Internacional se refiere, ya fué puesto de manifiesto en dicha Reunión y anteriores del Comité Especial de Policía de la Pesca, y en principio estima que en líneas generales lo mantendrá en el seno de la ICNAF, con las peculiares características de cada zona.

"No obstante la Delegación Española estudiará con interés cuantas sugerencias se formulen para adaptar el Proyecto de Inspección de la NEAFC al área del Convenio de la ICNAF."

UNION OF SOVIET SOCIALIST REPUBLICS

Views concerning International Inspection Scheme

(letter dated 18 December 1967 from Dr A.S.Bogdanov)

"...In accordance with an understanding reached at the last ICNAF Meeting in Boston concerning exchange of views in regard to an international inspection scheme, I am sending enclosed herewith a copy of the letter of the USSR Embassy dated September 19, 1967 to the Secretary of NEAFC.

"That letter sets forth the viewpoint of the Soviet side on the joint enforcement system adopted at the Fifth NEAFC Meeting in Paris in May 1967.

"As seen from the letter, the above NEAFC scheme contains provisions incompatible with the Convention of 1959. Therefore it is quite natural that three NEAFC member countries, including the USSR, have already made their objections to the scheme.

"Meanwhile, in accordance with Article 8, paragraph (4), of the Convention of 1959 all Contracting States should be immediately relieved of any obligation to give effect to a recommendation objections to which were made by three or more of the Contracting States.

"The said recommendation of the Fifth NEAFC Meeting, as it stands at present, cannot be adopted in ICNAF where different regulations of trawl fishery are effective, and where, in particular, there is no provision relating to the size limits of fish which may be caught.

"For the mentioned reasons, it is necessary to request the ad hoc Committee on Trawl Regulations, after entry into force of the Protocol of June 7, 1963, to work out a new joint enforcement scheme applicable to specific conditions of ICNAF."

Embassy of the Union of Soviet
Socialist Republics
13 Kensington Palace Gardens
London W.8

19th September, 1967

The North-East Atlantic Fisheries Commission sent to the Government of the Union of Soviet Socialist Republics with its circular letter No.141 of 20th June 1967 the text of recommendations approved at the Fifth Meeting of the above mentioned Commission, which was held in Paris in May of this year, and, in particular, the text of the recommendation concerning a scheme of joint enforcement (Annex VI).

In accordance with Article 8, paragraph (2), of the North-East Atlantic Fisheries Convention of 1959, I have the honour to communicate the following:

The Soviet side considers that a determination as to whether the size composition of the fish in the catch is in accordance with the provisions of the 1959 Convention and the recommendations of the Commission which have been adopted on the basis of that Convention cannot in practice be carried out on the high seas, since that would require the removal of the entire catch.

In so far as, in the present circumstances of sea fishing, fishing boats can have on board various nets with mesh sizes ranging from 60 to 130 millimetres, and the keeping of these in the hold does not contravene the rules approved by the Commission, inspection carried out in the hold cannot establish whether in fact nets were used which are forbidden by the Convention for a given sector of the Convention Area, for the catching of protected species of fish.

For the reasons set out above, the inspection of mesh sizes of nets kept in the hold is not called for by the tasks which stand before the Commission.

In connection with the above, the Soviet side does not consider itself bound by the provisions of the recommendation of the North-East Atlantic Fisheries Commission concerning a scheme of joint enforcement in that part which concerns the inspection of the catch and also the inspection of nets which are in the hold.

(sgd) V. Vasev
Temporary Chargé d'Affaires
for the USSR in Great Britain

UNITED KINGDOM

Views concerning International Inspection Scheme

(letter dated 7 November 1967 from Mr J. Graham)

"...The United Kingdom supports the N.E.A.F.C. Scheme of Joint Enforcement and, as our delegate said at the 17th Meeting of I.C.N.A.F. in Boston, we should like to see a scheme on similar lines adopted by I.C.N.A.F.

"Although the N.E.A.F.C. Scheme may be capable of improvement, it does in the United Kingdom view represent a workable arrangement of a type which it would be desirable to apply throughout the North Atlantic as soon as possible. It is of the utmost importance to ensure through international co-operation that the agreed conservation measures of the two Commissions are effectively enforced.

"In the United Kingdom view the N.E.A.F.C. Scheme would be suitable for application in the I.C.N.A.F. Area with such modifications as are necessary to take account of the difference in the conservation regulations of the two Commissions. The two major amendments which would be required would be to paragraph 10 and paragraph 13 of the N.E.A.F.C. Scheme. Paragraph 10 deals with mesh measurement and would require to reflect the provisions of the I.C.N.A.F trawl regulations. Paragraph 13 covers examination of catch: the references to measurement of fish would require to be deleted, although provision would, of course, have to be made to provide for such examination of catch as is necessary to ensure that I.C.N.A.F.'s regulations are being complied with."

UNITED STATES

Views concerning International Inspection Scheme

(letter dated 8 November 1967 from Dr S.A.Cain)

"...The United States strongly favors international inspection to ensure the application of the International Convention for the Northwest Atlantic Fisheries and the measures in force thereunder. The United States would prefer a stronger international inspection scheme than that agreed upon by NEAFC, which is considered by the United States to be a minimal scheme. Nevertheless, the most essential step is to initiate some scheme as soon as possible and to build on it as knowledge and experience grow, rather than to try to achieve a perfect scheme through protracted discussions.

"The United States is thus prepared to accept the NEAFC scheme for use in the ICNAF Area, with appropriate modifications where there is a difference between NEAFC and ICNAF regulations, when the Protocol enters into force. The two differences as seen by the United States concern mesh measurements as set out in paragraph 10 of the NEAFC proposal, and fish measurement as set out in paragraph 13.

"The mesh measurement provisions in paragraph 10 of the NEAFC scheme require the use of a gauge and a measuring technique that vary from that used in the ICNAF Area. It would be necessary, therefore, to bring this paragraph into accord with the ICNAF regulations.

"The fish measurement provisions set out in paragraph 13 would not be required under the ICNAF regulations. Nevertheless, a provision for a general examination of the catch would be useful in the ICNAF Area because it might give an inspector some indication as to the general size of nets used.

"It should not be difficult to make the modifications indicated. During the 1967 ICNAF Annual Meeting, the United States expressed its desire for a strong and effective scheme of enforcement. The United States continues to urge that expeditious action be taken to institute an international inspection scheme as soon as the Protocol relating to measures of control enters into force.

"These are the views of the United States as approved by the United States Commissioners of ICNAF."