

**INTERNATIONAL AGREEMENTS CONCERNING  
LIVING MARINE RESOURCES OF  
INTEREST TO NOAA FISHERIES**

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**INTERNATIONAL FISHERIES DIVISION  
OFFICE OF SUSTAINABLE FISHERIES**

**1999**

# INTERNATIONAL AGREEMENTS CONCERNING LIVING MARINE RESOURCES OF INTEREST TO NOAA FISHERIES

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# **INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS (ICCAT)**

## Basic Instrument

International Convention for the Conservation of Atlantic Tunas (TIAS 6767), 20 U.S.T. 2887, 1969, which was signed on May 14, 1966.

## Implementing Legislation

Atlantic Tunas Convention Act (16 U.S.C. 971).

## Member Nations

Angola, Brazil, Canada, Cape Verde, China (People's Republic), Côte d'Ivoire, Croatia, Equatorial Guinea, European Community, France (in respect of St. Pierre et Miquelon), Gabon, Ghana, Guinea (Republic of), Japan, Korea (Republic of), Libya, Morocco, Russian Federation, Sao Tome and Principe, South Africa (Republic of), Tunisia, United Kingdom (in respect of its overseas territories), United States of America, Uruguay, and Venezuela.

It was agreed at the 1997 annual meeting that all European Community member States will withdraw from the Commission effective 31 December 1997. France and the United Kingdom rejoined in respect of their independent territories. In addition, Tunisia joined the Commission in 1998.

## Commission Headquarters

International Commission for the Conservation of  
Atlantic Tunas  
c/ Corazon de Maria, 8  
6-Planta,  
28002, Madrid, Spain

Executive Secretary: Dr. Adolfo Ribeiro Lima  
Phone (from U.S.): 011-34-91-416-5600 FAX: 011-34-91-415-2612  
Web Site: <http://www.iccat.es/iccat>

## Budget

The Commission's Standing Committee on Finance and Administration (STACFAD) approved a budget for calendar year 1999 of 198 million pesetas, which represents about a 7 percent increase over the 1998 budget. The U.S. contribution will be approximately 16.6 million pesetas. The 1999 budget includes funding for the ICCAT Secretariat to hire a new full-time fishery population dynamics analyst.

## U.S. Representation

### A. Appointment Process:

The Atlantic Tunas Convention Act provides that not more than three Commissioners shall represent the United States in ICCAT. Commissioners are appointed by the President and serve 3-year terms. Of the three U.S. Commissioners one can be a salaried employee of any state or political subdivision thereof, or of the Federal Government. The Government Commissioner is not limited in the number of terms that he or she can serve. Of the two Commissioners who are not government employees, one must have knowledge and experience regarding

commercial fishing in the Atlantic Ocean, Gulf of Mexico or Caribbean Sea and the other must have similar knowledge and experience regarding recreational fishing. The non-Government Commissioners are not eligible to serve more than two consecutive 3-year terms.

B. U.S. Commissioners:

Rolland Schmitten  
Assistant Administrator for Fisheries  
National Marine Fisheries Service  
National Oceanic and Atmospheric Administration  
1315 East-West Highway  
Silver Spring, Maryland 20910

Glenn Delaney (term expires: 04/99; in extension)  
601 Pennsylvania Ave., N.W.  
South Building, Suite 900  
Washington, D.C., 20004

J. Michael Nussman (term expires: 10/00)  
American Sportfishing Association  
1033 N. Fairfax Street, Suite 200  
Alexandria, Virginia 22314

C. Advisory Structure:

The U.S. Commissioners are required, under the Atlantic Tunas Convention Act (ATCA), to constitute an Advisory Committee to the U.S. National Section to ICCAT. This body shall, to the maximum extent practicable, consist of an equitable balance among the various groups concerned with the fisheries covered by the Convention and is exempt from the Federal Advisory Committee Act. The Committee consists of (1) “not less than five nor more than twenty individuals appointed by the United States Commissioners who shall select such individuals from the various groups concerned with the fisheries covered by the Convention” and (2) the Chairs (or their designees) of the New England, Mid-Atlantic, South Atlantic, Caribbean, and Gulf Fishery Management Councils. Appointed Committee members serve 2-year terms and are eligible for re-appointment. The Committee currently consists of the maximum 20 appointed members and the five FMC representatives.

Upon approval of the Committee and the Department of State, the directors (or their designees) of the fisheries agencies of each of the states, the residents of which maintain a highly migratory species fishery in the regulatory areas of the Convention, may be invited to serve as *ex officio* members of the Committee. The Advisory Committee is invited to attend all non-executive meetings of the U.S. Commissioners and at such meetings shall have the opportunity to examine and to be heard on all proposed programs of investigation, reports, recommendations, and regulations of the Commission.

The ATCA also provides that the Commissioners may establish species working groups for the purpose of providing advice and recommendations to the Commissioners and to the Advisory Committee on matters relating to the conservation and management of any highly migratory species covered by the Convention. Any species working group shall consist of no more than seven members of the Advisory Committee and no more than four scientific or technical personnel. The Commissioners have established the following four working groups: billfish, swordfish, bluefin tuna, and BAYS (bigeye, albacore, yellowfin, and skipjack) tunas. The current number of appointed technical advisors is 16, which is the maximum.

The Chairman of the Advisory Committee is Dr. John Graves, The College of William and Mary, Virginia Institute of Marine Science, School of Marine Science, Gloucester Point, VA 23062. Kim Blankenbeker serves as the Advisory Committee Executive Secretary (see addresses below). The Committee meets at least twice a year. The Committee’s

Statement of Operating Practices and Procedures is available from its Executive Secretary.

### Description

#### A. Mission/Purpose:

The ICCAT was established to provide an effective program of international cooperation in research and conservation in recognition of the unique problems related to the highly migratory nature of tunas and tuna-like species. The Convention Area is defined as all waters of the Atlantic Ocean, including the adjacent seas. The Commission is responsible for providing internationally coordinated research on the condition of the Atlantic tunas, and tuna-like species, and their environment, as well as for the development of regulatory harvest recommendations for consideration by the Convention Parties. The objective of such regulatory recommendations is to conserve and manage species of tuna and tuna-like species throughout their range in a manner that maintains their population at levels that will permit the maximum sustainable catch.

#### B. Organizational Structure:

The ICCAT is comprised of a (1) commission, (2) council, (3) executive secretary, and (4) subject area panels. The Commission consists of not more than three delegates from each Contracting Party. The Council is an elected body within the Commission consisting of a chairman, vice-chairman, and representatives of not less than four or more than eight Contracting Parties and which performs such functions as are assigned to it by the Convention or Commission. Although the Council is supposed to meet at least once between regular meetings (which occur every other year), since 1978 Special Meetings of the Commission have been held in lieu of meetings of the Council. The Executive Secretary is responsible for coordinating the programs of investigation, preparing budget estimates, disbursing funds and accounting for expenditures; preparing the collection and analysis of data to accomplish the purposes of the Convention; and preparing scientific, administrative, and other reports for approval by the Commission. Panels are established by the Commission and are responsible for review of the species under their purview; collection of scientific and other information; proposing conservation recommendations for joint actions; and recommending studies by the Contracting Parties. Standing Committees on Research and Statistics (SCRS), Finance and Administration (STACFAD), and Compliance have been established by the Commission. ICCAT also has constituted a Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG), which met for the first time in 1993. Much of the focus of the PWG is directed toward gaining the cooperation of ICCAT non-members with the conservation and management measures of the Commission.

#### C. Programs:

The Commission concerns itself with (1) joint planning of research, coordination of research carried on by agencies of the Parties in accordance with its plans, and joint evaluation of the results of such research; (2) the collection and analysis of statistical information relating to the condition of fishery resources in the Convention Area; and (3) joint formulation of regulatory recommendations for submission to the Parties.

Recommendations adopted by the Commission are submitted to governments for acceptance. These recommendations become effective for all Parties to the Convention 6 months after their formal submission to all Parties (unless otherwise stated) provided objections are not made during that period by concerned Contracting Governments. Each Contracting Party has the responsibility for implementing and enforcing the Commission's recommended conservation measures.

The Commission has taken conservation actions with regard to several species of Atlantic tunas. It has also established conservation measures for Atlantic swordfish and billfish. The following is a review of the activities of the Commission by subject area panel, standing committee and working group.

**Panel 1- Bigeye, Yellowfin and Skipjack Tunas:** In 1972, the Commission recommended a ban on the taking of yellowfin tuna weighing less than 3.2 kilograms (kg), allowing an incidental catch of not more than 15 percent of the number of fish landed per trip. This regulation was extended to bigeye tuna in 1979. In 1993, ICCAT adopted a measure for yellowfin tuna requiring ICCAT Parties to cap effective fishing effort at 1992 levels.

Scientific information available in 1998 indicated that yellowfin tuna is, at a minimum, close to full exploitation and that current fishing effort should not increase and may need to be reduced. The 1998 SCRS stock assessment for bigeye tuna showed that the stock is over-exploited. The SCRS recommended a reduction in overall catch, noting particular concern about the harvest of juvenile bigeye tuna. The 1998 SCRS report also noted that certain populations of skipjack may be over-exploited but that more research on this species is needed.

The Commission has been concerned regarding the high catches of juvenile tunas by purse seine vessels fishing in the Gulf of Guinea using floating objects. This fishing method tends to attract large amounts of juvenile bigeye (and to a lesser degree yellowfin and skipjack) tunas, including tuna under current minimum sizes. Since 1996, ICCAT has been taking steps to gather data on and to control the harvests of juvenile tunas in the Gulf of Guinea. At its 1998 meeting, ICCAT adopted a binding measure that closes the Gulf of Guinea to purse seine fishing using floating objects from 1 November 1999 through 31 January 2000. This measure follows on the voluntary closure implemented by French and Spanish purse seiners in 1997-98, which showed promise as a management tool. The SCRS is to continue to evaluate the effectiveness on the closure for conserving juvenile tuna. To assist in the collection of data, the 1998 measure incorporates expanded observer requirements for the fishery. Observers were first recommended by ICCAT for bigeye and yellowfin fisheries, including the Gulf of Guinea fishery, in 1996.

