

Northwest Atlantic Fisheries Organization



Serial No. N1423

NAFO/FC Doc. 88/4  
(Revised)

SPECIAL MEETING - FEBRUARY 1988

Report of the Fisheries Commission

Monday, 08 February - 1015-1200  
Tuesday, 09 February - 1020-1915  
Wednesday, 10 February - 1130-1640

1. The Special Meeting of the Fisheries Commission was called to order by the Chairman, Mr. K. Yonezawa (Japan) at 1015 hrs, 8 February 1988 in the Centre de Conférences Albert Borschette, Brussels, with the presence of representatives of all members. (See Appendix I)
2. In accordance with a decision by the General Council on the status of observers, a representative of the United States of America was welcomed as an observer.
3. On behalf of the EEC, which hosted the Special Meeting, Commissioner Antonio Cardoso e Cunha welcomed the meeting underlining the responsibility of NAFO to implement rapidly a new joint inspection scheme in the Regulatory Area in order to maintain its good record in the field of management and conservation of fishery resources. That statement was endorsed by several delegations. The text of the address is annexed (App. II).
4. Under Agenda item 4, Appointment of Rapporteur, S. Kristensen (EEC) was appointed Rapporteur.
5. Under Agenda item 3, Adoption of Agenda, the Agenda was adopted as circulated. (See Appendix III)
6. Under Agenda item 4, Publicity, it was agreed to follow the usual practice whereby the Chairman of the Fisheries Commission and the Executive Secretary would agree upon a press release for issuance at the end of the meeting. The delegate of the EEC offered technical assistance by the appropriate services of the Commission of the European Communities. (See Appendix IV)
7. Under Agenda item 5, Consideration of Revised Scheme of Joint International Enforcement, the Chairman of STACTIC, R. J. Prier (Canada), was given the floor to expose to the meeting the proposed amendments to the Scheme as set out in NAFO/FC Doc. 88/1, which was initially introduced as a Working Paper.

The Chairman of STACTIC pointed out that all amendments proposed to the text previously considered had been highlighted by underlinings. In particular, he drew the attention of the meeting to the following amendments:

- Part I.C.3 (c): Collation of cumulative catches by the Executive Secretary to be notified to Contracting Parties on a monthly basis, a modification which referred to NAFO/FC Doc. 82/IX/13, whereas all other amendments referred to NAFO/FC Doc. 87/1.
- Part IV: The Scheme would now be referred to as a Scheme of Joint Inspection, as all enforcement powers remained with each Contracting Party. The Executive Secretary explained that the general reference to Conservation and Enforcement Measures within NAFO referred to those enforcement powers by Contracting Parties.
- Part IV.4.b: The Executive Secretary informed the meeting that the question of the international acceptance of the flashing blue light would be considered at the next Annual Meeting of the International Maritime Organization (IMO) in April 1988.
- Part IV.6: That part of the Scheme contained two major amendments:
  - any difference between recorded catches (logbook entries) and the estimation of the inspectors of the catch onboard the vessel must not be considered an apparent infringement but reported to the appropriate authority of a Contracting Party (the Flag State) who would then estimate whether the difference constituted an apparent infringement or not. The cases would be listed annually until NAFO would be informed of the action taken in response by the Flag State, including any penalties;
  - as regards the Inspection Report mentioned in Section 15 of Annex IV, inspectors would, notwithstanding any objections by a Contracting Party to a TAC or quota allocation, have power to summarize from logbook entries relating to the current voyage (as opposed to the quota period);

- however, a Contracting Party might indicate by letter to the Executive Secretary, that inspectors would be permitted to summarize from logbook entries from the quota period in respect of its own vessels.

8. Two questions remained outstanding:

- consultation procedure. The delegate of the EEC undertook to prepare a draft in consultation with other delegations;
- definition of the "current voyage" as the period since the last offloading of catches at the home port of the vessel being inspected to the time of the inspection. The delegate of Japan pointed out that, since the cruising periods of the Japanese fishing vessels would usually be approximately four years, it did not believe, from a practical point of view, the term "current voyage" defined as "from the date of departure to the date of inspection" could reflect such fishing operations. The delegate of Poland requested that the port of crew change or the mother ship to which the catch was offloaded be considered as "home port". The delegate of the EEC considered that the home port to a Community vessel would be any port within the territory of the Community but thought that the concept of home port could be abandoned altogether. Those two delegations were invited to present alternative drafts.

