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OVERFISHING OUTSIDE THE
200 MILE LIMIT: ATLANTIC COAST

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OVERFISHING OUTSIDE THE 200-MILE LIMIT: ATLANTIC COAST*

ISSUE DEFINITION

When Canada extended jurisdiction over fisheries in 1977 and created a 200-mile Exclusive Fishing Zone (EFZ), three areas of the continental shelf remained largely beyond Canadian control: the northeastern portion of the Grand Bank (NAFO division 3L or the "Nose of the Bank"), the southeastern portion (division 3NO or the "Tail of the Bank"), and the outcropping of the shelf east of the Bank (division 3M or the "Flemish Cap"). (The waters off Canada's East Coast are divided into a set of zones defined by an alphanumeric code - see Chart 1). Several species and stocks of groundfish are found outside the EFZ or cross the zone during their seasonal migrations; excessive fishing of the so-called "straddling stocks" by foreign distant water fleets outside the 200-mile line undermines Canadian conservation measures inside the zone.

BACKGROUND AND ANALYSIS

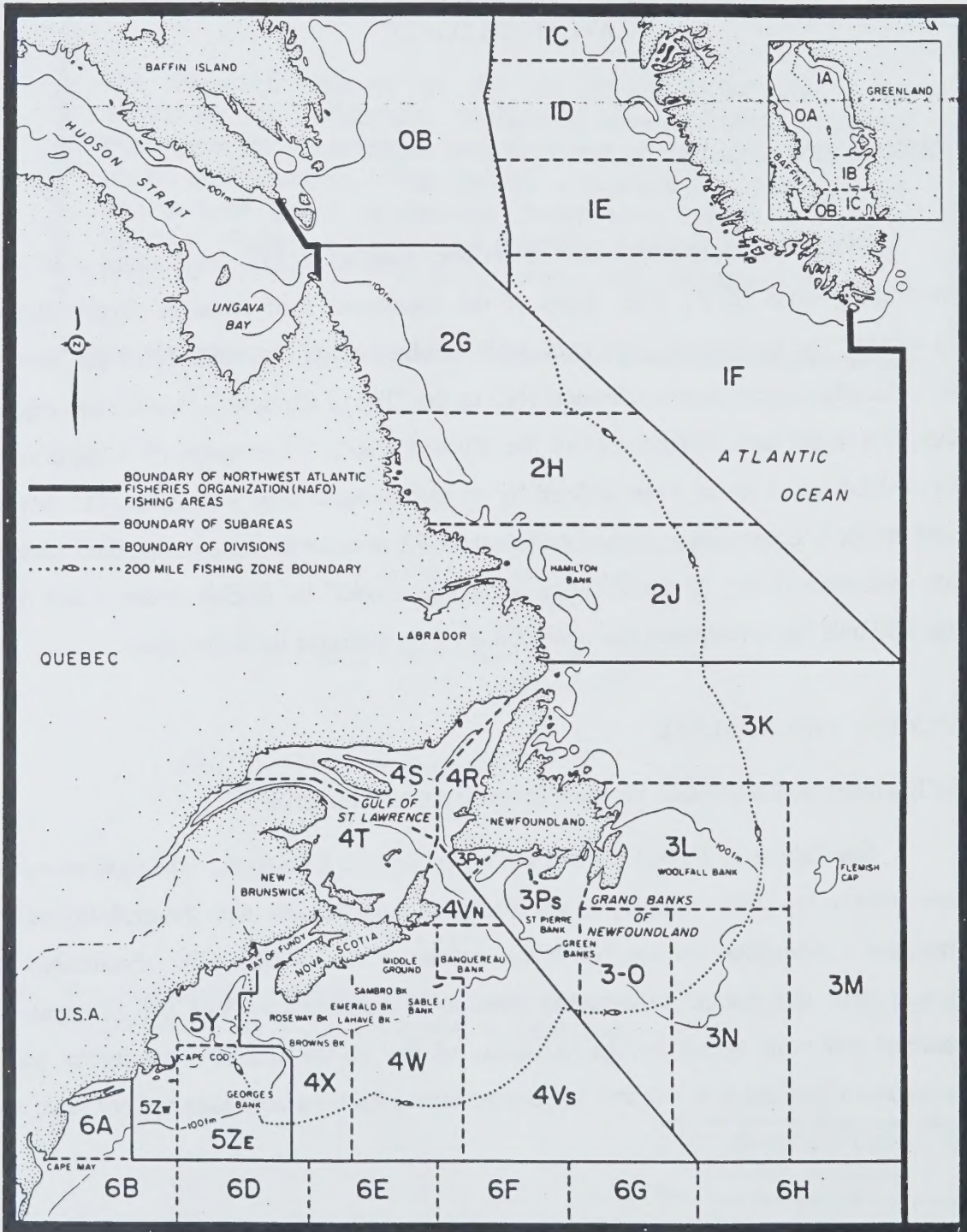
A. The International Commission for the Northwest Atlantic Fisheries

Overfishing by foreign fleets is not a new issue to Canadians. The first attempt to bring some order to the offshore fishery in the Northwest Atlantic came with the establishment of the International Commission for the Northwest Atlantic Fisheries (ICNAF). Established by Convention in 1949, this regional organization, prior to its dissolution in 1979, had 18 members, both traditional and more recent foreign harvesters of fish on the Canadian continental shelf. ICNAF's functions involved both research and conservation. Each member state had one vote, and

* The original version of this Current Issues Review, was published in October 1990; the paper has regularly been updated since that time.

Chart 1

Subareas and Divisions of the NAFO Convention Area



decisions made by the organization were taken by a two-thirds majority of the so-called depository governments. Panels established on the basis of sub-areas within the ICNAF area were given the responsibility of monitoring the groundfish fishery by collecting catch and scientific data, and making recommendations to the Commission. It soon became apparent, however, that regulatory controls and enforcement measures were not effective in curbing over-exploitation by mobile distant-water fleets with onboard freezing capabilities. Beginning in the 1950s, the Northwest Atlantic fishery became less economically viable year by year. Under pressure from the Canadian fishing industry and provincial governments on the East Coast, Canada extended its territorial sea from three nautical miles to 12 miles in 1970 and declared the Gulf of St. Lawrence and Bay of Fundy to be within its exclusive jurisdiction in 1971.

The Commission's management controls in the early 1960s included minimum mesh sizes in order to limit the capture of small fish; these limitations, however, proved insufficient in the face of the massive increase in harvesting pressure that had taken place. It was not until 1970 that ICNAF began to implement the concept of an annual Total Allowable Catch (TAC) for certain stocks. This process was given a boost in 1971 when an amendment to the Convention permitted the assignment of a TAC, or quota, to individual member countries. By 1974, ICNAF was applying closed areas and closed seasons, gear and vessel size restrictions, minimum fish size limits throughout the Convention Area.

The Commission failed, however, to conserve the resource, for a number of reasons. The catch statistics reported were often incomplete, particularly with respect to incidental catches and discards. The collection of biological data was inadequate, and the scientific advice was based on the status of a given stock two years earlier than the year in which the TAC was being applied, though fish populations had declined further in the meantime. Moreover, there was no collective will to conserve the resource and only voluntary compliance with the rules set: countries that lodged a formal objection were, under a 1964 Protocol to the Convention, free to disregard the conservation measures adopted by the Commission. The situation reached a low point in the mid-1970s, when severe resource declines threatened the survival of the Canadian groundfish industry.

At that time, developments at the United Nations Third Law of the Sea Conference suggested that an expansion of coastal state jurisdiction over fisheries out to 200 nautical miles was

inevitable. Member countries of ICNAF, believing that such an expansion was imminent, and anxious not to be on the wrong side of Canada when bilateral discussion began for access to surplus stocks within the 200-mile zone, agreed with Canada's proposal of direct controls on the fishing effort (limitations on the number of fishing days) and a more conservative mathematical formula used in setting quotas (the $F_{0.1}$ level of fishing mortality). ICNAF was dissolved following Canada's declaration of a 200-mile EFZ in 1977.

B. The Northwest Atlantic Fisheries Organization

As the successor of ICNAF, since 1 January 1979 the Northwest Atlantic Fisheries Organization (NAFO) has been the regulatory agency responsible for fisheries conservation and management of most stocks beyond Canada's Atlantic EFZ. The contracting parties to NAFO are Bulgaria, Canada, Cuba, Denmark (with respect to the Faroe Islands and Greenland), the European Union (EU), Iceland, Japan, Latvia, Lithuania, Estonia, Norway, South Korea, Poland, Romania and the Russian Federation. In order to enable the Organization to set management goals based on scientific information which is as complete as possible, the Convention Area, which coincides precisely with the former ICNAF Area, includes waters falling under the jurisdiction of Canada, Denmark (Greenland) and the United States, as well as the waters extending beyond the 200-mile zones of these three coastal states. The Regulatory Area, however, only includes that part of the Convention Area which lies beyond 200 miles.