The Commission has also begun to look at other methods to conserve and manage the bigeye fishery in recognition of the need to control the overall catch of this species. Noting the large increases in harvests by Chinese Taipei (the name used by ICCAT since 1997 to refer to Taiwan), the Commission placed a 16,500 mt cap on Chinese Taipei's bigeye fishery at its 1997 meeting, extended the cap at the 1998 meeting, and additionally, placed a 125 vessel limit on the number of fishing vessels allowed to operate in the bigeye fishery. Also in 1997, ICCAT began a program to collect basic data on fleet size in a move toward limiting fishing effort. ICCAT followed up this action at its 1998 meeting by adopting a measure requiring the registration of vessels fishing for bigeye tuna over 24 meters length overall (LOA) and authorizing parties to take the necessary measures to prevent vessels not on the registration list from fishing for bigeye tuna. Further, ICCAT adopted a binding measure to control harvesting capacity in the bigeye fishery as a means of limiting effort and catch of ICCAT species. Exceptions were allowed for countries under certain catch levels. Recreational vessels were also excluded.

Finally, recognizing that vessel limitations and capacity controls are interim measures and, taken alone, likely will not lead to the recovery of bigeye tuna, the Commission adopted a resolution tasking the SCRS to develop rebuilding plans for this species that take into account all forms of fishing mortality, including dead discards.

## **Panel 2 -North Atlantic Bluefin Tuna and Albacore:**

*Western Atlantic Bluefin Tuna:* The capture of bluefin tuna in the Western Atlantic was prohibited in 1981 except for a catch quota for continuing scientific monitoring of the stock. This catch was allocated to ICCAT member nations which had actively participated in the fishery (United States, Canada, Japan). Brazil and Cuba, whose catches were less than 50 mt annually, were exempt from these early regulations. The Commission continued in following years to review periodically and adjust catch quotas as deemed appropriate. Other measures were also

adopted, such as limiting the catch of bluefin smaller than 120 centimeters in length to no more than 15 percent in weight of the catch limit in the Western Atlantic; prohibiting directed bluefin fisheries in spawning areas such as the Gulf of Mexico; addressing the problem of overages; and encouraging tag and release of fish less than 30 kg.

Given the continued over fished status of western Atlantic bluefin tuna, ICCAT adopted a rebuilding program for the western Atlantic with the goal of reaching maximum sustainable yield (MSY) in 20 years at its 1998 meeting. This represents the first time that ICCAT has articulated a rebuilding goal to guide its management actions and fashioned

a plan for achieving that goal. The annual total allowable catch (TAC) under the program is 2500 mt, inclusive of dead discards. This TAC, which represents total fishing mortality, is consistent with that established in 1996. The program provides flexibility to alter the TAC, the MSY target, and/or the rebuilding period based upon subsequent scientific advice. The 2500 mt TAC will not be altered unless there is evidence that a catch level greater than 2700 mt or less than 2300 mt would have at least a 50 percent chance of rebuilding the stock to MSY within the 20-year time frame.

The 2500 mt TAC is shared by the United States, Japan, Canada, the United Kingdom (in respect of Bermuda) and France (in respect of St. Pierre et Miquelon). Bermuda first received a 4 mt incidental catch allocation during the 1995 quota negotiations. Although the fishery was fully subscribed, ICCAT noted that the request was limited in scope and determined that denying it could discourage other non-member countries harvesting ICCAT-managed species from joining ICCAT; thus potentially harvesting ICCAT species but remaining outside ICCAT's control. The 1999 quota agreement for western Atlantic bluefin tuna represents the first time St. Pierre et Miquelon requested an allocation.

The 1998 recommendation provides that, after reducing the TAC to account for dead discards (79 mt) and the 4 mt allocation each for the UK and France, the remainder of the TAC (2413 mt) is to be allocated among the United States, Japan, and Canada. The U.S. share of the landings quota is 1387 mt (a 43 mt increase in landings over 1997-98 levels). Canada received 573 mt (a 21 mt increase) and Japan received 453 mt of the TAC (equal to their 1998 share). The rebuilding plan has a unique clause that provides an incentive to minimize dead discards. If dead discards are above a country's allowance, they must be counted against that country's quota in subsequent years. If discards are below a country's allowance, half of the underage may be added to the next year's quota while the other half is conserved. The U.S. dead discard allowance under ICCAT's rebuilding program is 68 mt. Among other things, this recommendation also allows four years to balance the 8 percent tolerance of bluefin under 115 cm, which will facilitate implementation of recreational fishery measures.

*Eastern Atlantic Bluefin Tuna:* Recognizing the potential impact of mixing between the eastern and western Atlantic stocks of bluefin tuna, the United States again pursued the establishment of effective management measures for the eastern Atlantic and Mediterranean bluefin tuna fishery at the 1998 ICCAT meeting. At that meeting, ICCAT, for the first time, adopted firm quotas for all harvesters of bluefin tuna in the eastern Atlantic and Mediterranean. Previously, ICCAT had established a cap for all countries (except France which received firm quotas beginning in 1996) fishing in the fishery with phased in reductions. These reduction were to start in 1996 and be completed by 1998. As of the 1998 ICCAT meeting, compliance with the catch limits established for eastern Atlantic/Mediterranean harvesters was slim.

Under the agreement adopted by ICCAT in 1998, the 1999 quota for the eastern Atlantic and Mediterranean fishery will be 32,000 mt and the 2000 quota will be 29,500 mt. These quotas are subdivided into country-specific quotas, and they represent a significant reduction from recent landings of over 40,000 mt. A critical aspect of this agreement is that over harvests from 1997 will be deducted from the 1999 quota level; thus, the adjusted TAC applicable to the eastern Atlantic/Mediterranean should approach 27,000 mt. In real terms, the 1999 catch level will be about a 33 percent decrease over current catch levels and is a significant step toward halting the decline of this fishery.

Other conservation measures in effect for the eastern Atlantic include: (1) prohibition on catching bluefin tuna with purse seines during the month of May in the Adriatic Sea and during the period 16 July-15 August in the other areas of the Mediterranean to protect juveniles (previously the entire Mediterranean was closed for the month of August); (2) prohibition on the use of airplanes and helicopters in support of fishing operations in the month of June in the Mediterranean; (3) prohibition on catching bluefin tuna by longline vessels greater than 24 meters in length during June and July in the Mediterranean.

*Entire Atlantic:* In 1974, a 6.4 kg minimum size limit and a limit on fishing mortality were established for Atlantic bluefin tuna. The minimum size measure allows an incidental catch of not more than 15 percent of fish (by weight or number) less than 6.4 kg to be landed per trip. An absolute minimum size of 3.2 kg was adopted by ICCAT at its 1998

meeting. This is an increase over the previous absolute minimum size of 1.8 kg. The 1998 absolute minimum size measure prohibits the retention, landing, and sale--including sale in markets in nations bordering the Convention area--of bluefin tuna less than 3.2 kg in the Convention Area by Contracting Parties and non-Contracting Parties.

In 1992, the Commission adopted the Bluefin Tuna Statistical Document (BSD) program, which requires the use of an ICCAT-accepted reporting system to monitor trade in fresh and frozen bluefin tuna. The BSD requires exporters of bluefin tuna to include documents identifying the location and flag of the vessel catching the fish. This information has been used to address the problem of harvests that are contrary to ICCAT rules, especially by non-member countries. In 1994, a Bluefin Tuna Action Plan was adopted by the Commission that linked information gathered through the BSD Program with Contracting Party compliance and non-Contracting Party cooperation with ICCAT's conservation regime. At this time, the Infractions (now Compliance) Committee was tasked with reviewing Contracting Party activities, while the Permanent Working Group (PWG) was tasked with reviewing the activities of non-Contracting Parties. Information on recent developments with regard to the BSD and Action Plan can be found in the PWG and Compliance Committee sections of this chapter.

*Northern Albacore:* At its 1998 meeting, ICCAT adopted a measure to limit fishing capacity in the northern albacore fishery. This action is very similar to that taken by ICCAT in the bigeye tuna fishery and is intended to prevent further increases in fishing mortality, consistent with scientific advice that the stock is close to full exploitation. Specifically, parties fishing for northern albacore are to limit the number of vessels in this fishery to the average number in the period 1993-95. To control compliance with this measure, parties are to submit a list of the vessels participating in a directed fishery for northern albacore by June 1, 1999, and annually thereafter. The measure exempts recreational vessels and countries harvesting less than 200 mt from these reporting and limitation requirements, although it caps the latter at 200 mt. In addition, Japan is to limit its total catch of northern albacore to no more than 4 percent by weight of its total longline harvest of Atlantic bigeye tuna.

### **Panel 3- South Atlantic Bluefin Tuna and Albacore:**

*Southern Bluefin Tuna:* No management measures have been established by ICCAT for south Atlantic bluefin tuna. This stock is distributed among the Indian, Pacific, and Atlantic Oceans. Stocks are assessed and managed by the Commission for the Conservation of Southern Bluefin Tunas (CCSBT). ICCAT collaborates closely with the CCSBT regarding this stock.

*Southern Albacore:* ICCAT adopted management measures for southern albacore for the first time at its 1994 meeting. Further measures were adopted in both 1996 and 1997. These actions were aimed at arresting the apparent decline of southern albacore. A TAC of 22,000 mt was established for the stock at ICCAT's 1997 meeting for both 1998 and 1999; however, a sharing arrangement for the TAC could not be agreed by the concerned nations (which included ICCAT members South Africa and Brazil and non-members Chinese Taipei and Namibia). The 1998 scientific advice estimated that replacement yield for the stock was higher than previously thought at 28,200 mt and that current catch levels appeared to be sustainable. Based on this advice, ICCAT adopted a new measure at its 1998 meeting that replaced the 22,000 mt TAC for 1999 with a 28,200 mt TAC. Of that figure, 27,200 mt would be allocated to parties "fishing actively" for southern albacore (i.e., South Africa, Brazil, Namibia, and Chinese Taipei). In an interesting development, these parties will monitor their catches and report those catches to a designated Contracting Party (currently South Africa) within two months of the harvest. Every two months, a report of the cumulative catch will be made to those actively fishing for southern albacore and to the ICCAT Secretariat. When the total catch reaches 80 percent (21,760 mt) of the 27,200 mt level, multilateral discussions will be initiated in order to decide on steps to be taken to prevent over harvest of the catch limit. Once the established catch limit of 27,200 mt is reached, the parties will stop fishing for southern albacore. Countries not actively fishing for southern albacore, such as the United States and the EC, are subject to an annual catch limit of no more than 110 percent of their average 1992-96 catch levels of that stock. Japan must endeavor to limit its total catch of southern albacore to no more than 4 percent by weight of its total longline catch of bigeye tuna taken in the South Atlantic.