9. The meeting was adjourned at 1200 hrs.

10. The meeting resumed on 9 February at 1020 hrs. Due to the unavoidable absence of Mr. S. Kristensen on other duties, Mr. D. Dunkley (EEC) was appointed Rapporteur for the remainder of the meeting.

11. Discussions were resumed under Agenda Item 5 on the proposed amendments to the Scheme. The Chairman led the meeting through the text, item by item.

In Part I - Management, item 3c drew comments from several delegations concerning the additional work the proposal would impose on the Executive Secretary, but it was considered to be a worthwhile provision and was adopted subject to the qualification that the catch summaries related to the "log book catch summaries".

Concerning management measures and particularly the recognition that the responsibility for providing catch reports rested with the appropriate authorities of the Contracting Parties, the delegate of the EEC proposed that the Special Meeting should make a declaration or resolution stressing the commitment of Contracting Parties to abide by their responsibilities. The delegate of Canada endorsed that view and the proposal was seconded by the delegate of the USSR. The Chairman however expressed reservations on the proposal, questioning its appropriateness. The matter was deferred subject to examination of any forthcoming proposed text.

12. Part IV - Scheme of Joint International Inspection.

Following discussion, the meeting adopted the proposed amendment to the title of the Scheme and adopted all the minor amendments to the text in Articles 1(i), 1(ii), 2(i) and 2(ii).

13. Consideration of Article 4 concerning the proposed revised day and night signals to be displayed by inspection vessels assigned to the Scheme resulted in an exchange of views. As stated previously by the Executive Secretary, the question of international agreement to the flashing blue light had been referred to the International Maritime Organization (IMO) due to meet in April 1988. The delegate of Canada stated that internal inquiries suggested that IMO might not be able to approve that signal, in which case it might be expedient, in the interest of facilitating the adoption of a revised Scheme, to delete reference to it. The delegate of the EEC stressed the importance of inspection vessels displaying effective and distinctive signals in the Regulatory Area. The meeting agreed to delete reference to the flashing blue light (Article 4b) pending IMO's decision on the understanding that if the proposal would be acceptable internationally, it would be adopted by the Fisheries Commission without delay, and if not, the Fisheries Commission would develop and adopt an alternative acceptable signal. As a consequential amendment it was also agreed to delete the footnote referring to the Executive Secretary's consultations with IMO.

Daytime signals. The delegate of the USSR questioned the need for two inspection Pennants (Article 4a). The delegate of the EEC reiterated the importance of clear, distinctive identification signals. The meeting adopted the proposal of 4(a) conditionally, upon the advice of the delegate of the USSR that the Executive Secretary inform the appropriate international authority.

14. Next the second paragraph of Article 6(i) was examined. The delegate of the EEC clarified that although based on experience the Community considered one hour to be sufficient for an inspection it had compromised in earlier discussions by agreeing to three hours. There was no justification for an additional hour. The delegate of the EEC therefore proposed deleting the final clause of paragraph 2 of Article 6(i) relating to an additional hour. The delegate of Canada explained that the additional hour did not grant an automatic extension to a total of 4 hours for the inspection to be conducted but rather limited the period of re-examination to one hour. The delegate of the USSR supported the submission. There were no interventions from other delegates. The delegate of the EEC then stated that in the situation where all other Contracting Parties accepted the additional hour included in Article 6(i) as presented, the Community would also agree and its acquiescence should be viewed as an important concession. The proposal was adopted.

15. Examination of the fourth paragraph of Article 6(i) was deferred pending the development of a suitable definition of "current voyage". The delegate of Canada offered to propose a new draft of the text proposed in the sixth paragraph of Article 6(i) following an intervention by the delegate of Japan.

All further proposed (underlined) amendments in Articles 6(i), 6(ii)(a) and (b) were adopted. Following the delegate of the USSR's suggestion that the words "catch on board" be substituted for "fish in the holds", Article 6(ii)(c) was adopted.

