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Amendment to the  
International Convention for the Northwest Atlantic Fisheries  
Articles VII and VIII

Memorandum by the United States

This memorandum is submitted in response to the Resolution adopted 7 June 1968 by the International Commission for the Northwest Atlantic Fisheries at its 18th Annual Meeting in London, and the letter dated 17 October 1968 from the Executive Secretary of the Commission pursuant to that Resolution.

The United States is pleased that there was general agreement in principle at the 18th Annual Meeting that the Convention should be amended to allow the Commission greater flexibility in the proposals for regulatory measures which it may make to Contracting Governments. In its memorandum to the 18th Annual Meeting on this subject (Comm. Doc. 68/18) the United States noted the urgency for giving the Commission greater flexibility in the proposals it may make for regulatory measures in the Convention area. The United States considers, in view inter alia of the information which was presented to the Standing Committee on Regulatory Measures, London, 27-29 January 1969, on the status of the cod and haddock stocks in the Convention area, that there is now an even greater urgency for the prompt adoption of the proposed Protocol. The United States does not consider it necessary to repeat the reasons for this urgency, which are well known to all Members of the Commission. Suffice it to say that the United States considers that unless the Commission is granted expeditiously the necessary flexibility in regulatory proposals it may make, it is clear that the Commission will fail in the protection and conservation of the fisheries in the Convention area.

The United States has carefully considered the comments which were made concerning the proposed Protocol at the 18th Annual Meeting. It recognizes that additional changes to the Convention might be useful. It believes, however, that the other changes suggested would not change the substance of the proposed Protocol, which in its present form provides the Commission with sufficient authority for any action which the Commission might deem it useful to take regarding regulatory proposals. Thus, the most expeditious way of proceeding would be to adopt the Protocol as it stands.

The United States recognizes that the Protocol would broaden the criteria to be considered in the Commission's regulatory procedures. This was, in fact, part of the intent of the United States in making this proposal. Developments in the world's fisheries, particularly in the North Atlantic, during the last few years have demonstrated that fishery regulatory bodies must take into account the totality of the fishery, not just its scientific aspects, in regulating fishing on stocks of fish of international concern. The United States also

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recognizes that the Protocol would give the Commission rather broad and general powers in making regulatory proposals. This also was the intent of the United States in making this proposal. The United States also believes that a strict delineation of the measures the Commission may propose will no longer serve the best interests of its Members, and that developments in international fisheries dictate that such bodies must be given sufficiently broad authority to adapt themselves to changing situations. No one could have foreseen when the Convention was adopted the large-scale and complex changes which have taken place in the North Atlantic fisheries. The nature of these changes emphasizes the need to adapt the Commission's authority to present conditions. As noted in the previous United States memorandum on this subject, proposals made by the Commission under this new authority would continue to be subject to the approval of Contracting Governments in accordance with the Convention; thus the rights and interests of Members could not be infringed under the proposed new authority.

Accordingly, the United States once again urges the Commission to take prompt action on this matter. It urges:

1. That the Protocol as amended at the 18th Annual Meeting be adopted at the 19th Annual Meeting.
2. That the Commission request the Depositary Government to transmit the text of the Protocol to Contracting Governments and, in the absence of objection, to open the Protocol for signature within three months after such transmittal. Since the Contracting Governments have had an opportunity to examine the text of the Protocol in detail since the 18th Annual Meeting, the time consuming step of having the Depositary Government submit it to them for approval prior to it being opened for signature is not necessary in this instance.
3. That the Commission urge each Contracting Government to give highest priority to the ratification or approval of the Protocol after it has been signed, with the idea in mind that the Commission should be empowered to take appropriate action under the terms of the Protocol at its 20th Annual Meeting.

The United States realizes that this represents an enormous increase in the pace of the Commission's activities and those of the Contracting Governments with respect to the Convention. The United States considers that the situation of important stocks of fish in the Convention area is so desperate that the Commission and the Contracting Governments can no longer afford the luxury of proceeding at a slower pace.