### **Panel 4- Swordfish, Billfish, Bonito and Others:**

*Swordfish:* In 1990, the Commission adopted management provisions for swordfish that, among other things: reduced fishing mortality on fish weighing more than 25 kg by 15 percent from the 1988 levels in the North Atlantic; prohibited the landing of swordfish weighing less than 25 kg in the entire Atlantic; allowed incidental catch of not more than 15 percent of the number of fish landed; and limited effort in the entire Atlantic to 1988 levels. However, the 15 percent tolerance (in number) of incidental small fish catch has made this recommendation difficult to enforce. The SCRS reported that a lower minimum size prohibition with no tolerance could be used as the functional equivalent (in terms of fishing mortality) of the current minimum size with tolerance.

In 1992, the Commission instructed the SCRS to consider various measures to rebuild the stock over a reasonable period of time and maintain it at MSY levels. ICCAT also approved a U.S. plan to conduct a 2-year pilot program that would provide for the collection of biological data from dead swordfish discards.

By 1994, new data indicated that current harvest levels were above replacement yield and country quotas for 1995 and 1996 were agreed for all of the primary North Atlantic swordfish harvesting nations. The Commission also established management measures for South Atlantic swordfish for the first time in 1994. These measures required that Contracting Parties whose catches in the South Atlantic were greater than 250 mt not increase their catches in 1995 and 1996 beyond the higher of their 1993 or 1994 catch level. Further, member nations whose catches in the South Atlantic were less than 250 mt were not to increase their catches in 1995 and 1996 beyond 250 mt.

At its 1995 meeting, the Commission established a long-term sharing arrangement for North Atlantic swordfish to carry over unused quota from year to year and to subtract quota overages from the following year's quota. This arrangement improved the inequities associated with the 1994 swordfish agreement by increasing the U.S. share to a level consistent with past harvests (29 percent of total harvest). In an effort to address the problems associated with the minimum size tolerance and to protect small swordfish, the Commission also adopted a U.S. proposal allowing Contracting Parties to select an alternative swordfish minimum size of 119 cm from the tip of the lower jaw to the fork of the tail, or the equivalent in weight, with no tolerance. Contracting Parties that adopt this alternative minimum size may take the necessary measures to prohibit the landing and sale in their jurisdiction of swordfish and swordfish parts below the alternative minimum size. With regard to swordfish stock recovery, the Commission tasked the SCRS to develop at its 1996 meeting, options for swordfish stock recovery. Specifically, it asked the SCRS to evaluate one or more series of annual total allowable catches that will bring the stocks to levels that would support MSY within 5, 10 and 15 years, with a 50 percent probability.

An ICCAT Swordfish Action Plan was also adopted at the 1995 meeting. Further discussion of this plan can be found in the PWG section of this chapter. The 1994 measures for South Atlantic swordfish were extended for 1995 and 1996.

In its 1996 report, the SCRS noted that catches of North Atlantic swordfish in 1995 were considerably higher than the established 1995 TAC of approximately 13,800 MT. North Atlantic swordfish was estimated to be at 58 percent of the level that would produce maximum sustainable yield, and replacement yield was estimated to be 11,360 MT. To address the apparent stock decline, ICCAT established the following TACs for North Atlantic swordfish at its 1996 meeting: 11,300 mt for 1997, 11,000 mt for 1998, and 10,700 mt for 1999. Further, to address compliance issues for this swordfish stock, each of the three years covered by the quota agreement are to be considered a separate management period as defined in the recommendation on compliance adopted at the 1996 ICCAT meeting and refined at the 1998 ICCAT meeting. This will facilitate the application of the provisions of the compliance recommendation, if needed. The distribution of the North Atlantic swordfish TAC for the 1997-99 management periods is as follows:

1997                      1998                      1999

U.S.	3277.00	3190.00	3103.00
Canada	1130.00	1100.00	1070.00
Japan	706.25	687.50	668.75
Portugal	847.50	825.00	802.50
Spain	4661.25	4537.50	4413.75
Others	678.00	660.00	642.00

A supplemental management measure adopted by the Commission in 1997 specified that parties without specific quotas under the 1996 scheme should reduce their catch for 1998 and 1999 by 45 percent of their 1996 catch levels; that those with 1996 catch levels below 100 mt shall not increase their catch above their 1996 level; that parties without any reported catch in 1996 refrain from developing any directed swordfish fishery in the North Atlantic in 1998 and 1999; and that Bermuda be allocated 28 mt for 1997 that will be decreased during 1998 and 1999 according to the provisions of the 1996 TAC agreement for North Atlantic swordfish.

There was not sufficient time to deal with the issues and concerns raised at the 1996 ICCAT meeting regarding South Atlantic swordfish; therefore, the Parties agreed to meet intersessionally in 1997. In the meantime, the management measures for South Atlantic swordfish originally established in 1994 were extended through 1997.

Pursuant to an agreement reached in Brazil in 1997 at an informal meeting of ICCAT's Panel 4, ICCAT adopted a recommendation at its 1997 annual meeting that established a TAC of 14,620 mt for the South Atlantic swordfish stock. This agreement also set up a sharing arrangement and specified catch quotas for 1998-2000. The percentage shares for the three-year period beginning in 1998 for South Atlantic swordfish are as follows:

Brazil	16.00 %
Japan	25.75 %
Spain	40.00 %
Uruguay	4.75 %
Other Contracting Parties	5.50 %
Non-Contracting Parties	8.00 %

It was further agreed that "Other Contracting Parties" as referred to above (which includes the U.S.) should not increase their catches above the catch of recent years and the TAC for the year 2000 may be revised following the 1999 Atlantic swordfish stock assessment.

At the 1998 ICCAT meeting, ICCAT adopted a U.S. resolution tasking the SCRS to develop rebuilding scenarios for the heavily stressed Atlantic swordfish stocks. Among other things, the SCRS is to estimate a series of annual TACs, including dead discards, that are necessary to rebuild to biomass levels that would support MSY with a

probability greater than 50 percent within various time periods, including of 5, 10, and 15 years. This action will be needed as ICCAT prepares to consider new management measures for swordfish at the 1999 Annual Meeting of the Commission.

*Billfishes:* At its 1995 meeting, the Commission adopted a resolution focusing on the enhancement of research programs for billfish and calling for voluntary release or tag and release by commercial as well as recreational fishermen. In 1996, the Commission passed a resolution to encourage actions to facilitate the recovery of billfishes. The resolution called for promotion of the use of monofilament leaders to avoid hindering the live release of billfishes; to report at the 1997 ICCAT meeting on costs and benefits of using monofilament leaders; and to improve catch statistics and information about post-release mortality of billfishes released live from commercial and recreational fisheries in order to develop a recovery program for billfishes. The Commission also agreed that funds allocated for the tagging work associated with the bluefin year program would also provide for implementation of the SCRS-proposed billfish tagging program.

At its 1997 meeting, the Commission adopted the first mandatory conservation measures for Atlantic blue and white

marlin. The recommendation requires all ICCAT Contracting and non-Contracting Parties, starting in 1998, to reduce landings for each of these species by at least 25 percent from 1996 landings. This reduction is to be accomplished by the end of 1999. The recommendation further: (1) requires Parties to promote the voluntary live release of these species; (2) calls for the provision of information to ICCAT regarding measures in place to reduce landings or fishing effort in all fisheries that interact with marlins; (3) calls for the submission of base data to the SCRS; (4) calls for SCRS stock assessments for these stocks to be presented and reviewed at the 1999 Commission meeting; and (5) exempts small-scale artisanal fisheries from the above requirements.

Because ICCAT agreed at its 1998 meeting to postpone the blue marlin and white marlin assessment until the year 2000 in order to assess the effectiveness of the 1997 ICCAT marlin recommendation, ICCAT extended that 1997 management measure through 2000. Thus, the landings cap achieved by the end of 1999 will be continued through 2000. In addition, ICCAT directed SCRS to conduct assessments of western Atlantic and eastern Atlantic sailfish in 2001 and to develop stock recovery scenarios for all billfish species that are identified as over-exploited, if possible.

*Other Species:* No management measures are in place for Atlantic bonito or other Panel 4 species.

**Permanent Working Group:** As noted earlier, the Commission adopted the Bluefin Tuna Action Plan Resolution in 1994 in order to promote cooperation with ICCAT conservation measures. The plan established a mechanism that could lead to the use of multilateral trade measures against non-Contracting Parties deemed to diminish the effectiveness of the ICCAT conservation measures for bluefin tuna. This was the first time such a mechanism had been adopted within an international fisheries management organization.

At its 1995 annual meeting, ICCAT took a second step toward a possible recommendation of trade measures by identifying Belize, Honduras, and Panama as nations with vessels fishing in a manner that diminishes the effectiveness of ICCAT's conservation measures for bluefin tuna. Trade (BSD) and vessel sighting information indicated that non-Contracting Party vessels were fishing in the Mediterranean for bluefin tuna, including fishing on the Mediterranean spawning grounds during the closed season - although these countries reported no bluefin tuna catches to ICCAT.

During its 1996 meeting, the Commission agreed that Belize, Honduras, and Panama had not rectified the fishing practices of their vessels. Therefore, in accordance with the Bluefin Tuna Action Plan Resolution, the Commission recommended its Parties to take measures to the effect that the import of Atlantic bluefin tuna products in any form from these three countries be prohibited. In the cases of Belize and Honduras, ICCAT recommended that the prohibitions begin when the recommendation entered into force. In the case of Panama, the effective date of the prohibition was January 1, 1998, unless the Commission decided otherwise at its 1997 meeting. The trade measures against Panama take effect at a later date because Panama demonstrated what the Commission viewed as a sincere desire to rectify the fishing practices of its vessels. These recommendations for multilateral trade restrictive measures represent the first time that such measures have been authorized by an international fishery management organization to ensure cooperation with agreed conservation and management measures.

The Commission also reviewed the fishing activities of other non-Contracting Parties as called for by the Bluefin Action Plan Resolution. While information was insufficient to identify any nation, the Commission agreed to send letters to several non-members expressing concern about the status of bluefin stocks in the Eastern Atlantic and Mediterranean Sea, and encouraging increased cooperation with ICCAT. The Commission also expressed grave concern about the large number of vessels sighted in the Mediterranean that fly no flag and have no other markings of identification.

At its 1997 meeting, the Commission agreed to continue trade restrictive measures on Atlantic bluefin tuna from Belize and Honduras and to include Panama in these embargoes starting on January 1, 1998, as scheduled. These decisions were based on the lack of response by Belize and Honduras to letters from the Commission and on information that fishing activities by vessels of these countries continued. Although the similar letter to Panama did receive a response and Panama sent an observer to the 1997 meeting, it was agreed that Panama's stated actions were not yet proven and that further review at the 1998 meeting of the Commission would be required. No other

countries were identified under the ICCAT Atlantic Bluefin Tuna Action Plan.