The purpose of NAFO is "to contribute through consultation and cooperation to the optimum utilization, rational management and conservation of the fisheries resources" of the Northwest Atlantic Ocean. The General Council, whose Chairman is president of the Organization and whose members are contracting parties, supervises internal administrative and financial affairs and coordinates external relations. The Scientific Council provides a forum for consultation and cooperation with respect to the study, appraisal and exchange of scientific information, promotes scientific research, supervises the compilation and maintenance of statistics and records, publishes and disseminates reports, and provides scientific advice. The Fisheries Commission, a fisheries management body, in turn, adopts proposals for joint action. (A Secretariat provides the services

necessary to the exercise of the duties and functions of the Organization. The Scientific Council and the Fisheries Commission have also established a number of Standing Committees.)

The major straddling stocks within the Regulatory Area and for which TACs and national allocations are established by NAFO include cod (3M and 3NO), redfish (3M and 3LN), American plaice (3M and 3LNO), yellowtail flounder (3LNO), witch flounder (3NO), capelin (3NO), squid (Subareas 3 and 4) and, more recently (for the first time in 1995), Greenland halibut (also known as turbot) in NAFO Subareas 2 and 3. National quotas have been based mainly on historical fishing patterns, and the largest allocations have been made to Canada. Of least importance to the Canadian industry are stocks on the Flemish Cap; these are rarely fished by Canadian vessels. Because only a fraction of the northern cod stock complex (2J3KL) is believed to be usually present outside the 200-mile limit, about 3 to 5% on average throughout the year, Canada manages the entire stock.

The most vulnerable straddling stocks are now subject to Canadian moratoria inside 200 miles and NAFO moratoria outside 200 miles. In 1995, no directed fishing is allowed by NAFO for 3NO cod, 3M and 3LNO American plaice, 3LNO yellowtail, 3NO witch, and 3NO capelin. A moratorium on fishing 2J3KL cod outside 200 miles has been in place since 1986.

C. Deteriorating Relations Among NAFO Members

The Canadian view is that NAFO had worked smoothly until the impending entry of Spain and Portugal to the EEC. Management and conservation efforts on stocks outside the 200-mile limit initially produced positive results, and, while there were occasional disputes, these were usually settled amicably as part of the established NAFO framework. This changed radically at the September 1985 NAFO Annual Meeting, at which time the EEC argued for the first time that TACs should be set well above previous levels.

Spain and Portugal thereafter conducted the bulk of the EEC's fishing activities in the international waters adjacent to the Canadian zone. Canada believes the Community bowed to pressure to find fishing grounds outside its own waters for Spain and Portugal. Indeed, the expansion of the Community in 1986 created new pressures on existing fisheries arrangements as a result of the following factors: a doubling of the total number of EEC fishermen, a 75% increase in overall fishing capacity, a 45% rise in production for human consumption, and a similar increase in fish consumption in the enlarged Community. In the late 1980s, the Spanish factory freezer

trawler fleet first arrived in the NAFO Regulatory Area after being expelled from the waters off Namibia. Until that time, Spain's traditional cod fleet had fished in the Northwest Atlantic. The EEC argued that NAFO measures were unnecessarily conservative and ignored its socio-economic problems. At the 1988 Annual Meeting of NAFO, for example, the head of the EEC delegation criticized the Canadian Department of Fisheries and Oceans for "creating a heaven for fish, and a hell for [EEC] fishing populations."

During the 1980s, the EEC proposed that TACs be based on F_{max} , the level of fishing mortality which corresponds to the Maximum Sustainable Yield (MSY) and which had failed to protect stocks in the Northwest Atlantic during the first few years of ICNAF's existence, rather than the more conservation-oriented $F_{0.1}$ adopted by NAFO and Canada. Canada defended its stand on maintaining the $F_{0.1}$ strategy, listing the following advantages: higher and more stable catch rates, a larger number of spawners, and the fact that generally larger fish allow higher value products and lower processing costs. Beginning in 1986, the Community, which did not get any support for its position from other NAFO members, launched wholesale objections to most NAFO decisions, thus "opting out" of NAFO decisions (Table 1).

The objection procedure found in the NAFO Convention is a carryover from the ICNAF Convention. Proposals adopted by NAFO's Fisheries Commission are transmitted to all contracting parties and become binding measures on all who do not file an objection under Article XII of the Convention. Any Commission member who presents an objection to a proposal (e.g., a quota) within 60 days of the date of the transmittal specified in the notification of the proposal is not bound by the measure. There is no limitation on the number of objections that can be made or on the type of proposal to which an objection may relate.

Beginning in 1986, the EEC systematically set its own quotas higher than those set for it by NAFO and many times higher than its traditional shares. Overruns of several hundred per cent were common (Figures 1 and 2). In some cases, the Community's catch not only exceeded its assigned quota, but even the entire NAFO quota.

European catches of Canadian-managed cod (3L), despite a NAFO moratorium on fishing outside Canada's 200-mile limit since 1986, contributed to the problems with the northern cod stock (2J3KL). The EEC argued that, as a sovereign body, it was entitled to fish in international waters in accordance with the Law of the Sea Convention; that a moratorium for

northern cod (3L) could not be justified since a fishery on the same stock was being conducted inside the Canadian zone; and that Community vessels had fished in the area for hundreds of years.

In September 1992, the Community adopted, for the first time, a ban for 1993 on fishing for northern cod outside 200 miles.

Until recently, a major threat to the conservation of the fish resource in the NAFO Regulatory Area has been unregulated fishing by non-NAFO and flag-of-convenience vessels. From 1986 to 1990, non-NAFO vessels operating without quotas are said to have caught more than 165,000 tonnes of cod, flounder and redfish. The catch was estimated to have been about 47,300 tonnes in 1991. Because such vessels are not required to adhere to the NAFO conservation and enforcement measures, it has been difficult to obtain catch and effort data from them.

D. The United Nations Convention on the Law of the Sea

The goal of effective conservation and resource management in fisheries outside the 200-mile limit is embodied in the principles of international conduct set out in the Law of the Sea Convention. The challenge faced by Canada is to achieve international acceptance of practical measures needed to make the Convention work as it was intended.

1. Stocks Adjacent to an Exclusive Economic Zone

The Third United Nations Conference on the Law of the Sea was officially opened on 3 December 1973. After nine years of negotiation, the Conference adopted the 1982 Convention on the Law of the Sea (UNCLOS III). The Convention consists of 320 articles and nine annexes governing such matters as delimitations of marine boundaries, environmental control, scientific research, economic and commercial activities, technology and the settlement of disputes relating to ocean matters.

UNCLOS III reaffirms the sovereign rights of coastal states to exploit, conserve and manage all living and non-living resources (Article 56) in the Exclusive Economic Zone (EEZ) which may extend out to 200 nautical miles from the territorial sea baselines (Article 57). Article 63 specifically addresses fish stocks occurring within the zone and in an adjacent sea. Subsection 2 requires the coastal state and countries fishing stocks in the adjacent area "seek, either directly or

through appropriate subregional or regional organizations, to agree upon the measures necessary for the conservation of these stocks in the adjacent area." This provision, however, does not specify the scope or the nature of arrangements to be negotiated, nor does it discuss the functions of regional organizations such as NAFO. No specific time limits are set wherein agreement must be sought and no explicit guidance is given as to appropriate measures should agreement not be reached.

Canada, together with seven other nations, did attempt to include a more complete text on straddling stocks and sought, in 1982, an amendment to Article 63(2) that would have created a tribunal jurisdiction to determine management measures in the adjacent area. The proposal was, however, not included in UNCLOS III because of resistance by distant water fishing nations and to avoid a collapse of the overall agreement.

2. Bilateral Access Agreements

Canada implements its policy on foreign allocations inside the 200-mile zone within the framework of the Law of the Sea. Article 62 grants coastal states wide latitude in determining whether and under what conditions foreign fishing may take place in the EEZ. Only if a state does not have the capacity to harvest the entire allowable catch is there an obligation to allow foreign access to the surplus. This obligation is, however, watered-down by a coastal state's discretion in weighing factors added by Article 62(3): in deciding access, coastal states must take into account all relevant factors including the economic importance of living resources to the coastal economy, other national interests, rights of land-locked or geographically disadvantaged countries in the region, requirements of developing states in the region and needs of states whose nationals have habitually fished in the zone.