16. The proposed text in the 2nd paragraph of Article 7 (action to be taken on notification of differences) was adopted.

17. The minor amendments to the text in Article 13(i) were adopted.

18. The wording of Article 13(iii) caused difficulties for several delegates following which the delegate of Canada offered to introduce a revised draft.

19. Article 14 - Consultation Procedures. A draft proposal was circulated to all delegates and tabled for discussion.

The delegate of the EEC welcomed and approved the idea. The delegate of Bulgaria stated that the outlined procedure seemed complicated. The delegate of the USSR suggested STACTIC's role should go beyond just reporting disagreements. The delegates of Poland and Denmark agreed. The delegate of Canada supported the idea and suggested consultations between delegations with a view to producing a redraft.

The Chairman reminded delegates that substantive issues concerning procedural matters were being raised. The meeting was adjourned for lunch at 1300 hrs.

20. The meeting resumed at 1615 hrs.

21. The Chairman reintroduced Article 14, Consultation Procedures. The delegate of the EEC suggested minor additions to the previously introduced proposals to widen the role of STACTIC towards arbitration. The delegate of Canada requested more time to study the subject and Article 14 was deferred.

22. Returning to the proposed Article 13(iii) and 13(ii), the delegate of the USSR drew attention to the use of the words "penalties" and "punishment". It was agreed to adopt the word "penalties" for the sake of consistent language.

23. As promised, the delegate of Canada introduced a new draft of Article 13, dealing with reports of the Contracting Parties to the Executive Secretary. After consideration, it was agreed and adopted.

24. Turning to the Report of Inspection it was agreed to substitute the words "catches on board" for "fish in holds" and wherever else appropriate in the Scheme, at the suggestion of the delegate of Poland. The delegate of Poland's suggestion that the title of section 15 of the inspection report be amended to read "... current voyage/quota period" was adopted subject to the insertion of a footnote referring to the provisions of Article 6(i).

The delegate of the USSR proposed deleting section 14 of the inspection report. Decision on the proposal was postponed so that appropriate time would be given for its consideration.

25. That completed a first examination of the underlined proposals in the document.

The meeting next considered the remainder of the document.

Taking account of the deletion of Article 4(b) previously agreed, the outstanding definition of current voyage and the USSR's proposal to delete section 14 of the inspection report, the remaining text was adopted immediately, following minor drafting modifications.

The meeting was adjourned at 1730 to facilitate consultations on outstanding points.

26. The meeting reconvened at 1830 hrs.

27. Returning to section 14 of the inspection report, the delegate of Norway suggested simplifying the inspection form. The suggestion was well received although approval was subject to the meeting having the opportunity to see the proposal in writing. That opportunity was given a little later and the new form was approved.

28. Returning to the sixth paragraph of Article 6(i) a written proposal by the delegate of Canada was adopted.

29. A draft Resolution on reporting requirements was circulated to delegates for further discussion.

30. Prevailing upon delegates to consider and consult on the draft Resolution and the outstanding points on the consultation procedures and definition of current voyage, the Chairman adjourned the meeting at 1915.

31. The Special Meeting of the Fisheries Commission resumed at 1130 on 10 February.
32. The minutes of the meeting of 8 February were approved following a minor grammatical change suggested by the delegate of Canada.
33. The Chairman introduced a revised version of NAFO/FC Doc. 88/1 incorporating changes agreed in the discussions so far.
34. Consultation Procedures. The delegate of Denmark introduced a Danish proposal on the Consultation Procedure. The delegate of Canada introduced a second, similar proposal. The Canadian proposal was adopted.
35. The delegate of Canada introduced a proposal defining "current voyage" drawn up in consultation with other delegations. The delegate of the EEC stated that in the spirit of compromise the proposal was acceptable but the specified 20 day period was too long and proposed a shorter 15 day period as being more realistic. Following discussion on the two proposed periods, the Chairman invited the floor to respond. It was concluded that either period was satisfactory for other delegations and no immediate agreement forthcoming, the matter was deferred.
36. There followed an examination of annexes 1, 2, 3 and 4 to Part IV of the Scheme which were approved subject to substitution of the word "inspection" for enforcement arising from the change agreed in the title of the Scheme.
37. The delegate of the USSR drew the attention of the meeting to changes which had been introduced to a document entitled "Final Report of the Working Group on Joint International Enforcement in the Regulatory Area" (NAFO/FC Doc. 87/1, 1st revision) which were changes which had not in fact arisen from the deliberations of the working group.