At the 1998 meeting of ICCAT, the Commission again reviewed the fishing activities of Belize, Panama, and Honduras. ICCAT again agreed to continue trade measures for reasons very similar to those discussed in 1997. It was noted that Panama had taken additional steps to address ICCAT's concerns but that Panama still did not have sufficient control of its fleet. ICCAT also agreed to send a letter to Guinea Bissau expressing concern over the bluefin tuna fishing activities of vessels of that nation.

In 1995, ICCAT adopted the Swordfish Action Plan Resolution, similar in principle to the Bluefin Action Plan Resolution in that it provides a mechanism that could lead to multilateral trade measures against non-member countries deemed to diminish the effectiveness of ICCAT conservation measures for swordfish. This resolution was adopted because of the declining status of swordfish stocks in the Atlantic and increasing catches by non-Contracting Parties. At its 1996 meeting, the Commission reviewed data on non-Contracting Party fishing activities for swordfish but determined that the available information was insufficient to identify any nation. However, the Commission did approve a letter to be sent to Trinidad and Tobago expressing concern over that nation's fishing activities for swordfish.

At its 1997 meeting, the Commission reviewed catch, trade, and sighting information relative to swordfishing activities. While no countries were identified pursuant to the Swordfish Action Plan, the Commission expressed concern about the fishing activities of several non-members, including Panama, Belize, and Honduras, and sent letters to each reflecting those concerns.

At its 1998 meeting, ICCAT formally identified Panama, Honduras, and Belize under the first step of the swordfish action plan. ICCAT will review the status of these countries at the 1999 meeting and decide on a next step, including possible authorization of trade measures on swordfish products harvested by vessels of these nations. ICCAT also agreed at its 1998 meeting to send letters to a number of non-members concerning swordfish harvests.

ICCAT took other significant actions at its 1998 meeting. ICCAT adopted a measure to address unreported and unregulated catches of tunas by large-scale longline vessels in recognition of the problems associated with flag of convenience vessels. The resolution establishes a process for identifying both ICCAT members and non-members whose large-scale longline vessels have been fishing for ICCAT species in a manner which diminishes the effectiveness of the Commission's conservation and management measures. Such identification can lead to the revocation of the registration or fishing licenses of vessels that are acting improperly and, if necessary, the use of trade restrictive measures. Further, ICCAT adopted a measure to prohibit landings and transshipments in ICCAT member ports by non-members under certain conditions. Finally, in an effort to expand its control over ICCAT fisheries, the Commission granted cooperating status to both Chinese Taipei and Mexico. This action is consistent with the measure adopted regarding cooperating parties in 1997. Letters were sent to both non-members specifying their responsibilities associated with this status.

Other measures adopted by ICCAT remain in effect, including: (1) a recommendation that Contracting Party fishing vessels and mother vessels can only receive at sea transshipments from other Contracting Party vessels and cooperating parties; (2) a recommendation establishing a process for reporting and taking action against stateless vessels and for reporting observed possible violations by both non-Contracting and Contracting Parties; (3) various recommendation establishing and updating the BSD program; and (4) A recommendation to address attribution of catch classified as not-elsewhere included (NEI) to the catch data (Task 1) of the appropriate Contracting Party or non-Contracting Party.

**Compliance Committee:** At the 1995 meeting, the Commission adopted new terms of reference for its Compliance (then Infractions) Committee that strengthened the Committee's ability to evaluate compliance by Contracting Parties. These terms of reference allow the Committee to make recommendations to the Commission on how to resolve problems of non-compliance by Contracting Parties and provide for the development of measures to ensure proper application of Convention provisions, including the development of international inspection and enforcement schemes.

At its 1996 meeting, ICCAT made international fisheries management history by adopting a recommendation on Contracting Party compliance relative to quotas that are established for the Atlantic bluefin tuna fishery and the North Atlantic swordfish fishery. The measure provides a process for members to first explain how over harvests for the subject species occurred and the actions taken or to be taken to prevent further over harvests. Beginning with the 1997 management period, and in each subsequent management period, members will have to repay 100 percent of any over harvests of these stocks and ICCAT may recommend other appropriate actions. Further, over harvests of bluefin tuna or of North Atlantic swordfish quotas during two consecutive management periods can result in other penalties, including quota reductions of at least 125 percent of the over harvest and, as a last resort, trade restrictive measures. At its 1997 meeting, the Commission agreed to extend the compliance agreement to the South Atlantic swordfish fishery. Application of these measures was clarified at the 1998 ICCAT meeting.

Prior to the entry into force of the recommendation extending the compliance agreement to the South Atlantic swordfish fishery, Brazil, Uruguay, and South Africa formally objected to the measure. These governments expressed concern over the possible use of trade measures to encourage compliance with ICCAT measures and with the South Atlantic swordfish quota sharing arrangement. According to the terms of the Convention, these nations are not bound by the provision of the compliance agreement as they apply to the South Atlantic swordfish stock.

At the 1998 ICCAT meeting, progress was made in implementing the 1996 compliance recommendation. Consistent with the provisions of the agreement, Spain and Portugal reported that they had reduced their 1998 North Atlantic swordfish quotas by the amount of their 1997 over harvests. As noted in the eastern Atlantic and Mediterranean bluefin tuna section above, harvesters of this stock took a similar action by agreeing to reduce their 1999 quotas by the amount of their 1997 catch limit over harvests. ICCAT also adopted at its 1998 meeting a U.S.-proposed reporting form that will facilitate the evaluation in the future of compliance with ICCAT measures.

During its 1996 meeting, ICCAT agreed to begin looking at a comprehensive international monitoring and inspection scheme that could include elements such as inspections at sea, observers, a vessel monitoring system, port inspections, and vessel sightings reports. ICCAT adopted a scheme for at-sea inspection in 1975, but it has not yet entered into force. In addition, ICCAT has in place a port inspection scheme but it had not been an effective monitoring tool. While no recommendations were made to the Commission regarding preferred approaches, it was agreed that the Commission would hold an intersessional meeting on this topic May 5-7, 1997. The meeting was hosted by the United States. The May 1997 intersessional meeting on monitoring and compliance concluded negotiations with agreement on an improved ICCAT port inspection scheme, a vessel monitoring system (VMS) pilot program, restrictions on transshipment at sea, and procedures to deal with stateless vessels and for reporting vessels that may be conducting activities contrary to ICCAT conservation and management measures. These measures were adopted at the 1997 annual meeting of the Commission.

Minimum size compliance relative to all ICCAT species has been an issue for several years. Effective implementation of existing recommendations by many countries fishing in the eastern Atlantic and Mediterranean has not occurred for a variety of reasons. At the 1997 meeting, an agreement was reached that requires Contracting Parties to explain in detail minimum size over harvests and provides that, beginning in 2000, continued over harvests could result in ICCAT actions to reduce those over harvests, including but not limited to, time/area closures, assignment of small fish quotas, and/or gear restrictions.

**Other Issues:** At the 1994 ICCAT meeting, Parties agreed to expand the Commission's research activities to include collection of bycatch statistics in tuna fisheries, including shark bycatch. The SCRS established a group to do this which concluded that information on shark bycatch was insufficient. The SCRS then recommended that efforts be undertaken to estimate bycatch for incorporation into ICCAT's statistical databases and to obtain more empirical evidence, such as through a scientific observer program. The Commission adopted a resolution in 1995 encouraging cooperation with FAO on the study of shark stock status and bycatch. ICCAT's Shark Working Group met in 1996 and 1997 to improve statistical information on sharks taken as bycatch in the ICCAT Convention area.

In a significant development, the United States was successful in improving the transparency of ICCAT by getting agreement at the 1998 meeting on meaningful changes to the Commission's guidelines and criteria for granting

observer status at ICCAT meetings. Among other things, these changes should result in lower participation fees.

Also at the 1998 meeting, ICCAT agreed, at the urging of several developing coastal states, to establish a working group to examine criteria for quota allocations. A meeting of this working group will be held May 31-June 2 in Madrid, Spain.

The Sixteenth Regular Meeting of the Commission will be held November 15-22, 1999, in Brazil. The plenary meeting of the SCRS is scheduled for October 11-15, 1999.

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## **NORTH ATLANTIC SALMON CONSERVATION ORGANIZATION (NASCO)**

### Basic Instrument

Convention for the Conservation of Salmon in the North Atlantic Ocean (TIAS 10789), 1982.

### Implementing Legislation

Atlantic Salmon Convention Act of 1982 (16 U.S.C. 3601).

### Member Nations

Canada, Denmark (in respect of the Faroe Islands and Greenland), the European Union or EU, Iceland, Norway, the United States, and the Russian Federation.

### Commission Headquarters

North Atlantic Salmon Conservation Organization  
11 Rutland Square  
Edinburgh, EH1 2AS Scotland  
United Kingdom  
Secretary: Dr. Malcolm Windsor  
Phone: 031-228-2551

### Budget

The Convention provides that 30 percent of the Organization's budget will be borne equally by the Parties; 70 percent will be based on recent catches of salmon in intercepting fisheries. The Council adopted a budget for 1999 of £324,570 (approximately \$519,312), setting the U.S. contribution at £13,910 (approximately \$22,256). The Council adopted a forecast budget for 2000 of £343,090 (approximately \$548,944), with a U.S. contribution of £14,704 (approximately \$23,526).

### U.S. Representation

#### A. Appointment Process:

The Atlantic Salmon Convention Act of 1982 provides that the United States shall be represented on the Council and Commissions by three U.S. Commissioners, appointed by the President to serve at his pleasure. Of the Commissioners, one must be an official of the U.S. Government and two must be individuals (not officials of the U.S. Government) who are knowledgeable or experienced in the conservation and management of salmon of U.S. origin.

#### B. U.S. Commissioners:

Andrew A. Rosenberg, Ph.D.  
Deputy Assistant Administrator  
National Marine Fisheries Service  
National Oceanic and Atmospheric Administration  
1315 East-West Highway  
Silver Spring, Maryland 20910

Ray B. Owen, Jr., Ph.D.  
26 Noyes Drive  
Orono, Maine 04473

Robert A. Jones  
Connecticut River Salmon Commission  
76 Deming Street  
South Windsor, CT 06074

C. Advisory Structure:

The U.S. Section of NASCO was formally constituted to provide the U.S. Commissioners with advice, with particular reference to development of U.S. policies, positions, and negotiating tactics. Membership of the U.S. Section includes public and *ex officio* members. Public members are appointed by the Commissioners and serve for a term of 2 years with eligibility for an additional 2-year term. Public members are limited to 15 in number and must be persons knowledgeable or experienced in the conservation and management of salmon of U.S. origin.