Following the declaration of a 200-mile limit, Canada implemented a policy of negotiating for conservation cooperation from NAFO members. In exchange for their support of Canadian management initiatives in NAFO, and for their recognition of the importance of straddling stocks to Canada, the Canadian government entered into a series of bilateral fisheries agreements with NAFO members stipulating conditions that allowed foreign vessels inside Canada's zone to take surplus fish. Under a fisheries relations policy adopted in June 1986, Canada denied port privileges and access to Canadian stocks to fishing vessels from states (e.g.,

Spain and Portugal) which did not cooperate with Canada and NAFO on conservation. Over the past several years, Canadian vessels have very largely replaced the foreign fleets in the fisheries on the most important stocks. In 1992, foreign allocations represented 4% of total groundfish allocations inside the 200-mile limit. In December 1992, the Minister of Fisheries and Oceans announced the creation of a Foreign Fishing Panel, composed of representatives of the fishing industry, the provinces and the federal government, to make proposals on foreign allocations inside Canada's 200-mile fisheries zone.

E. Recent Developments

A federal/provincial Task Force on foreign overfishing reported to the First Ministers in 1987. In accordance with the instructions of the First Ministers, Canada took steps to strengthen NAFO by focusing the attention of other NAFO members on the overfishing problem and the implications of the EC's refusal to comply with the Organization's conservation decisions. Alan Beesley, an internationally-known authority on the Law of the Sea, was appointed Ambassador for Marine Conservation in October 1989. That year, the Government of Canada also began high-level diplomatic efforts and a public information campaign in Europe.

Following meetings in May 1990 by the EEC Vice-President and Commissioner for Fisheries, the Canadian Prime Minister, the Minister of Fisheries and Oceans and the Minister for International Trade, three Canada-EC Working Groups were set up to improve cooperation in scientific research, in surveillance and control, and to eliminate fishing in the Regulatory Area by non-NAFO vessels.

At the Annual Meeting of NAFO held from 5-14 September 1990, a Working Group was established to develop proposals for the improvement of fisheries surveillance and control. A resolution directed toward eliminating catches by fleets from non-members of NAFO, particularly fleets operating under flags of convenience, was also adopted.

On 17 May 1991, Randolph Gherson was appointed Ambassador for Fisheries Conservation (replacing Alan Beesley), with responsibility to coordinate Canada's efforts to resolve the problem of overfishing. A report tabled at NAFO's annual meeting in September 1991 showed that all stocks managed by the organization were in decline. Some were said to be so low that scientists could no longer offer meaningful management options.

On 24 February 1992, Canada's Minister of Fisheries announced a "conservation ceiling" for the management of the northern cod stock, effectively shutting down the Canadian offshore fishery inside the 200-mile limit. At the end of March 1992 and as part of a protest by the Canadian industry against European overfishing, seven Canadian trawlers took "symbolic custody" of the fishery beyond Canada's 200-mile limit. On 3 June 1992, the EC suspended fishing for cod, plaice and yellowtail in areas outside the 200-mile zone. On 5 June 1992, a special report by the Scientific Council of NAFO validated the data and analysis presented by Canadian scientists on the state of the northern cod stock (e.g., Canadian reports on environmental conditions, research vessel surveys, commercial and surveillance data, and reports on scientific initiatives such as a recent hydroacoustic and scouting expedition). On 2 July, a two-year moratorium on the Canadian northern cod fishery was announced by the Minister of Fisheries and Oceans.

At the Annual Meeting of NAFO held from 14-18 September 1992, the Organization unanimously adopted (for the first time) a ban for 1993 on fishing for northern cod outside 200 miles. The EC, for the first time since 1984, also agreed to abide by all NAFO conservation decisions for 1993. For NAFO-managed stocks, quotas were generally set in accordance with the advice from the NAFO Scientific Council. The two exceptions were 3M (Flemish Cap) redfish, where quotas were reduced for 1993, but not to the degree recommended, and 3M cod, where quotas were maintained at previous levels. A moratorium on the capelin fishery in 3NO was adopted for 1993. NAFO also approved measures developed at a special session on surveillance and control (convened at Canada's request) in May 1992. A pilot project began in January 1993 to place observers on vessels (from each contracting party) for 10% of fishing days. Measures to control the harvesting of small fish included new minimum sizes for cod and flounder, and new minimum mesh sizes. Measures to improve the effectiveness of inspections at sea included the requirement to maintain production log books or stowage plans.

On 21 December 1992, the Minister of Fisheries and Oceans and the Secretary of State for External Affairs announced an agreement with the EC under which the Community and Canada:

- would comply with NAFO conservation and management decisions, including quotas;
- would work together to end fishing by non-NAFO fleets;

- pledged themselves to revitalize NAFO by adding a dispute settlement mechanism, avoiding abuse of the objection procedure, and improving surveillance;
- would propose that NAFO make allocations of northern cod to the Community (outside the 200-mile limit) equal to 5% of the TAC, with Canada retaining 95% of the TAC.

Under the agreement, Canada would not discriminate against the EC with respect to access to ports, any surplus allocations and any commercial arrangements.

At the annual meeting of NAFO in September 1993, the Organization extended the moratorium on northern cod fishing (outside the 200-mile limit) to the end of 1994 and adopted a moratorium for 1994 on fishing for three straddling stocks: 3LNO American plaice, 3LNO yellowtail flounder and 3NO witch flounder. A reduction of cod and redfish quotas on the Flemish Cap (3M) was approved, as were new conservation measures for fishing shrimp (a minimum mesh size and the use of selector grates to prevent bycatches of groundfish). NAFO decided there would be no fishing for shrimp on the Nose and Tail of the Grand Bank. Although Canada failed to get any support for a moratorium on 3NO cod, NAFO agreed to reduce the catch by 40% to 6,000 tonnes; of this amount, Canadian fishermen were allowed to harvest 3,861 tonnes. Other measures adopted at the September 1993 meeting include the requirement that Canadian or EC patrol vessels be present at all times during the harvesting of 3NO cod, that there be 50% observer coverage on vessels harvesting the stock, and that all Community vessels fishing 3NO cod be subject to dockside monitoring by EC officials. NAFO- member countries committed themselves to pursue, over the next year, all available means of ending fishing by vessels from non-NAFO countries.

In November 1993, Canada's Fisheries Resource Conservation Council (FRCC) recommended a moratorium on fishing 3NO cod both inside and outside 200 miles. The FRCC believed "overfishing by foreign fleets generally, and their indiscriminate taking of small fish in particular ... to be a serious constraint to the rebuilding prospects for Grand Bank stocks." The Council therefore recommended that "the Government of Canada take appropriate action to correct this situation." In December, the European Community agreed to respect the ban on fishing northern cod outside Canada's 200-mile limit. Also in December, the Minister of Fisheries announced that the Canadian fishery for 3NO cod would be closed for 1994; in February 1994, it was announced that Canada would be seeking a moratorium on the harvesting of the stock at a special NAFO meeting to be held in Brussels, at Canada's request, later that month. At its meeting

of 15-17 February, NAFO voted to cancel the 6,000-tonne 3NO cod quota that it had approved in September 1993, agreed to impose a moratorium on fishing 3NO cod, and adopted Canada's proposal to extend, until the end of the year, a pilot on-board observer program.

On 26 July 1994, two US vessels were seized by Canadian fisheries officers for fishing Icelandic scallops without licences on the Nose of the Grand Bank outside the 200-mile limit. In provincial court (in St. John's, Newfoundland) their captains were charged with fishing illegally; if convicted, they each faced a maximum fine of \$750,000 and the possibility of having their vessels confiscated. Under the UNCLOS (Article 77), sedentary species on a continental shelf fall under the jurisdiction of the coastal state (in this case Canada), regardless of whether such species are found inside or outside a 200-mile limit. Canada's *Coastal Fisheries Protection Act* was amended in 1990 to provide Canada with the necessary legal tools to take enforcement action against any vessels fishing sedentary species on the shelf without a Canadian licence. The issue primarily in dispute between Canada and the United States was whether the Icelandic scallop is a sedentary species. On 24 November, the federal Minister of Fisheries announced that the United States had recognized Canada's jurisdiction over Icelandic scallops on the continental shelf outside 200 miles. After reviewing the scientific evidence, the United States had concluded that the scallops are a sedentary species as defined in international law. The proceedings against the two American captains were stayed.

In 1994, both the Scientific Council of NAFO and the FRCC pointed to serious problems with respect to the conservation of stocks of Greenland halibut (also known as turbot). A greater proportion of the fish is believed to have moved outside the 200-mile limit in recent years. Coinciding with this migration, fishing for Greenland halibut by foreign vessels outside the zone increased, especially in view of the decline in cod stocks. On 29 June 1994, the Minister of Fisheries and Oceans indicated that Canada would be requesting that NAFO regulate fishing by foreign vessels by setting a TAC for the stock. The Minister also announced that a program to develop the Canadian turbot fishery in area 2GH would be terminated immediately and that Canada had reduced its quota for the species (in Canadian waters) from 12,500 tonnes to 5,500 tonnes in Subarea 0 (off Baffin Island). On 20 July, further action was taken by the Minister of Fisheries and Oceans to protect the fish: the Canadian allocation in Subarea 2 (off Labrador) was reduced from 12,500 tonnes to 3,000 tonnes, and in Subarea 3 (off eastern Newfoundland) from 12,500 tonnes to 3,500 tonnes.