## Red Hake Conservation

The United States has become increasingly concerned about the degraded condition of the red hake stocks in Subarea 5 of the Convention Area as well as in Statistical Subarea 6.

As a result of bilateral cooperation between the United States and the U.S.S.R., a degree of protection has been provided for certain stocks in Statistical Subarea 6, and pertinent fishery statistics have been developed from research and commercial fishing activity carried out in Statistical Subarea 6. The data show that in Statistical Subarea 6 the spawning stocks of red hake have been reduced to less than 25 percent of their average spring spawning abundance levels during the period in which it was considered that they were being harvested at an optimum level.

Certain stocks of red hake that are more or less confined to the Middle Atlantic region (Cape Cod to Cape Hatteras) regularly migrate between Subarea 5 and Statistical Subarea 6. Unfortunately, it has not been possible, to date, to obtain adequate statistics for the northern sector of the Middle Atlantic region, designated as ICNAF Subdivision 5ZW of Subarea 5. The data available, based only on the American fishery, however, lead us to conclude that red hake stocks in Subarea 5 are seriously depleted. Whether this condition is due to natural causes, fishing, or a combination of causes, cannot be determined lacking complete fishery statistics.

Whatever the reason for the decline, enough is known to point to the need to reduce fishing effort on these stocks if we are to avoid yet another fishery crises in Subarea 5. Thus, the United States Delegation sincerely hopes that other members of the Commission will give their attention to measures that can be taken expeditiously to relieve the pressure on the stocks during the next several years while consideration can be given to more permanent arrangements based on improved scientific data. Although scientific investigations of the problem have not been carried out to the extent that is deemed desirable for the institution of regulatory measures, the United States believes that it would be appropriate for the Commission to institute temporary regulatory measures to prevent the situation from deteriorating while further scientific study can be undertaken. In fact, the United States believes that it is incumbent on the Commission to take such emergency measures if it is to carry out its duty to protect as well as conserve the fisheries of the Northwest Atlantic.

The principal regulatory alternatives available to the Commission would be proposals to:

1. Establish a closed season for hake in Subarea 5.
2. Prohibit or limit all fishing for hake in Subarea 5 utilizing certain gear and appliances.
3. Closing to fishing a portion of Subarea 5.

In accordance with Article VII and VIII of the International Convention for the Northwest Atlantic Fisheries, specific regulatory proposals for hake in Subarea 5 must be initiated by Panel 5 of the Commission. When the 19th Annual Meeting of the Commission convenes, the scientific advisors to Panel 5 will undoubtedly be able to assist the Panel in choosing practical regulatory proposals utilizing their general scientific knowledge of the fishery. It is known for example, that red hake concentrate during the winter and early spring in certain parts of Subarea 5, primarily in depths of 50 to 100 fathoms. Accordingly, the most practical protection for these stocks might be provided by a combination of regulatory approaches, say closing during the first part of the year an area bounded by 69°W, 39°50'N, 71°40'W, and 40°20'N, or closing during the first part of the year area 5ZW, or some part thereof, to fishing by certain types of gear and certain size vessels (appliances).

The United States believes that such an emergency measure would afford the endangered stock reasonable protection while more permanent regulations could be studied, and at the same time could afford some reasonable special consideration to the fishermen with small vessels in the area who have been subjected to severe hardship through the decline in the stocks which they have traditionally harvested. These fishermen have developed a specialized, mostly inshore, fishery utilizing short-range vessels to minimize costs and increase efficiency. The alternatives available to these fishermen are few: the forced curtailment of their fishing operations because of the reduced availability of these stocks to harvest has created a state of severe economic depression for the fishermen. While adequate data are not available to make a considered judgement as to the effect of the fishery on the stock, it is the U.S. view that the small boat fishery probably did not contribute in a significant way to the present decline of red hake stocks. Thus, the small boat fishermen, who are almost entirely dependent on this fishery as contrasted to distant water fishermen who have alternates available, are suffering the impact of an unfortunate situation which results largely, if not entirely, from causes other than their fishing. The United States believes that this circumstance dictates that special consideration be given to these fishermen in determining the necessary emergency measures which might be taken.