*Ex officio* members include:

- (1) the Chair (or designee) of the New England Fishery Management Council;
- (2) a representative of the fishery agency of each of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut;
- (3) the Deputy Assistant Secretary of State for Oceans and Space or her representative;
- (4) a representative of the National Oceanic and Atmospheric Administration, Department of Commerce; and
- (5) a representative of the Fish and Wildlife Service, Department of the Interior.

In addition, the U.S. Commissioners established the U.S. Atlantic Salmon Assessment Committee, which is composed of staff from State and Federal fishery agencies. The work of this body focuses on assessing New England stocks of Atlantic salmon, proposing and evaluating research needs, and serving the U.S. Section to NASCO. Each year this body meets for an Assessment Meeting from which an assessment document is produced for the use of the U.S. Commissioners.

Description

A. Mission/Purpose:

The Convention applies to the salmon stocks which migrate beyond areas of fisheries jurisdiction of coastal states of the Atlantic Ocean north of 36E N latitude throughout their migratory range. The purpose of NASCO is: (1) to promote the acquisition, analysis, and dissemination of scientific information pertaining to salmon stocks in the North Atlantic Ocean, and (2) to promote the conservation, restoration, enhancement, and rational management of salmon stocks in the North Atlantic Ocean through international cooperation.

B. Organizational Structure:

NASCO consists of: (1) the Council; (2) three regional Commissions (North American Commission or NAC, West Greenland Commission or WGC, and North-East Atlantic Commission or NEAC); and (3) the Secretariat.

The Council (which consists of representatives of all Contracting Parties): (1) provides a forum for the study, analysis, and exchange of information on salmon stocks subject to the Convention; (2) provides for consultation and cooperation concerning salmon stocks beyond Commission areas; (3) coordinates the activities of the Commissions;

(4) establishes working arrangements with the International Council for the Exploration of the Sea (ICES) and other fisheries and scientific organizations; (5) makes recommendations concerning scientific research; (6) supervises and coordinates the administrative, financial, and other internal affairs of the Organization; and (7) coordinates the Organization's external relations.

The three Commissions each have the following functions: (1) to provide for consultation and cooperation among their members; (2) to propose regulatory measures for intercepting salmon fisheries; and (3) to make recommendations to the Council concerning scientific research.

Canada and the United States are members of the NAC. Canada, the EU, the United States, and Denmark (in respect of Greenland), are members of the WGC. Denmark (in respect of the Faroe Islands), the EU, Iceland, Norway, and the Russian Federation are members of the NEAC. In the case of the NAC, the EU may submit and vote on proposals for regulatory measures concerning salmon stocks originating in the territories of its member States. Canada and the United States each have similar rights in the case of the NEAC.

#### C. Programs:

**Scientific Advice:** Scientific advice is provided to NASCO by ICES. The Advisory Committee on Fishery Management (ACFM), a standing committee within ICES, provides information on catch statistics and associated research results in response to the specific requests from NASCO. At the 1992 annual meeting, the NASCO Council established a Standing Scientific Committee (SSC), composed of a scientist and a management representative from each of NASCO's three geographic commissions, to formulate requests for future scientific advice from ICES. The SSC is designed to ensure that questions to the scientific working groups are formed to reflect accurately the information desired by managers. This arrangement is being continued as it seems to be working well.

**Non-Contracting Party Fishing:** Fishing for Atlantic salmon by non-Contracting Parties to the NASCO Convention has been an issue for the organization for some time. At the 1992 meeting held in Washington, D.C., the Council approved a protocol to the NASCO Convention for signature by non-Contracting Parties to NASCO. The protocol calls upon such states to prohibit the fishing of Atlantic salmon stocks beyond the areas of fishing jurisdiction of coastal states and to take appropriate actions to enforce the provisions of the protocol. The NASCO Council also approved a resolution calling upon NASCO Parties to encourage non-Contracting Parties fishing for salmon on the high seas to comply with the protocol, and to obtain and compile information on such fishing.

The NASCO Secretariat was given the task of devising a mechanism by which parties to the NASCO Convention may approach states in which vessels observed to be fishing on the high seas for Atlantic salmon are registered and of documenting and disseminating information on high seas fishing activities contrary to the protocol. The protocol was designed to provide non-Contracting Parties with a legal instrument for the creation and enforcement of domestic legislation and regulations.

As of June 1998, no non-Contracting Parties had become bound by the protocol, although certain non-Contracting Parties (i.e., Panama and Poland) have taken actions to address the problem of salmon harvesting vessels registered in their countries. There have been no sightings of non-Contracting Parties fishing for salmon since February 1994; however, there were few surveillance flights conducted over the winter and spring periods preceding the 1998 annual meeting of NASCO. Past estimates of catch taken by non-member vessels fishing in international waters has been 25-100 tons.

The Council considered and did not pursue a proposal to conduct a pilot project to assess the utility of radar satellite data for the detection of salmon fishing by non-Contracting Parties in international waters; however, NASCO agreed to continue to consider the usefulness of satellite surveillance systems in this regard. Toward that end, NASCO will hold a follow-up meeting to its 1993 meeting in the next few years with coast guard/fishery protection agencies to review the results of a study of Norwegian satellite surveillance systems. NASCO will also consult with the North-East Atlantic Fisheries Commission (NEAFC) regarding the possibility of obtaining surveillance information from the NEAFC control and enforcement program.

**Unreported Catch:** ICES recommended that measures be taken to improve accounting for the significantly high amount of salmon catch currently reported as "guess-estimates." At its 1997 meeting, NASCO approved a proposal for refining the estimates of unreported catch and adopted a proposal that the NASCO Secretariat carry out a review on such catches. A review of catch statistics at the 1998 NASCO meeting indicated that approximately 25 percent of the total North Atlantic salmon harvest was attributable to unreported catch. To improve reporting of salmon catch statistics, the Parties agreed to provide data to ICES on a stock basis and to try to categorize this catch in accordance with specified criteria.

**Research Fishing:** At its 1995 Annual Meeting, NASCO first considered conditions under which research fishing by Contracting Parties might be undertaken. It was agreed that harvesting salmon for scientific research purposes could provide valuable management information; however, there was concern that such research fishing could be contrary to Article 2 of the NASCO Convention. Following the 1995 Annual Meeting, the Parties considered a resolution to establish such a procedure, but for various reasons, NASCO was not able to adopt the resolution as presented. At the 1996 Annual Meeting, the Parties considered revised resolutions on the topic and adopted a resolution setting forth a procedure to allow research fishing. The measure does not distinguish where such fishing occurs (i.e., within areas of national jurisdiction or on the high seas) and allows research fishing provided certain safeguards are observed. Prior to adoption of the resolution, NASCO had unanimously approved scientific research fishing by Canada, EU (Scotland), and Norway. Since the adoption of the resolution, NASCO has approved research fishing proposals from several of its members. The most recent proposals approved by NASCO included a request from the EU (Scotland) to conduct research during April and May 1998 and a proposal from Norway to conduct research during the period April to October in each year from 1998-2002.

**Precautionary Approach:** In 1997, the Council agreed to establish a working group to consider how the precautionary approach might be applied to NASCO's work. Its first meeting was held in January 1998 and representatives of ICES and FAO were invited to attend. At its 1998 annual meeting, NASCO adopted an agreement on adoption of the precautionary approach, which was largely developed at the 1998 intersessional. The key provisions of the agreement were: (a) NASCO and its Contracting Parties agree to adopt and apply a precautionary approach; (b) NASCO and its Contracting Parties should apply the precautionary approach to the entire range of NASCO salmon conservation and management activities; and (c) the application of the precautionary approach should focus on (1) management of North Atlantic salmon fisheries, (2) the formulation of management advice and associated scientific research, and (3) introductions and transfers including aquaculture impacts and possible use of transgenic salmon. Further, NASCO developed an "action plan for the application of a precautionary approach." This plan provides a framework to implement further the precautionary approach in NASCO and addresses such issues as: establishing a standing committee/working group on the precautionary approach; management of fisheries; socio-economic issues; unreported catches; scientific advice and research requirements; stock rebuilding programs; introductions, transfers, aquaculture and transgenics; habitat issues; and bycatch. The agreement by NASCO to apply the precautionary approach to its work represents a significant milestone in cooperation by the Parties. The NASCO Parties recognized that ultimate development of the precautionary approach will take many years and will seriously challenge the resources of the organization and its members.

**Transgenic Salmon:** The Council considered a resolution on transgenic salmon at its 1996 meeting that would begin to address concerns about the possibility that transgenic salmon (i.e. salmon that have had genes from another organism introduced into them) will interact with and negatively affect wild salmon stocks. Due to disagreements over procedure, this resolution was not adopted at or after the 1996 meeting. At its 1997 meeting, NASCO again considered this issue. "Guidelines for Action on Transgenic Salmon" were adopted in lieu of a resolution. NASCO will be considering this issue further in its precautionary approach sub-body.

**Oslo Resolution:** In 1994, NASCO adopted a resolution directed at minimizing impacts from salmon aquaculture on wild salmon stocks. At its 1997 meeting, the Council agreed to hold an intersessional meeting in early 1998 to consider further the implementation of the Resolution in light of information arising from the 1997 ICES/NASCO symposium on the interaction between cultured and wild salmon. (Information presented at the symposium suggested that the abundance of cultured salmon in the wild is large and has resulted in a mixing of fish from different populations to an extent never before seen. Such interactions could have serious adverse impacts on the

wild stocks.) In addition, the Parties agreed to re-examine the implementation of the Resolution at the 15th Annual Meeting of NASCO in 1998. In response to a recommendation resulting from the intersessional meeting of this working group, the NASCO Parties submitted detailed information on their efforts under the Oslo Resolution and reviewed this information at the 1998 NASCO meeting. Based on this review, NASCO decided to hold a special session, in conjunction with the 1999 NASCO Annual Meeting, and each year thereafter, to review and evaluate implementation of the Oslo Resolution by two individual NASCO members. In 1999, Canada and Norway will make such reports. The EU and the United States will make similar reports at the 2000 NASCO meeting. These special sessions will be open to non-governmental organization participation. In addition, NASCO has recognized the need to involve the salmon farming industry in efforts to protect the wild stocks through improved salmon farming management and is cooperating closely with the salmon farming industry through a Liaison Group. As of January 1999, the Liaison Group had met twice but progress is slow.