At the 20-23 September 1994 Annual Meeting of NAFO, Canada pressed for two major conservation measures for 1995: the continuation of NAFO moratoria on fishing for straddling stocks and the establishment of controls on the Greenland halibut fishery, which had, until then, been subject to unlimited catches outside the 200-mile limit. The Fisheries Commission agreed to continue moratoria on fishing for straddling stocks (3NO cod, 3LNO American plaice, 3LNO yellowtail flounder, 3NO witch, and 3LN redfish), and decided for the first time to impose a TAC of 27,000 tonnes on Greenland halibut in Subareas 2 and 3 (both inside and outside the 200-mile limit) for 1995; this represents a reduction of more than 50% from catches in the past two years. This was a significant reduction from annual catches of more than 60,000 tonnes in previous years when NAFO had not set a TAC for this stock. It was intended that the quota should include all catches in the area of Subareas 2 and 3 for conservation purposes.

Canada, however, failed to persuade other nations to adopt a moratorium on cod fishing on the Flemish Cap (3M) and a precautionary catch limit for shrimp in the area. Instead, the NAFO Fisheries Commission set an 11,000-tonne quota for cod and decided to change the size of the selector grates on shrimp nets to help prevent accidental catches of redfish.

On 26 November 1994, the 1982 United Nations Convention on the Law of the Sea came into force, one year after its sixtieth ratification.

At a special meeting of the NAFO Fisheries Commission held from 30 January to 1 February 1995, the EU claimed 75% of the Greenland halibut TAC, but received an allocation of only 12.59% (3,400 tonnes), while Canada received 60.37% of the allowable catch (16,300 tonnes), an amount reflecting its traditional share of the stock. NAFO allocated 3,200 tonnes to Russia (11.85% of the TAC), 2,600 tonnes to Japan (9.63%), and 1,500 tonnes (5.56%) for other members combined. The EU voted against this decision. Votes are a normal element of the NAFO process and are used when a consensus cannot be achieved but a decision must be made. Seventy-eight percent of Greenland halibut habitat is inside Canada's fishing zone.

Canada's claim of a historic right to the stock was backed by most countries belonging to NAFO, including Russia, Japan, Norway, Cuba and Iceland; the EU's position was supported by Poland and the Baltic states. A directed fishery for Greenland halibut began in Canada in the early 1960s in the deepwater bays of eastern Newfoundland. Catches increased from low levels in the early 1960s to over 36,000 tonnes by 1969, and ranged from 24,000 tonnes to 39,000 tonnes over the next 15 years. Between 1986 and 1989, catches exceeded 20,000 tonnes only in 1987. In 1990, an extensive foreign fishery for Greenland halibut developed in the

deepwater area of the NAFO Regulatory Area near the boundary of Div. 3L and Div. 3M; by 1991, this had extended into Div. 3N, quickly resulting in increased catches. Between 1977 and 1993, 73.31% of the total tonnage of Greenland halibut (Subareas 2 and 3) was harvested inside Canada's 200-mile fishing zone. In most years, the bulk of the catch has come from Div. 3K and 3L, with catches from Div. 2G and 2H usually being relatively low. As shown in Table 2, prior to 1990, Canada, the Soviet Union, the German Democratic Republic and Poland had usually been the main participants in the Greenland halibut fishery in Subareas 2 and 3, although after 1984 Portugal and Japan became increasingly involved. Between 1992 and 1995, a period that corresponds with the collapse of the northern cod stock (2J3KL cod), most of the catches have been taken by Spanish and Portuguese vessels outside the 200-mile limit (Figure 3).

The data shown in Table 2 for 1991, 1992 and 1993, however, are provisional catches reported to NAFO. When estimates of misreported or unreported catches are included, harvest levels are much higher than indicated. The total catch of Greenland halibut estimated by NAFO's Standing Committee on Fisheries Science (STACFIS) for 1990-93 was 47,000 tonnes in 1990, at least 55,000 tonnes (and perhaps as high as 75,000 tonnes) in 1991, and about 63,000 tonnes in 1992 and in 1993.

On 5 February 1995, Canada's Minister of Fisheries and Oceans informed the EU Fisheries Commissioner that Canada was prepared to consider transitional measures to allow the EU to adjust to the 1995 quota, provided that the EU would not invoke the NAFO objection procedure. On 15 February, Canada's Fisheries Minister announced that Canada would use any means necessary to prevent EU countries from destroying Greenland halibut stocks. On 1 March 1995, the EU set its own unilateral catch limit of 18,630 tonnes (or 69% of the TAC) after having officially objected to its NAFO quota. In other words, member-states of the EU planned to harvest six times more Greenland halibut than allotted to them by NAFO. On 3 March, the Canadian Minister of Fisheries announced that the Coastal Fisheries Protection Regulations had been amended, making it an offence for Spanish and Portuguese vessels to fish for Greenland halibut on the Grand Banks. On the same day, Prime Minister Chrétien proposed to the President of the EU that a 60-day moratorium be imposed on fishing Greenland halibut in NAFO waters beyond Canada's 200-mile limit; the proposal was rejected by the European Council of Ministers on 6 March.

On 9 March, Canada's Fisheries Minister announced that Canada was enforcing a 60-day moratorium on fishing Greenland halibut inside and outside the 200-mile limit. That day,

Canadian fishery officers and an RCMP emergency response team arrested and seized a Spanish fishing vessel, the *Estai*, after warning shots (four bursts from a .50 calibre machine gun) had been fired across the ship's bow. The crew of the 65-metre fishing vessel had initially resisted the boarding of the ship and proceeded to flee, after cutting loose its fishing gear. After the *Estai*'s arrest, the remaining Spanish and Portuguese trawlers withdrew beyond the Greenland halibut grounds on the Grand Banks. On 10 March 1995, it was reported that Spain had dispatched a navy ship to the area. The captain of the *Estai*, charged on 12 March with illegally fishing Greenland halibut, obstructing a fishery officer, destroying fishing gear and failing to stop when ordered to do so, was released on a \$8,000 bond. The hearing of the charges against the captain were set for 20 April in St. John's; however, the charges were later dropped.

An inspection of the Greenland halibut taken from the hold of the *Estai* by Canadian fishery officials revealed that 79% of the Greenland halibut aboard were less than 38 cm and that 6% of the catch were less than 17 cm (mature Greenland halibut are 60-70 cm in length). Log books were also discovered, which, according to fishery officers, show misreporting of catches. In addition, 25 tonnes of American plaice, a species under a NAFO fishing moratorium, was discovered behind secret bulkheads. On 15 March, a Canadian trawler under contract by the Department of Fisheries and Oceans retrieved the net cut loose by the *Estai*; the net was found to have a mesh size of 115 mm, instead of the NAFO minimum size of 130 mm, and to contain a liner (a mesh of only 80 mm). Bilateral discussions between Canada and the EU over Greenland halibut began on 16 March in Brussels, the morning after the *Estai* (and her 24-man crew) left St. John's harbour following the posting of a \$500,000 bond.

On 26 March 1995, the warps of the Spanish vessel *Pescamaro Uno* were cut by the Canadian Coast Guard vessel *Sir Wilfred Grenfell*. On 27 March, at the fifth session of the UN Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks in New York, Canada's Minister of Fisheries and Oceans delivered a speech stressing the need for effective enforcement on the high seas. Discussions between Canadian and EU negotiating teams were concluded on 7 April and on 15 April Canada's Minister of Fisheries and Oceans and the Minister of Foreign Affairs announced the Canada-EU Control and Enforcement Agreement to settle the dispute over the fishing of Greenland halibut (in Subareas 2 and 3) and to better conserve and manage straddling stocks. The Control and Enforcement Agreement was formally signed by the two parties on 20 April.

Under the Agreement, in 1995 Canada and the EU were each allowed to harvest 10,000 tonnes of the stock (74% of the total quota of 27,000 tonnes). The Agreement stated that 7,000 tonnes of the Canadian quota would come from NAFO Subareas 2 and 3K inside the Canadian zone; the EU's share was to be harvested in 3LMNO. While Canada would harvest less Greenland halibut than the quota it had been allotted by NAFO in February, its quota for 1995 was three times greater than its 1994 catch for the species. Though the EU received more than the NAFO quota recommended in February, its allotment was about five times less than that harvested in 1994.