The delegate of Canada explained how the changes had, by mistake, been introduced.

The Chairman expressed his concern on that serious error and instructed that the title of the relevant document be amended.

38. Resolution Proposal on reporting requirements. Based on previous work, the delegate of Canada introduced a joint Canadian/EEC Resolution proposal.

The Resolution was adopted by the Fisheries Commission. (FC Doc. 88/2)

39. The delegate of Japan introduced a Resolution intended to implement the revised Inspection Scheme. It was seconded by the delegate of Canada. The delegate of Norway questioned the wisdom of considering adopting and implementing a Resolution on a Scheme which was not yet agreed.

The delegate of the EEC shared the view of the delegate of Norway and stated that although more time was needed to examine the proposed Resolution, at first sight it seemed to contain a mixture of references to Articles of the Convention. The delegate of the EEC suggested a different drafting might be necessary. The delegate of Canada stated that he was open to any redrafting proposed by the delegate of the EEC. Referring to Resolution 88/2 which was adopted earlier, the Canadian delegate requested that it be put on record that it was Canada's understanding that fishing vessels in the Regulatory Area were assumed to be in regular radio contact with their home authorities to enable the monitoring and regular reporting of catches.

The delegate of the EEC replied that that was implicit in the Resolution and agreed that it was obvious that to ensure compliance with catch reporting arrangements in the Regulatory Area catch data must be transmitted by radio.

40. The Chairman invited the Executive Secretary to clear some minor editorial changes in the text of NAFO/FC Doc. 88/1. They were approved by the meeting.

41. The meeting adjourned for lunch at 1300 hrs.

42. The meeting reconvened at 1615 hrs.

43. The Chairman introduced the outstanding item concerning the definition of current voyage and hoped that a consensus had been reached following consultations during the lunch break.

Both the delegate of the GDR and the Delegate of Denmark endorsed the importance of reaching agreement on the issue in the interests of the future of the International Inspection Scheme.

Without further interventions from the floor, the Canadian proposal was adopted by consensus.

44. Returning to the implementation resolution the delegate of Canada stated that he believed that the proposal would now be acceptable to all delegates.

With no further interventions the implementation resolution was adopted. (FC Doc. 88/3)

45. There being no further business to conduct at the Special Meeting, delegates expressed thanks for the constructive nature of the meeting, expressed faith in the future of a new International Joint Inspection Scheme and the Chairman declared the meeting closed at 1640 hrs.

APPENDIX I

Special Meeting of the Fisheries Commission of NAFO  
Brussels, 8-10 February 1988

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APPENDIX II

Special Meeting of the Fisheries Commission of NAFO -  
Brussels, 8-10-February 1988.

Opening Address to the Special Meeting

by

Mr. A. Cardoso e Cunha

Member of the Commission of the European Communities

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen,

On behalf of the European Community I am very pleased to welcome you all to Brussels for this Special Meeting of the Fisheries Commission of the Northwest Atlantic Fisheries Organization.

It is a great honour for me to open the meeting of the Fisheries Commission of this prestigious international organization. NAFO has been to the forefront of international fisheries organizations in initiating the most modern fishery regulations for achieving the rational utilization of the living marine resources in its area of responsibility. Despite the complex and difficult tasks it has had to face since its inception, NAFO has demonstrated a capacity, through consultation and cooperation amongst its Contracting Parties, to attain its goals.

In common with other Contracting Parties, the Community fleet has a long tradition of fishing in the Northwest Atlantic area stretching back over many centuries. Many hundreds of local communities along the coast of the Community are dependent for their livelihood on the exploitation of the resources in that area. Consequently and in accordance with its international obligations, the Community is committed to maintaining that area as a long term fishing ground for its fleet.

International cooperation between Contracting Parties within the multilateral forum of NAFO is of fundamental importance for the conservation and rational management of the fish stocks in the international waters of the NAFO Regulatory Area. No policy or instrument however well-established is ever sacrosanct and immune from change. It can always be improved upon in the interests of the Organization.