**Bycatch:** During its 1997 meeting, the Council requested ICES to investigate possible increases in salmon bycatch due to expansion of pelagic fisheries for herring and mackerel in the northeast Atlantic in 1997, noting that even a very small percentage of catch of salmon post-smolts could mean significant losses. At its 1998 meeting, NASCO agreed that it needed further information on the possible bycatch of salmon in pelagic fisheries and asked the Secretariat to request such information from the Contracting Parties and from the NEAFC.

**Other Issues:** During the 1997 Annual Meeting, NASCO adopted catch and release guidelines, which have now been published. NASCO is also developing draft guidelines on stocking that it will consider at its 1999 meeting.

#### **Actions Taken by NASCO's Three Regional Commissions:**

**NAC Discussions/Actions:** Over the last few years, Canada has reported significant new management measures for Atlantic salmon within the Canadian Exclusive Economic Zone (EEZ), including closing certain fisheries for several years and buying back and retiring commercial salmon fishing licenses. Until 1998, the commercial salmon fishery off Labrador was open, although Canada had taken steps to reduce this mixed stock, intercept fishery through license buy-outs, delayed fishing seasons, and reduced quotas. Due to the tenuous condition of the stock, ICES recommended in its 1998 report that there should be no commercial harvest in the NAC area, except in rivers where the spawning escapement had been reached or exceeded. At the 1998 NASCO meeting, Canada announced a moratorium in the 1998 for the commercial Labrador interceptory fishery. A subsistence fishery will continue. Other Canadian domestic management measures announced earlier in 1998 include the continued moratorium of the Newfoundland commercial fishery (first implemented in 1992) and a voluntary buy-back program of commercial salmon licenses in the lower north shore of Quebec region. Additional restrictions were implemented for recreational fisheries throughout Atlantic Canada.

The United States has no commercial Atlantic salmon fishery. Further, it is illegal to retain any sea-run Atlantic salmon in the United States, but there is a target harvest fishery in the Merrimack River for reconditioned brood stock. Formerly, the United States allowed a bag limit of 1 fish per year for the recreational fishery in Maine. (The season creel limit in 1994 was one grilse or 1 sea-winter salmon only and no retention of multi-sea winter salmon.) The bag limit was reduced to zero in 1994 to support further conservation efforts. Catch and release angling is permitted in Maine. In 1994, catch and release figures totaled 249 fish. The 1995 and 1996 catch and release numbers increased due to favorable fishery conditions. In 1995, 292 fish were caught and released, and in 1996, 542 sea-run Atlantic salmon were caught and released (a 46% increase over 1995). The catch and release figure for 1997 was 333 and the preliminary figure for 1998 was 281 (this number will be adjusted as river system managers report, and it will be finalized in March 1999). Salmon runs in Maine rivers remain in a severely depressed state.

The NAC discussed the harvest of salmon by St. Pierre et Miquelon (islands off the coast of Newfoundland that are French territories). St. Pierre et Miquelon had a reported catch of 837 kg in 1995, 1,568 kg in 1996, and 1,491 kg in 1997. French authorities have indicated that salmon harvests by St. Pierre et Miquelon are for subsistence purposes (meaning no salmon from the wild stock is exported). This fishery is a mixed stock fishery and because of the poor status of North American salmon runs, ICES had recommended closure of these fisheries in the NAC area. Because France is not a member of NASCO, the NAC has not been able to control the salmon harvest levels of these islands;

however, Canada reported at the 1995 NAC meeting that it had completed a 10-year agreement with France in which specific reference was made to the responsibility of both France and Canada to comply with salmon conservation measures adopted by NASCO. Canada reported at the 1998 NAC meeting that French authorities have agreed to improve their reporting procedures so as to avoid future data discrepancies such as those previously noted by the NAC. (In the past, one set of statistics has been reported to NASCO by ICES and a different set has been reported by French fisheries authorities. )

The NAC also heard a report from its Scientific Working Group on Salmonid Introductions and Transfers. This Working Group developed protocols for the introduction and transfer of salmonids for stocking and aquaculture purposes, which were adopted in 1992 and were widely distributed among relevant North American agencies. Canada initiated implementation of the protocols in June 1993. Within the United States, the protocols have not been promulgated as a separate set of regulations but have been nearly fully adopted and integrated into existing state and federal policies and regulations.

In 1997, the Commission approved the format of a consolidation of the protocols as outlined in the 1997 Working Group report. The Commission also approved the production of a pocket sized version of the protocols as well as a schedule for revising the protocols. This work continued at the 1998 NASCO meeting. Adoption of further modifications to the protocols and the quick-reference protocol handbook is expected at the 1999 NASCO meeting. In addition, the United States indicated that it was working to discontinue to use of the European "land catch" strain of salmon used in marine cage culture. The use of this strain is contrary to the protocols.

**WGC Discussions/Actions:** Within the WGC, devising a management regime that could reduce interceptions of North-American origin salmon in the commercial fishery off West Greenland was the focus of U.S. efforts at the 1993 Annual Meeting. Agreement was reached in principle on a reduced 1993 quota (213 mt) and on a 5-year science-based management regime, which was later ratified by postal vote. At the time, it was agreed that quotas over the next 4 years would be derived from ICES scientific advice, on the basis of a mathematical model. The 1994 quota was set at 159 mt. It was expected that spawning escapement (of multi-sea winter fish that return from Greenland to spawn in homewater rivers in North America) would increase significantly due to this management effort.

At the 1995 annual meeting, there was disagreement concerning the use of the advice provided by ICES on the 1995 quota level for the West Greenland fishery. ICES recommended that the fishery in the WGC area be closed in 1995 instead of proceeding at the quota level derived from the abundance model. Further analysis of the model seemed to indicate that it was overestimating pre-fishery abundance levels and, therefore, any catch might have a negative impact on the number of salmon returning to North American waters. The United States and Canada encouraged the Commission to accept ICES advice; however, Denmark (in respect of Greenland) argued for a quota for West Greenland of 77 mt as provided by the original agreement. Ultimately, a 77 mt quota was adopted.

Scientific catch advice for 1996 called for a reduction of fishing mortality to the lowest possible level in the WGC area and that there should be no landings of salmon for the WGC in 1996. This advice was based on the results of applying a refined abundance model, which was developed to take into consideration the problems observed with the model in 1995. Over the course of the 1996 meeting, no agreement could be reached on the appropriate scientific model to use to arrive at a quota for West Greenland. Denmark (in respect of Greenland) argued for a 271 mt quota, while the United States, Canada, and the EU pushed for a quota in accordance with the ICES scientific advice. The meeting ended without establishment of an agreed NASCO quota. After the 1996 meeting, Denmark (in respect of Greenland) unilaterally set a quota of 174 mt and harvested 92 mt.

To avoid another impasse, discussions regarding future quota setting procedures for West Greenland took place prior to the 1997 annual meeting. This led to the adoption of an addendum to the 1993 agreement that specified that the quota allocated to West Greenland would be the higher of the Calculated Quota (as calculated according to the 1993 agreement using a pre-fishery abundance forecast at a 50% probability level) and the Reserve Quota, which is based on an allocation to Greenland, for 1997, of 6 percent of the forecast pre-fishery abundance level using the biological parameters provided by ICES in 1996. In accordance with the amended agreement, the WGC set a reserve quota of 57 mt which was inclusive of all forms of catch (including an estimated 20 mt of local sales and subsistence

fishing). Greenland reported that its 1997 harvest was 63 tons. The slight over-harvest was due to landing reports that were submitted after the fishery was closed. The 1993 agreement, as amended, expired at the end of the 1997 salmon fishing season.

Prior to the 1998 annual meeting of NASCO, Greenland indicated its readiness to accept a 1998 quota based on application of the 1997 reserve quota formula. Use of the reserve quota system would have resulted in a 33 ton quota; however, concern was expressed by the United States and Canada that the pre-fishery abundance estimates were uncertain and likely too high. Revisions to the 1997 pre-fishery abundance indicated that, under the reserve quota formula, West Greenland would have been limited to subsistence fishing only in 1997. Because of the poor stock condition and the uncertainty surrounding the pre-fishery abundance, an agreement was reached that limited the salmon fishing activity in West Greenland to internal consumption only during 1998. In the past, this internal consumption fishery has been estimated at approximately 20 tons. The preliminary catch figure for 1998 was 11 tons. A key element of the 1998 agreement was recognition of improvements in salmon catch monitoring and reporting in Greenland. Significantly, Canada's action regarding Labrador (discussed in the NAC section above) together with the regulatory measure adopted for West Greenland mean that for this past fishing year there were no commercial fisheries for Atlantic salmon in the northwest Atlantic.

**NEAC Discussions/Actions:** The NEAC provides for the management of the intercept salmon fishery off the Faroe Islands. There has been no commercial fishery in the Faroe Islands since 1991 due to a private sector quota purchase arrangement; however, quotas have been established through NASCO for the Faroese fishery during that time. In 1996, a 1997 quota was established for the Faroese fishery of 425 mt. During negotiations regarding the 1998 quota, Denmark (in respect of the Faroe Islands) stressed that it would not accept further reductions in the Faroese quota without appropriate "burden sharing" by other NEAC members. Ultimately, a regulatory measure was adopted for 1998 that established a quota of 380 mt for the Faroe Islands and established other restrictions on season and gear. Denmark (in respect of the Faroe Islands) indicated that, if fishing licenses were granted for 1998, not more than 330 mt of the quota would be allocated. Noting the very serious condition of this stock, ICES advised in its 1998 report that great caution should be exercised regarding the exploitation of this stock. At the 1998 NASCO meeting, the NEAC agreed to a quota of 330 tons for the Faroese fishery, of which Denmark (on behalf of the Faroe Islands) agreed to harvest only 290 tons. In a significant development, the NEAC recognized the importance of establishing conservation limits on a river stock basis within the NEAC area.