The Agreement stated that the NAFO Standing Committee on International Control (STACTIC) would study the protection of juvenile fish and the by-catch of unregulated species and make recommendations to the NAFO Fisheries Commission. The matter of establishing a minimum fish size for turbot would also be addressed. Canada and the EU also agreed to propose jointly to NAFO that the measures specified in their Agreement be adopted by all NAFO Contracting Parties. In order to achieve more effective control immediately, Canada and the EU agreed to implement 100% observer coverage within 15 days of the signing of the Agreement. Among the Agreement's proposals to strengthen NAFO conservation and enforcement measures in the Regulatory Area were the following:

- independent, full-time observers on board all vessels at all times;
- enhanced surveillance via satellite tracking (to be tested by placing locational transponders on 35% of each Contracting Party's vessels);
- dockside inspections of all vessels at each port of call;
- special powers to order a vessel to port for a thorough inspection;
- authority to seal fish holds and otherwise preserve evidence of apparent infringements;
- the requirement that all observers within 24 hours report any apparent infringements of NAFO conservation and enforcement measures to NAFO inspection vessels and to the NAFO Executive Secretary;
- the requirement that observers provide their reports at the end of each voyage to the NAFO Executive Secretary;

- the sharing of information on the location and identity of vessels, and from dockside inspections with other Contracting Parties;
- the option of having Canadian officials present during the thorough inspection of an EU vessel ordered to port by an EU inspector; and
- the sharing of information by all Contracting Parties regarding follow-up action where a vessel has been cited for an infringement.

As part of the Canada-EU Agreement, Canada agreed to repeal the provisions of the Regulations of 3 March pursuant to the *Coastal Fisheries Protection Act*, which prohibited vessels from Spain and Portugal from fishing for Greenland halibut in the NAFO Regulatory Area. The European Union would regard as a breach of the Agreement any re-insertion into Canadian legislation of provisions subjecting EU members' vessels on the high seas to Canadian jurisdiction. Canada would regard as a breach any systematic and sustained failure by the EU to control its fishing vessels in the NAFO Regulatory Area that clearly results in serious violations of NAFO conservation and enforcement measures.

On 5 May 1995, Canada's Minister of Fisheries announced that his Department had recovered a trawl net at the site where a net had been released on 28 April from the Spanish fishing vessel *Mayi Cuatro* after it had been boarded by Canadian Fishery Officers for the purpose of conducting an inspection. The recovered net was reported to have had an illegal liner of only 76 mm; about 90% of its contents was Greenland halibut. **The net was given to EU and Spanish inspectors, who determined that there was sufficient evidence to warrant further action by Spain against the owners of the vessel. Legal proceedings in Spain are underway.**

On 9 June 1995, the Fisheries Commission of NAFO ended three days of closed-door discussions on the conservation and enforcement measures in the Canada-EU Control and Enforcement Agreement reached in April. On 12 June 1995, the Tourist Office of Spain announced that the visa requirement imposed on 1 April for Canadians visiting that country would be lifted on 14 June.

On 14 June 1995, a Spanish trawler became the first known violator of the Canada-EU Control and Enforcement Agreement when a boarding party from the Canadian destroyer *Nipigon*, including a fisheries enforcement officer, found 11 tonnes of Greenland halibut over and above the amount recorded in the vessel's fishing log. Subsequent to the discovery of the illegal catch, an inspector of the European Union confirmed the Canadian assessment.

At its September 1995 annual meeting, NAFO adopted new fisheries control measures based on those in the April 1995 conservation agreement between Canada and the EU. Since 1 January 1996, all vessels belonging to the 15 NAFO contracting parties fishing on the Nose and Tail of the Grand Banks have had an independent observer on board at all times. The 1996 Total Allowable Catch of Greenland Halibut in 3LMNO is 20,000 tonnes, of which 3,000 tonnes were allocated to Canada. NAFO also decided to continue its moratoria on depleted straddling stocks of cod and flounder.

On 3 November 1995, United States President Bill Clinton signed into law legislation which, among other things, authorized that country to join NAFO. U.S. officials subsequently deposited the necessary documents for joining the Organization on 29 November. Admission of the United States raises to 16 the number of NAFO contracting parties.

On 31 May 1996, Canada's Minister of Foreign Affairs and the Minister of Fisheries and Oceans announced that Canada would be opening its ports to fishing vessels belonging to the European Union; these had been denied access since 1987 when the EU began fishing for quotas higher than those set by NAFO.

PARLIAMENTARY ACTION

Canada promoted public awareness of the problem of foreign overfishing from 1989 to 1992 through a "public information campaign."

A number of parliamentary delegations have lobbied against overfishing outside the Canadian 200-mile limit. For example, in the spring of 1991, the issue of overfishing was raised in Portugal by a Canadian trade delegation led by the Minister for International Trade, and by the federal government during a visit to Canada by the President of the European Commission and the President of the European Council. The Minister of Fisheries and Oceans has often raised the issue of overfishing in many different forums, such as in an address during a ministerial fishing conference in La Toja, Spain in September 1991 and at an International Conference on Responsible Fishing held in Cancun, Mexico, in May 1992.

In 1992, the Government of Canada intensified its efforts to direct world public opinion against foreign overfishing on the Nose and Tail of the Grand Bank. The government is pursuing a long-term initiative to develop new and more effective rules of international law applicable to high-seas fishing. At the United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro in June 1992, the federal government conducted a campaign to have countries recognize the rights of coastal states with respect to straddling stocks. Countries attending the Earth Summit unanimously passed a resolution committing themselves to the conservation and sustainable use of marine resources on the high seas, and also approved a follow-up conference to work out the details for a new fisheries régime which will focus especially on fish stocks straddling 200-mile limits. At a meeting of the UN Food and Agriculture Organization (FAO) on High Seas Fisheries Management held in Rome (7-15 September 1992), Canada presented a document that outlined the problem of overfishing in the Northwest Atlantic.

Representatives of Canada and 48 countries met in St. John's on 21-24 January 1993 to prepare for the United Nations conference on high seas fisheries, to be held in April and July. On 19-23 April, 65 countries attended the conference's organizational session in New York City. In June, scientific findings showed that northern cod had continued to decline in 1992 and would probably not recover until the end of the decade. In July, Canadian scientists announced that the stocks of many species of groundfish on the East Coast were at their lowest-ever levels.

On 9 July 1993, the Canadian Prime Minister asked for the commitment of other Group of Seven members to support the upcoming UN Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, whose first substantive session was in New York City on 12-30 July. The meeting represented the first organized effort to regulate high-seas fishing since the UN Convention of the Law of the Sea was opened for signature in 1982. On 16 July 1993, the Canadian delegation tabled a draft convention that would have required: recognition of the special interest of coastal nations in straddling and migratory species outside their 200-mile limits; consistency in conservation and management measures inside and outside Exclusive Economic Zones; a stipulation that there be no adverse impact on resources inside 200-mile limits from fishing in areas outside the limits; and a compulsory dispute settlement mechanism. The proposal, co-sponsored by Argentina, Chile, Iceland and New Zealand, would have applied to all fishing fleets, including non-NAFO vessels fishing in the Northwest Atlantic.

The Throne Speech of 18 January 1994 underlined the federal government's commitment to "take the action required to ensure that foreign overfishing of East Coast stocks comes to an end." Later in January, the Minister of Fisheries announced that he had asked the Minister of National Defence to be prepared, when the time came, to inform the government of options available to deal with overfishing.

Canada's Minister of Fisheries and Oceans delivered the opening statement at the 14-31 March 1994 session of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks held in New York City. At the 15-26 August 1994 session, Canada once again urged the adoption of a binding convention that would allow regional fisheries organizations (such as NAFO) to set total catches, create mechanisms to settle disputes, and enforce the rules concerning straddling and migratory stocks. On 23 August, a 31-page draft convention was circulated among delegates. It proposed that member-states of fishing organizations would: collect and share scientific data to evaluate stocks; set catch levels or conservation limits; promote the use of environmentally safe and cost-effective fishing equipment and techniques to minimize pollution, waste and capture of non-target species of fish; attempt to eliminate overfishing; mesh conservation and management on the high-seas with similar measures within countries' 200-mile zones; require all vessels fishing the high-seas to be licensed and inspected; allow a nation to inspect and detain a vessel flying its flag; draft procedures for one state to board, inspect or detain another state's fishing vessels; and cooperate to prevent disputes or settle them peacefully, through a three-member arbitration tribunal. Countries that did not belong to regional fisheries organizations would be denied access to the fisheries governed by those organizations.

On 27 March 1995, at the fifth session of the UN Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, Canada's Minister of Fisheries and Oceans delivered a speech stressing the need for effective enforcement on the high seas. **On 4 August 1995, the UN Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks approved a new UN Convention on high seas fisheries, of which Canada was among the first signatories. As a general rule, conservation measures established by regional fisheries organizations or arrangements are to be binding on all parties. The new Agreement also provides carefully safeguarded means for members of regional fisheries organizations to take enforcement actions against vessels on the high seas when the flag state is unable to do so. It provides for**

the compatibility of conservation measures both inside and outside 200-mile limits (including a provision to ensure that measures outside 200 miles do not undermine those inside), and compulsory and binding settlement of any disputes concerning high seas fisheries. The UN Convention was opened for signature and ratification in the fall of 1995; countries become legally bound by it following ratification or accession by 30 countries.