The goal therefore must be to strengthen the instruments at the disposal of NAFO. To strengthen them in the fields of management, control and scientific research in order to enable the Organization to attain its objective of ensuring the conservation, rational management and optimum utilization of the fishery resources of the Convention Area.

In this regard, I very much welcome NAFO's decision at the 1987 Annual Meeting on the Community's proposal to establish an Annual Scientific Programme. The improvement in our knowledge of the status of the fish stocks will contribute to the achievement of NAFO's objective by permitting the adoption of management decisions on the basis of the widest possible scientific advice and information.

NAFO has demonstrated its dynamic capacity by the manner in which it has addressed itself to the revision of the Scheme of Joint International Enforcement. Since the Community initiated this process, I would wish to take this opportunity to express its appreciation for the spirit of cooperation and understanding shown by all Contracting Parties in this endeavour.

As all delegates are aware, the issue of control is of vital importance to ensure the continuing effectiveness of NAFO. The objective and effective application of a multilateral scheme of control is a crucial factor for NAFO. Confidence in its interpretation and implementation by the captains of vessels operating in the Regulatory Area is fundamental to the success of the Scheme. The Community, therefore, counts on all Parties to implement a revised Scheme in good faith.

The Community took the initiative of requesting the convening of this Special Meeting of the Fisheries Commission confident in the knowledge that all Contracting Parties sought the rapid implementation of a revised Scheme. Control in these international waters is too important for ensuring the continuing effectiveness of NAFO's Conservation and Enforcement Measures in the Regulatory Area, to be left until the 1988 Annual Meeting.

I have noted with satisfaction the progress made to date on this issue and I trust that, in the spirit of compromise and understanding which is the very foundation of this Organization, the outstanding matters can be resolved to the satisfaction of all Parties at this Meeting.

Should this Meeting adopt a revised Scheme, which I sincerely hope it will, then that decision allied to the decision on the Annual Scientific Programme I referred to earlier, will signify a very successful twelve months for NAFO and a clear signal to all that NAFO is a dynamic fisheries organization which continues to progress through the spirit of international cooperation amongst Contracting Parties.

May I conclude by wishing you all a productive and useful meeting and trust that you enjoy your stay in Brussels.

Thank you.

APPENDIX III

Special Meeting of the Fisheries Commission of NAFO  
Conference Centre Albert Borschette, Brussels  
8-10 February 1988

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Agenda

OPENING PROCEDURES

1. Opening by the Chairman, K. Yonezawa (Japan)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Publicity

THEME

5. Consideration of Revised Scheme of Joint International Enforcement (See FC.Doc. '87/1, 1st Rev.)

CLOSING PROCEDURES

6. Other Business
7. Press Statement
8. Adjournment

NORTHWEST ATLANTIC FISHERIES ORGANIZATION  
SPECIAL MEETING OF THE FISHERIES COMMISSION

PRESS RELEASE

1. The Fisheries Commission, under the chairmanship of Mr. K. Yonezawa (Japan) met in Brussels in the Conference Centre Albert Borschette from 8-10 February 1988 for a Special Meeting to consider a revised Scheme of Joint International Enforcement.
2. Attending the meeting were delegates from all the Fisheries Commission members: Bulgaria, Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), European Economic Community (EEC), German Democratic Republic (GDR), Japan, Norway, Poland, and the Union of Soviet Socialist Republics (USSR).
3. Since the withdrawal of the European Economic Community from the current Joint International Scheme, Contracting Parties, including the EEC, have been meeting to try and establish a new scheme.
4. The main purpose of the present meeting was exactly to devise a scheme which would be acceptable to every Member.
5. After lengthy discussions a new Scheme of International Inspection was unanimously agreed, to be recommended to the Contracting Parties. Given the unanimous agreement it is hoped that the new Scheme will come into force in a few months.
6. Many dispositions in the new Scheme are devised to minimize misunderstandings between inspection vessels and fishing vessels.
7. It is also to be underlined that a provision was introduced which aims to settle different views in the interpretation of the Scheme and foster consultation between the Parties.

NAFO Secretariat  
12 February 1988