In a disturbing development first discussed in 1994, sampling of Swedish west coast rivers for the period 1988-93 showed significant and alarming decreases in abundance of salmon fry. A cause of this decrease was originally thought to be changes in environmental conditions in the Atlantic feeding areas as well as rivers. However, information eventually pointed to an outbreak of the parasite *Gyrodactylus salaris*, which was spread from stocking rivers with infected farmed fish. The NEAC agreed to establish a Working Group to examine the question of introductions and transfers of salmonids due to concerns about the potential negative effects on wild salmon stocks (such as disease transmission) associated with cultured salmon. The Working Group has been developing protocols that are similar to the NAC Protocols. At the 1995 Annual Meeting, the Working Group submitted a report to NASCO for consideration. It was adopted, but it was determined that more work was needed on the classification of rivers and on the concept of zones designed to reduce the spread of diseases and parasites. Work proceeded in this area during 1996 and, at the 1997 meeting, the NEAC adopted a resolution to protect wild salmon from introductions and transfers, which includes recommendations on river classifications and the development of management measures; zones to protect the spread of unknown diseases and parasites; and transgenic salmon. The NEAC agreed that a regular reporting system for measures taken in accordance with the resolution should be developed and a format for this system is to be presented at the 1999 NASCO meeting.

Recognizing the potential trade implications of regulating salmonid introductions and transfers, NASCO asked its Secretary to liaise with the World Trade Organization (WTO) to arrange a consultative meeting later in the year. The results of the consultations indicated that there is scope under the WTO agreements to restrict or prevent trade to protect fish life and health and to prevent or limit other damage, taking into account internationally agreed standards. NASCO is the relevant organization to deal with salmon conservation issues and the consultation had indicated that if measures are agreed to protect the wild stocks there is nothing in the WTO agreement to prevent resolution of

disputes within NASCO rather than through WTO procedures.

The Council agreed to hold its Sixteenth Annual Meeting in Westport, Ireland, June 7-11, 1999. Canada has offered to host the Seventeenth Annual Meeting of NASCO at a time and location to be determined.

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## **NORTHWEST ATLANTIC FISHERIES ORGANIZATION (NAFO)**

### Basic Instrument

Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (entered into force January 1, 1979).

### Implementing Legislation

Northwest Atlantic Fisheries Convention Act of 1995 (Title II of P.L.104-43).

### Member Nations

Current members of NAFO include: Bulgaria, Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, the European Union (EU), France (in respect of St. Pierre et Miquelon), Iceland, Japan, Latvia, Lithuania, Norway, Poland, Republic of Korea, Romania, the Russian Federation, and the United States. The United States acceded to the Convention on November 29, 1995, and participated for the first time as a Contracting Party at the 1996 annual meeting (the United States attended earlier annual meetings as an observer).

### Commission Headquarters

Northwest Atlantic Fisheries Organization  
P.O. Box 638  
Dartmouth, Nova Scotia, Canada B2Y 3Y9  
Executive Secretary: Dr. L. Chepel  
Phone: (902) 468-5590  
Fax: (902) 468-5538  
Internet: <http://www.nafo.ca/>

### Budget

NAFO adopted a budget for 1999 of \$1,092,000 (Canadian), of which the U.S. contribution is expected to be approximately \$181,364 (Canadian).

### U.S. Representation

#### A. The Appointment Process:

The Northwest Atlantic Fisheries Convention Act of 1995 provides that not more than three U.S. Commissioners and not more than three U.S. Representatives to the NAFO Scientific Council (see below) shall represent the United States in NAFO. Commissioners and Representatives are appointed by the Secretary of Commerce and serve at his pleasure. Each Commissioner and Representative is appointed for a term not to exceed four years, but is eligible for reappointment.

Of the three Commissioners, one (but no more than one) must be an official of the U.S. Government, at least one a representative of the commercial fishing industry, and one a voting (non-government employee) member of the New England Fishery Management Council. Commissioners must be knowledgeable and experienced concerning the fishery resources to which the NAFO Convention applies. Of the three U.S. Representatives to the NAFO Scientific Council, at least one must be an official of the U.S. Government. All Representatives must be knowledgeable and experienced concerning the scientific issues dealt with by the Scientific Council.

B. U.S. Representatives (term expirations in parentheses):

U.S. Commissioners:

Dr. Andrew A. Rosenberg (09/14/01)  
Director, Northeast Region  
National Marine Fisheries Service, NOAA  
One Blackburn Drive  
Gloucester, MA 01930-2298

Mr. Joseph Brancaleone (05/31/00)  
Chairman, New England Fisheries Management Council  
5 Broadway  
Saugus, MA 01906-1097

Mr. Jeffrey Pike (05/30/00)  
2000 L Street, NW  
Suite 612  
Washington, D.C. 20036

Representatives to the Scientific Council:

Dr. Fredric M. Serchuk (09/03/02)  
Chief, Resource Evaluation and Assessment Division  
National Marine Fisheries Service  
Northeast Fisheries Science Center  
166 Water Street  
Woods Hole, MA 02543

Dr. David Pierce (07/31/00)  
31 Hunters Trail  
R.F.D. #5  
Sandwich, MA 02563

Dr. Cynthia Jones (07/31/00)  
Old Dominion University, AMRL  
1034 West 45th Street  
Norfolk, VA 23529

C. Advisory Structure:

The Northwest Atlantic Fisheries Convention Act of 1995 further requires that the Secretaries of Commerce and State establish jointly a Consultative Committee to advise the Secretaries on issues related to the Convention. Each member of the Consultative Committee shall serve for a term of two years and shall be eligible for reappointment. The membership of the Committee shall consist of representatives from the New England and Mid-Atlantic Fishery Management Councils, the States represented on those Councils, the Atlantic States Marine Fisheries Commission, the fishing industry, the seafood processing industry, and others knowledgeable and experienced in the conservation and management of fisheries in the Northwest Atlantic. There are currently thirteen members of the NAFO Consultative Committee.

## Description

### A. Mission/Purpose:

NAFO is the successor organization to the International Commission for the Northwest Atlantic Fisheries (ICNAF). Its mission is: (1) to provide for continued multilateral consultation and cooperation with respect to the study, appraisal, and exchange of scientific information and views relating to fisheries of the Convention Area and (2) to conserve and manage fishery resources of the Regulatory Area, i.e., that part of the Convention Area which lies beyond the areas in which coastal states exercise fisheries jurisdiction. The Convention Area is located within the waters of the Northwest Atlantic ocean roughly north of 35E north latitude and west of 42E west latitude.

(Note: The Convention applies to all fishery resources of the Convention Area with the exception of: salmon; tunas, swordfish, and marlins; cetacean stocks managed by the International Whaling Commission or any successor organization; and sedentary species of the Continental Shelf.)

### B. Organizational Structure:

NAFO consists of a General Council, Fisheries Commission, Scientific Council, a Secretariat, and seven standing committees. The General Council provides executive guidance for the Secretariat and provides a forum for member nations' approval of programs and regulations. The Scientific Council provides a forum for the exchange of scientific information and views relating to the fisheries of the Convention Area; compiles, maintains, and publishes statistics pertaining to the fisheries, including environmental and ecological factors in the Convention Area; provides scientific advice to coastal states when requested to do so; and provides scientific advice to the NAFO Fisheries Commission. The Fisheries Commission is responsible for the management and conservation of the fishery resources of the Regulatory Area. The Standing Committees consider and make recommendations in the areas of (1) finance and administration; (2) the fishing activities of non-Contracting Parties in the regulatory area; (3) inspection and control; (4) fishery science; (5) research coordination; (6) publications; and (7) fisheries environment.

### C. Programs:

NAFO has established and maintained conservation and management measures in its Regulatory Area since 1979. These measures currently include: total allowable catches (TACs) and member nation quota allocations by species; data recording and reporting requirements; minimum size limitations; mesh size and chafing gear requirements; and notification, registration and hailing requirements for fishing vessels operating in the NAFO Regulatory Area (NRA). The principal species managed by NAFO are cod, flounders, redfish, American plaice, Greenland halibut (turbot), capelin and shrimp. Occasionally, a significant squid fishery occurs in the Regulatory Area as well.

During the late 1980s and early 1990s, unregulated fishing in the NRA by non-member States (sometimes by reflagged vessels of member States); under-reporting of catches; overharvesting by Canada of stocks that straddle the line between Canada's exclusive economic zone and the NRA, and fishing by a NAFO member under objection (the EU) all contributed to the eventual collapse of eight of the thirteen stocks managed by NAFO. (The NAFO Convention provides that a management measure is not binding on any contracting party that formally objects to it.) As a result, NAFO was forced to impose moratoria on fishing on these stocks in the NRA. At the 1998 annual meeting, this trend continued when the NAFO Scientific Council advised the Fisheries Commission that many NAFO-regulated species were at all-time low levels or the lowest ever recorded, and recommended that NAFO-imposed moratoria should continue for these stocks in 1999.

In addition to the conservation and enforcement measures noted above, NAFO has a scheme of joint international inspection and surveillance in the Regulatory Area. Although this scheme, and NAFO conservation and management measures in general, are currently considered weak, steps have been recently taken to strengthen these aspects of the organization.

In 1995, NAFO agreed, inter alia, to implement a pilot project for 100 percent observer coverage of all vessels fishing

in the NRA; on the installation of satellite vessel monitoring systems (VMS) on 35 percent of such vessels; on new procedures for processing information from at-sea inspections; to modifying the hail system to require vessels entering or leaving the Regulatory Area to have provided 6-hour advance notification and vessels transshipping at sea to have provided 24-hour advance notification; and to require NAFO Contracting Parties to inspect the fishing vessels of other Contracting Parties during port calls to verify species and quantities caught. Further discussions on compliance and enforcement at the 1996 and 1997 annual meetings led to a number of intersessional meetings of the Standing Committee on International Control (STACTIC) to continue to examine the challenges of joint international inspection and surveillance.

At the 1998 annual meeting, NAFO further strengthened its conservation and management measures by making permanent the pilot project requiring the use of observers on 100 percent of Contracting Party vessels operating in the NRA beginning in 1999. NAFO also agreed to make permanent a requirement for 100 percent use of VMS on Contracting Party vessels operating in the NRA not later than 1 January 2001. This represents an extension of the pilot project measure, which only required 35 percent VMS coverage.

Another area in which NAFO has strengthened its conservation and management measures is by adopting, at the 1997 annual meeting, the "Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO." The Scheme presumes that a Non-Contracting Party vessel that has been sighted fishing in the NAFO Regulatory Area is undermining NAFO conservation and enforcement measures. If such vessels enter the ports of Contracting Parties, they must be inspected. No landings or transshipments are permitted in Contracting Party ports unless such vessels establish that certain species on board were not caught in the NAFO Regulatory Area, and for certain other species that the vessel applied the NAFO conservation and enforcement measures. Contracting Parties must report the results of inspections to NAFO and all other Contracting Parties. Coordinated joint demarches have also been made by NAFO Contracting Parties to the governments of non-Contracting Parties whose vessels had been observed fishing in the NAFO Regulatory Area requesting that the activity be stopped. At the 1998 annual meeting, NAFO amended its Conservation and Management Measures to implement the scheme adopted in 1997.