On 4 May 1994, Canada amended its fishery regulations to provide licensing control over Canadian vessels on the high-seas and inside the 200-mile zones of other countries. On 10 May 1994, the Minister for Foreign Affairs and the Minister of Fisheries and Oceans announced the introduction in the House of Commons of legislation giving the Government of Canada authority to make regulations for the conservation of straddling stocks on the high seas (Bill C-29, An Act to amend the Coastal Fisheries Protection Act). Bill C-29 received Royal Assent on 12 May 1994. The amendments provide for the arrest of those vessels without international registration or flying flags of convenience which refuse to comply with fisheries conservation measures in the NAFO Regulatory Area, and also provide for procedures to ensure that this is done reasonably and responsibly. As a temporary step in response to an emergency situation, Canada also amended its acceptance of the compulsory jurisdiction of the International Court of Justice in the Hague in order to preclude any challenge that might undermine this country's ability to protect the straddling stocks.

On 20 May 1994, Canada was the first country to become party to the International Agreement to Promote Compliance with International Conservation and Management Measures for Fishing Vessels on the High Seas, which had been approved by the FAO Council in Rome in November 1993. Parties to the Agreement (also known as the UN Food and Agriculture Organization (FAO) Compliance Agreement) must control high-seas fishing by vessels flying their flags to ensure that these do not undermine the conservation decisions of international or regional fisheries organizations; this applies whether or not the parties are member-states of those organizations. Canada participated actively in negotiating the Compliance Agreement, which requires the acceptance (ratification) of 25 countries to come into force.

On 31 May 1994, the day Canadian regulations allowing enforcement action against vessels outside Canada's 200-mile fishing zone were published in the *Canada Gazette, Part II* and

became enforceable, it was reported that all stateless and flag-of-convenience vessels had left the Grand Bank of Newfoundland. The regulations in question prohibit the fishing of 28 species of straddling stocks.

On 30 August 1994, the Prime Minister announced the appointment of Paul Lapointe as Ambassador for Fisheries Conservation.

In January 1995, Canada's Minister of Fisheries and Oceans and the Norwegian Fisheries Minister announced an agreement between their two countries on reciprocal fisheries enforcement outside their 200-mile fishing zones. The Ministers said they were convinced that the agreement would support negotiations on a high seas fisheries regime when the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks resumes on 27 March 1995. Under the agreement, each party would be able to prosecute offences or provide evidence to the flag state for prosecution, and each party agrees to deny landings and port access to vessels that have undermined the relevant conservation and management measures. According to the Ministers' Joint Communique, the two countries hope the pact can serve as a model for potential agreements with other states that are serious about enforcing conservation commitments with respect to the high seas fisheries.

On 3 March 1995, the Canadian Fisheries Minister announced that the Coastal Fisheries Protection Regulations had been amended, making it an offence for Spanish and Portuguese vessels to fish Greenland halibut on the Grand Bank. (As part of the April Canada-EU Agreement, Canada agreed to repeal the provisions of these Regulations relating to vessels from Spain and Portugal.) On 14 June 1995, Canada's Minister of Fisheries and Oceans introduced Bill C-98 in the House of Commons to establish a Canada Oceans Act. Part I of the proposed legislation would have recognized Canada's jurisdiction over its ocean areas through the declaration of an Exclusive Economic Zone (EEZ) in accordance with the United Nations Convention on the Law of the Sea, and would have incorporated provisions of the *Canadian Laws Offshore Application Act* and the *Territorial Sea and Fishing Zones Act*. Part II would have provided for the development and implementation of a national Oceans Management Strategy based on sustainable development and integrated management of oceans and coastal activities and resources. Part III would have provided for the consolidation and clarification of federal responsibilities for managing Canada's oceans.

On 17 April 1996, the Government of Canada tabled Bill C-26, the Canada Oceans Act, which had originally been introduced in the first session of the 35th Parliament as Bill C-98 (see preceding paragraph). By motion adopted 4 March 1996, the House of Commons provided for the bill's reintroduction in the second session, so that it could continue in the legislative process, even though the House had prorogued earlier in the year. Prior to prorogation, the Standing Committee on Fisheries and Oceans of the House had conducted an extensive review of the bill.

CHRONOLOGY

- 8 February 1949 - The International Commission for the Northwest Atlantic Fisheries (ICNAF) was established to undertake research on and manage the Northwest Atlantic fishery.
- 3 July 1952 - The ICNAF Convention came into force.
- 3 December 1973 - The Third United Nations Conference on the Law of the Sea opened. This conference, like its two predecessors, attempted to introduce some order into the extension of claims of maritime states to ocean resources.
- January 1977 - Canada declared the 200-mile fishing zone. That year, Canada implemented the first Groundfish Management Plan and adopted the F0.1 level of fishing effort.
- 1 January 1979 - The Northwest Atlantic Fisheries Organization (NAFO) formally came into existence to manage those portions of the Grand Bank fishing grounds outside the 200-mile zone. Quotas have since been voluntary to the extent that members can circumvent them by launching an objection through an appeal process.
- 31 December 1979 - ICNAF expired.
- 10 December 1982 - The 1982 Convention on the Law of the Sea was opened for signature.
- 25 January 1983 - The Council of Ministers of the European Economic Community approved a new common fisheries policy based on a community system for the conservation of resources, a common organization of the fishery market and a common external policy.

- 9-14 September 1985 - At the seventh annual meeting of NAFO, the EEC challenged Canada's exclusive management of the northern cod stock in the Convention Area and argued that TACs should be set above previous levels. The NAFO Fisheries Commission adopted a moratorium for 1986 on cod fishing by contracting parties in division 3L. This moratorium has remained in effect.
- 6-16 September 1989 - At the eleventh annual meeting of NAFO, the General Council passed a resolution proposed by Canada and addressed to all contracting parties and calling for compliance with the NAFO management framework and decisions.
- 23 March 1990 - The Fisheries Council of Canada released a study prepared by the Oceans Institute of Canada which focused on the need for more stringent conservation of transboundary stocks and which proposed a number of policy options for Canada, including functional fisheries management for these stocks.
- 30 March 1990 - The Canadian federal government released the Report of the Northern Cod Review Panel (also known as the Harris Report), which recommended "that Canada seek international agreement to permit its management of all fish stocks indigenous to the Canadian continental shelf and that extend beyond the 200-mile economic zone; and that failing achievement of this objective, Canada ... take unilateral action to acquire management rights in accordance with provisions of the Law of the Sea Convention."
- 5 June 1992 - A special report by the Scientific Council of NAFO validated the data and analysis presented by Canadian scientists on the state of the northern cod stock.
- 2 July 1992 - A two-year moratorium on the Canadian northern cod fishery was announced by the Minister of Fisheries and Oceans.
- 14-18 September 1992 - At the Annual Meeting of NAFO, the organization unanimously adopted a ban on fishing for northern cod (in 1993), outside the 200-mile limit. The EC, for the first time since 1984, agreed to abide by all NAFO conservation decisions for 1993.
- 21 December 1992 - The Minister of Fisheries and Oceans and the Secretary of State for External Affairs announced an agreement with the EC in which the Community and Canada agreed to comply with NAFO management decisions, including quotas.
- 10 May 1994 - The Minister for Foreign Affairs and the Minister of Fisheries and Oceans announced the introduction in the House of Commons of

legislation to give the Government of Canada authority to make regulations for the conservation of straddling stocks on the high seas (Bill C-29, An Act to amend the Coastal Fisheries Protection Act). Bill C-29 received Royal Assent on 12 May.

- 1 March 1995 - The EU set a unilateral catch limit on Greenland halibut after having officially objected to its assigned NAFO quota.
- 3 March 1995 - The Minister of Fisheries and Oceans announced that the Coastal Fisheries Protection Regulations had been amended, making it an offence for Spanish and Portuguese vessels to fish for Greenland halibut on the Grand Banks. Until then, the regulations had applied only to flag-of-convenience vessels and stateless vessels.
- 9 March 1995 - Canadian fishery officers and an RCMP emergency response team arrested and seized a Spanish fishing vessel, the *Estai*. The vessel's captain was subsequently charged with illegal fishing, obstructing a fishery officer, destroying fishing gear and failing to stop when ordered to do so. (The charges against the captain were later dropped).
- 26 March 1995 - The warps of the Spanish vessel *Pescamaro Uno* were cut by the Canadian Coast vessel *Sir Wilfred Grenfell*.
- 20 April 1995 - The Canada-EU Control and Enforcement Agreement was formally signed by Canada and the European Union.
- 14 June 1995 - Canada's Minister of Fisheries and Oceans introduced Bill C-98 in the House of Commons to establish a Canada Oceans Act. Part I of the proposed legislation would recognize Canada's jurisdiction over its ocean areas through the declaration of an Exclusive Economic Zone (EEZ) in accordance with the United Nations Convention on the Law of the Sea.
- 4 August 1995 - The UN Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks approved a new Convention on high seas fisheries, of which Canada was among the first signatories.
- September 1995 - NAFO adopted at its annual meeting new fisheries control measures based on the measures contained in the April 1995 conservation agreement between Canada and the EU.
- 17 April 1996 - The Government of Canada tabled Bill C-26, the Canada Oceans Act, which had originally been introduced in the first session of the 35th Parliament as Bill C-98. By motion adopted

4 March 1996, the House of Commons provided for the reintroduction, of the legislation, thereby allowing it to continue the legislative process despite Parliament's prorogation earlier in the year.

31 May 1996 - Canada's Minister of Foreign Affairs and the Minister of Fisheries and Oceans announced that Canada would be opening its ports to fishing vessels belonging to the European Union; these had been denied access since 1987, when the EU began fishing for quotas higher than those set by NAFO.

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Figure 1

EU NAFO Quotas and Reported Catches
of NAFO Managed Groundfish Stocks
*Quotas de l'UE et prises de poisson de fond
gérées et rapportées à l'OPANO*

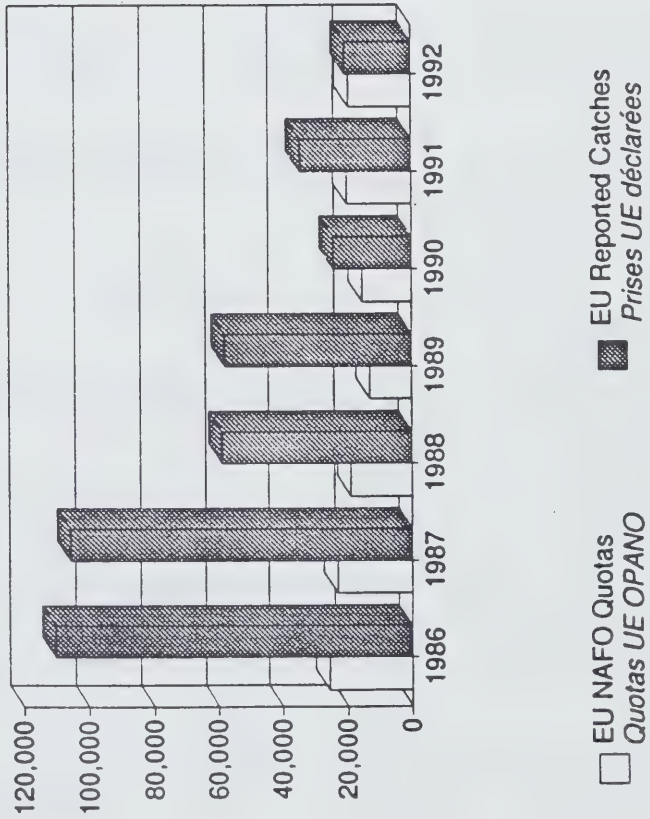
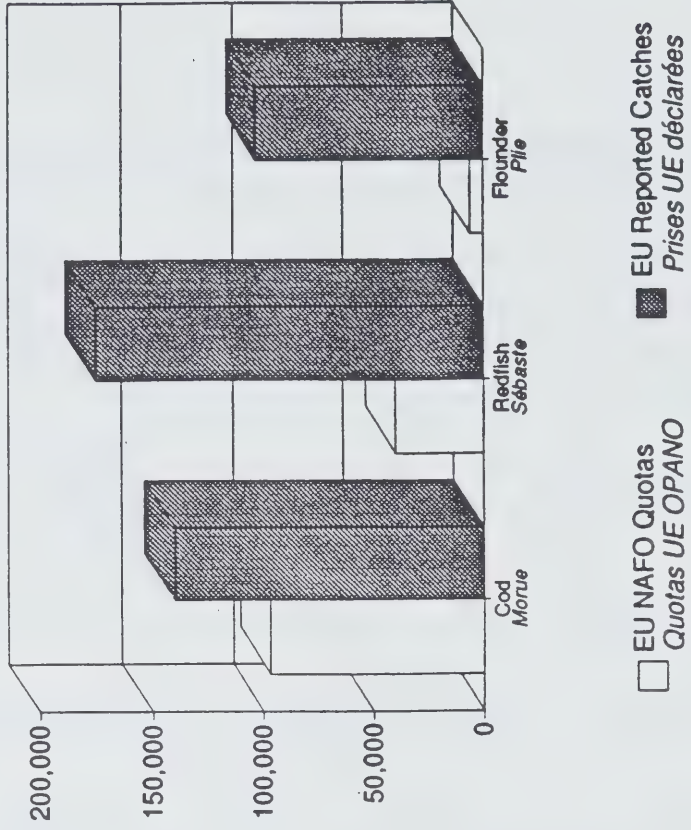


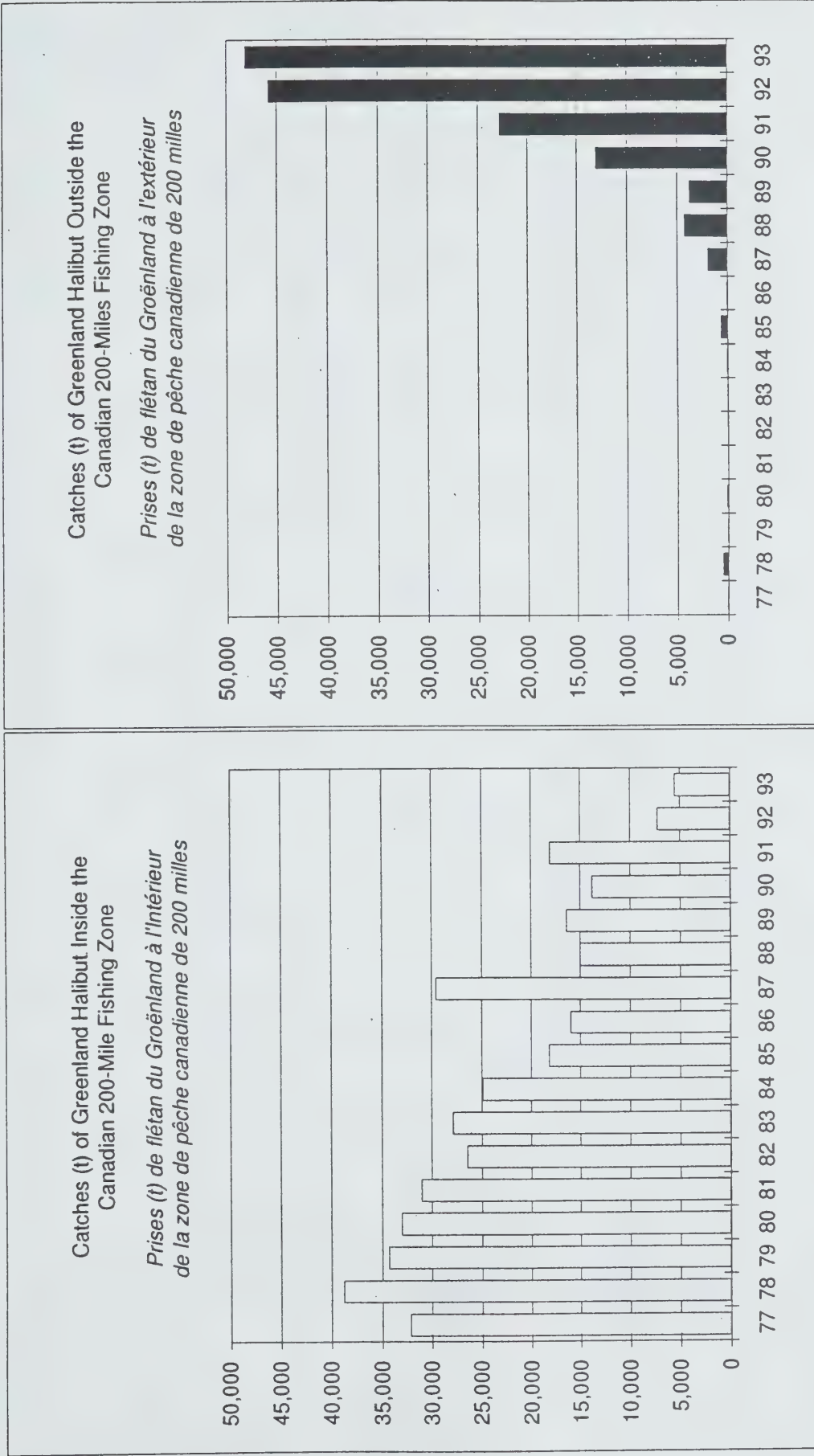
Figure 2

EU Fleets Reported Catches 3 Times
Greater Than Their NAFO Quotas (1986-92)
*Flottilles de l'UE rapportant des prises 3 fois plus
élevées que les quotas consentis par l'OPANO (1986-92)*



COMPARISON OF GREENLAND HALIBUT CATCHES INSIDE AND OUTSIDE THE CANADIAN 200-MILE FISHING ZONE

COMPARAISON DES PRISES DE FLÉTAN DU GROËNLAND À L'INTÉRIEUR ET À L'EXTÉRIEUR DE LA ZONE DE PÊCHE CANADIENNE DE 200 MILLES



Source: NAFO Statistical Bulletins (1977-1993). Data for 1991, 1992 and 1993 are provisional catches reported to NAFO.

Source: Bulletins Statistiques de l'OPANO (1977-1993). Les données de 1991, 1992, et 1993 sont des prises provisoires rapportées à l'OPANO.

Comparison of EC Unilateral Quotas, EC NAFO Quotas, EC Catches Reported to NAFO for NAFO Groundfish Stocks and 2J3KL Cod for 1986-1991 and EC Catches Estimated by Canada for 1990-1991
(Quantities in Tonnes)

Stock	1986			1987			1988		
	EC Unilateral Quota	EC NAFO Quota	EC Catch Reported to NAFO	EC Unilateral Quota	EC NAFO Quota	EC Catch Reported to NAFO	EC Unilateral Quota	EC NAFO Quota	EC Catch Reported to NAFO
3M Cod	7,500	6,465	11,079	7,500	6,465	6,441	0	0	562
3NO Cod	26,400	14,750	30,470	26,400	12,345	21,885	26,400	14,750	19,816
3M Redfish		3,100	11,571		3,100	22,648	12,000	3,100	7,247
3LN Redfish		0	23,388		0	28,186	20,000	0	12,699
3M A. Plaice		350	2,789		350	5,106	3,000	350	2,549
3LNO A. Plaice		700	21,161		610	17,014	9,000	510	9,828
3LNO Yellowtail		300	5,952		300	1,213	5,000	300	3,205
3NO Witch		0	3,788		0	2,957	4,000	0	2,888
Totals	33,900	25,665	110,198	33,900	23,170	105,450	79,400	19,010	58,794
2J3KL Cod	68,560	0	61,985 ¹	76,400	0	35,392 ¹	84,000	0	26,559
Grand Totals	102,460 ²	25,665	172,183	110,300 ³	23,170	140,842	163,400	19,010	85,353

Stock	1989			1990			1991				
	EC Unilateral Quota	EC NAFO Quota	EC Catch Reported to NAFO	EC Unilateral Quota	EC NAFO Quota	EC Catch Reported to NAFO	EC Catch Canadian Estimate	EC Unilateral Quota	EC NAFO Quota	EC Catch Reported to NAFO	EC Catch Canadian Estimate
3M Cod	0	0	547	0	0	637	22,100	*6,465	*6,465	4,280	7,600
3NO Cod	26,400	9,220	20,937	7,000	6,860	6,823	13,300	*5,016	*5,016	6,509	9,500
3M Redfish	12,000	3,100	13,062	12,000	7,750	13,680	21,500	*7,750	*7,750	10,111	8,800
3LN Redfish	20,000	0	6,346	6,000	0	7,311	5,600	6,000	0	10,945	7,850
3M A. Plaice	3,000	350	3,405	500	350	459	800	*350	*350	1,603	450
3LNO A. Plaice	6,820	385	11,595	500	317	662	12,000	*328	*328	972	
3LNO	1,670	100	1,278	200	100	119	150	*140	*140	246	
Yellowtail											
3NO Witch	4,000	0	1,990	1,200	0	1,155	500	1,000	0	1,097	
Totals	73,890	13,155	57,882	27,400	15,377	30,846	75,950	27,049	20,049	35,763	50,700
2J3KL Cod	58,400*	0	35,594	32,000	0	23,758	21,800	27,000	0	22,835	41,900
Grand Totals	132,290	13,155	93,476	59,400	15,377	54,604	97,750	54,049	20,049	58,598	92,600

1. In 1986 and 1987, Canada allocated 9,500 t of 2J3KL cod to the EC under the Canada-EC Fisheries Agreement.
 2. EC did not set unilateral quotas for all stocks.
 3. Amended by EC in July 1989. Set initially at 84,000 t.
- * EC accepted NAFO decisions on these stocks.
** Includes 3LNO Plaice and Yellowtail and 3NO Witch.

International Fisheries Directorate, Department of Fisheries and Oceans, Ottawa.

Source: L.S. Parsons, *Management of Marine Fisheries in Canada*, Canadian Bulletin of Fisheries and Aquatic Sciences 225, 1993.

Country	1977	1978	1979	1980	1981	1982	1983	1984	1985
Canada	18,183	24,954	30,168	32,171	24,478	19,441	17,172	17,349	12,364
Cuba	1	0	0	0	0	0	0	0	0
Denmark	350	0	0	0	0	0	0	0	0
East Germany	1,953	1,636	178	320	1,350	2,487	2,590	2,498	1,850
West Germany	755	1,526	15	114	0	57	2	42	652
Greenland	0	0	0	0	0	0	0	0	0
Faroe Islands	0	268	0	7	0	0	12	0	193
France	0	11	22	5	0	44	3	0	0
Ireland	0	1	1	0	0	0	0	0	0
Japan	0	3	0	12	60	14	1	1,013	271
South Korea	0	0	0	0	0	0	0	0	0
Norway	15	3	13	5	3	0	15	18	2
Poland	6,006	5,215	1,813	203	1,806	1,111	5,258	943	460
Portugal	177	0	42	72	16	1,818	1,918	2,612	2,940
Romania	0	3	0	0	0	0	0	0	0
Spain	0	0	5	0	0	0	0	0	0
United Kingdom	509	71	110	22	0	3	0	3	0
Soviet Union	4,309	5,632	1,961	277	3,339	1,472	937	447	149
Iceland	0	0	0	0	0	0	0	0	0
Total	32,258	39,323	34,328	33,208	31,052	26,447	27,908	24,925	18,881
Total Contracting Parties	14,075	14,369	4,160	1,087	6,574	7,006	10,736	7,576	6,517
Canadian %	56.4	63.5	87.9	96.9	78.8	73.5	61.5	89.6	65.5
Contracting Parties %	43.6	36.5	12.1	3.1	21.2	26.5	38.5	30.4	34.5

Country	1986	1987	1988	1989	1990	1991	1992	1993	Total	%
Canada	8,329	13,552	8,575	12,120	9,489	6,862	6,835	5,128	267,190	50.43
Cuba	0	0	0	0	0	0	0	0	1	0.00
Denmark	0	0	0	0	0	0	0	0	350	0.07
East Germany	1,868	3,268	2,246	1,727	12	0	0	0	28,983	4.53
West Germany	29	1	43	8	0	10	42	0	3,296	0.62
Greenland	0	0	0	0	0	0	10	0	10	0.00
Faroe Islands	451	2,877	740	703	513	1,023	759	386	7,932	1.50
France	0	0	0	0	0	0	0	0	85	0.02
Ireland	0	0	0	0	0	0	0	0	2	0.00
Japan	1,315	2,162	1,534	530	1,666	2,038	0	2,919	13,538	2.56
South Korea	0	0	4	10	7	7	49	5	82	0.02
Norway	0	0	0	8	1,002	2,056	0	760	3,900	0.74
Poland	177	1,001	904	360	0	0	0	0	25,257	4.77
Portugal	3,107	1,832	4,194	3,616	11,171	13,962	10,539	8,808	68,824	12.61
Romania	0	0	0	0	0	0	0	0	3	0.00
Spain	0	108	18	18	1,730	6,653	34,520	35,640	78,692	14.85
United Kingdom	0	0	0	0	0	4	9	0	731	0.14
Soviet Union	776	6,718	1,065	1,059	1,313	8,228	304	0	37,986	7.17
Iceland	0	0	0	0	0	0	0	1	1	0.00
Total	16,052	31,519	19,323	20,159	26,903	40,863	53,067	53,647	529,863	100.00
Total Contracting Parties	7,723	17,967	10,748	8,039	17,414	33,981	46,232	48,518	262,673	
Canadian %	51.9	43.0	44.4	60.1	35.3	16.8	12.9	9.6	50.4	
Contracting Parties %	48.1	57.0	55.6	39.9	64.7	83.2	87.1	90.4	49.6	

Note: With the collapse of the northern cod stock, most of the catches of Greenland halibut have been taken by Spanish and Portuguese vessels outside 200 miles.

Source: Department of Fisheries and Oceans, International Directorate, facsimile received on 16 February 1995.







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