Other issues of particular interest to the United States that are currently under consideration by NAFO include: a review of the NAFO quota allocation formula and implementation of the provisions of the UN Straddling Stocks Agreement dealing with the use of the precautionary approach, transparency in decision making processes and settlement of disputes.

The 1999 Annual Meeting of NAFO will occur September 13-17 in Halifax, Nova Scotia, Canada.

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## **INTER-AMERICAN TROPICAL TUNA COMMISSION (IATTC)**

### Basic Instrument

Convention between the United States of America and the Republic of Costa Rica for the establishment of an Inter-American Tropical Tuna Commission, 1949 (TIAS 2044)

### Implementing Legislation

Tuna Conventions Act of 1950 (64 Stat. 777), as amended (16 U.S.C., 951-961)

### Member Nations

Costa Rica, France, Japan, Nicaragua, Panama, the United States, Vanuatu, and Venezuela.

### Commission Headquarters

Inter-American Tropical Tuna Commission  
c/o Scripps Institute of Oceanography  
8604 La Jolla Shores Drive  
La Jolla, California 92037-1508  
Director of Investigations: Dr. James Joseph  
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### Budget

As defined by the Tuna Conventions Act, the expenses of the Commission are to be shared by the Contracting Parties in relation to the proportion of the total catch from the fisheries covered by the Convention utilized by each Party. "Utilized" is defined as eaten fresh or processed for internal consumption or export. Thus, tunas landed by a Party and subsequently exported in the round are not included in computing that Party's contribution, but those which are exported canned are included. The Party proportions are calculated from statistics compiled by Commission staff for calendar years previous (about 3 years) to the FY budget in question. Historically, the United States has paid the bulk (80-90 percent) of the Commission's budget. However, U.S. utilization of the catch, as defined by the Convention, from the eastern Pacific Ocean (EPO) has greatly diminished since the U.S. tuna market became "dolphin safe" in mid-1994, thereby causing the United States' required contribution to be diminished. The United States continues to support the IATTC. The IATTC budget for 1998 is \$4,628,154, of which the U.S. contribution is \$3,176,000. The budget forecast for 1999 is \$5,678,238, of which the U.S. contribution is estimated to be the same. However, it is hoped that a new framework for determining contributions, agreed to in La Jolla in February 1998 be adhered to by nations participating in the international dolphin conservation program, will allow the Commission to continue functioning at its current level once that agreement is effective.

### U.S. Representation

#### A. Appointment Process:

The Tuna Conventions Act of 1950 provides that the United States shall be represented by a total of not more than four Commissioners, of which at least one must be an officer of NOAA, one must be chosen from a nongovernmental conservation organization, and not more than one can reside elsewhere than in a state whose vessels maintain a substantial fishery in the area of the Convention. The Commissioners are appointed by and serve at the pleasure of the President.

B. U.S. Commissioners:

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National Marine Fisheries Service, NOAA  
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La Jolla, CA 92038

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M. Austin Forman  
888 Southeast Third Avenue, Suite 501  
Fort Lauderdale, FL 33316

James T. McCarthy  
18708 Olmeda Place  
San Diego, CA 92128

C. Advisory Structure:

The Act requires the U.S. Commissioners to appoint an Advisory Committee composed of not less than 5 nor more than 15 persons selected from the groups participating in the fisheries included under the Convention and from nongovernmental conservation organizations. The terms of the Advisory Committee members are fixed by the Commissioners. The Advisory Committee members are invited to attend all non-executive meetings and given opportunity to examine and to be heard on all proposed programs, reports, recommendations, and regulations of the Commission.

Description

A. Mission/Purpose:

The IATTC was established to "(1) study the biology of the tunas and related species of the EPO with a view to determining the effects that fishing and natural factors have on their abundance, and (2) to recommend appropriate conservation measures so that the stocks of fish can be maintained at levels which will afford maximum sustainable catches." The Commission's duties were broadened in 1976 to include work on the problems arising from the tuna-dolphin relationship in the EPO.

B. Organizational Structure:

The IATTC consists of a Commission composed of national sections and a Director of Investigations. The Commission selects a Chairman and a Secretary from different national sections for 1-year terms to be succeeded by representatives of different nationalities.

The principal duties of the Commission are (1) to study the biology of the tropical tunas, tuna baitfish, and other kinds of fish taken by tuna vessels in the EPO and the effects of fishing and natural factors upon them, and (2) to recommend appropriate conservation measures, when necessary, so that these stocks of fish can be maintained at levels which will afford the maximum sustained catches. Each national section has one vote. Approval of decisions, resolutions, recommendations and publications is only by unanimous vote of the Commission. National sections may consist of from one to four members appointed by the governments or the respective Contracting Parties. Each national section may establish an advisory committee which is invited to attend non-executive sessions of the Commission meetings. The Director of Investigations is appointed by the Commission and is responsible for

drafting programs of investigations, budget formulation, accounting and administrative support, directing technical staff, coordinating Commission work with other organizations and preparing administrative, scientific, and other reports of the Commission.

### C. Programs:

To fulfill its mission, the Commission carries out an extensive research program. This program is conducted by a permanent, internationally recruited staff selected and employed by the Director of Investigations, who is responsible to the Commission.

Yellowfin Tuna: The Commission recommends proposals for joint action by the member governments aimed at maintaining the resources at a high level. The regulations recommended by the Commission thus far apply only to yellowfin tuna. Regulation of this fishery has relied on a direct limitation on the catch, i.e., catch quotas, as a means of limiting fishing mortality to achieve optimum abundance of yellowfin tuna. Regulations were first proposed at a Commission meeting held in 1961, but were not implemented until 1966. Regulations were imposed each year through 1979. New features were added from time to time, providing for special allowances to be taken by vessels experiencing certain economic hardships.

Since 1979, no conservation program has been in effect for the Commission Yellowfin Regulatory Area (CYRA), largely because of member countries' reluctance to agree to implement a catch quota level when there is no assurance that it would be observed by non-member countries, such as Mexico, that harvest large amounts of EPO tuna. Nevertheless, the Commission has recommended an international yellowfin tuna catch quota within the CYRA every year since 1979 (with the exception of 1987). The annual quotas have increased from 165,000 tons in 1980 to 235,000 tons, with the option to increase the quota by three increments of 20,000 tons each, in the 1995 calendar year, if the Director concludes from the examination of available data that such increases will pose no substantial danger to the stocks. Despite the fact that the Commission's recommendations have not been implemented, they function as the basis for all participants in these fisheries to evaluate the conservation needs of the resource. The total catch of yellowfin tuna in the CYRA in 1995 was 241,534 tons.

Dolphin Conservation: In 1976, the Commission embarked upon an international program to address the problem of the incidental take of dolphins in the tuna fishery. The Commission agreed on a policy to maintain tuna production near current levels and at the same time maintain dolphin stocks at or above levels that would ensure their survival in perpetuity. In connection with this policy, the Commission authorized a program for dolphin research which focused on (1) the recruitment and training of scientific technicians who will collect data from vessels at sea on the stocks of dolphin in the eastern Pacific and (2) workshops to evaluate and disseminate dolphin-saving techniques and gear technology. The scientific technician program was initiated in January 1979. In 1987, the Commission also approved a resolution on the incidental take of dolphin, calling upon all interested nations whose flag vessels participate in the eastern Pacific purse-seine fishery to take appropriate steps to encourage their fishermen to employ fishing gear and procedures that have proven effective in reducing dolphin mortality. At the 1989 Annual Meeting, considerable time was spent discussing the recent changes in U.S. law which require the countries fishing in the region to document that they have dolphin protection programs and kill rates comparable to U.S. programs in order to export tuna to the United States.

Following the 1990 meeting, the Commission scheduled a special meeting to explore the establishment of an international dolphin conservation program (IDCP). In September 1990, and in January 1991, special Commission meetings and broader intergovernmental meetings were held to establish such a program with the following objectives: (a) in the short term, to achieve a significant reduction in dolphin mortality and (b) over the long term, to make every effort to reduce dolphin mortality to insignificant levels approaching zero. The elements of this program were to include: (a) limits on dolphin mortality; (b) 100 percent observer coverage; (c) research programs to improve existing fishing gear and techniques, to assess the dynamics of the fishery, and to develop alternative fishing methods; and (d) training programs to achieve the highest standards of performance throughout the international fleet. By the end of 1991, the United States was reassessing the most effective way of accomplishing these objectives.

Finally, at the IATTC Annual Meeting held in La Jolla, California, on June 16-18, 1992, representatives of Colombia, Costa Rica, Ecuador, Mexico, Nicaragua, Panama, Spain, the United States, Vanuatu, and Venezuela agreed on a mechanism to implement a dolphin conservation resolution adopted during an IATTC Special Meeting on April 21-23, 1992, to reduce progressively dolphin mortality in the EPO tuna purse-seine fishery to levels approaching zero through the setting of annual limits.

The resolution provides a dolphin mortality limit on the international tuna fleet in the EPO at 19,500 for 1993, which would be lowered over a 7-year period to less than 5,000 in 1999. Compliance with the new IDCP (also known as the La Jolla Agreement) is being accomplished through the implementation of individual vessel quotas or DMLs (Dolphin Mortality Limits). To monitor vessel compliance with the new program's DMLs, a Review Panel has been established, comprised of government representatives of Colombia, Costa Rica, Ecuador, Mexico, Panama, Vanuatu, Venezuela, and the United States. The Panel also includes two fishing industry and two environmental representatives, who are non-voting members selected by the government representatives. In addition, a Scientific Advisory Board has also been established to assist the IATTC in expanding research pertaining to (1) modifications of purse-seine gear to reduce dolphin mortalities and (2) alternative means of catching large yellowfin tuna.

The IDCP program has enjoyed unexpected success to date. Total dolphin mortalities since 1993 have been below 5,000 for the EPO tuna fishery--substantially lower than the total DML schedule developed by the participating nations. Because of this success, Parties agreed that in each successive year covered by the DML schedule in the IDCP, they would review the schedule for future years with the objective of determining whether further reductions in the schedule can be achieved. They subsequently revised the 1994 global DML downward from the existing DML of 15,500 to 9,300, a 40 percent reduction. Total dolphin mortalities for 1994 were 4,095, or 44 percent of the overall DML. The total DML for 1995 was 9,300, 9,000 for 1996, 7,500 for 1997. Total annual mortality since 1995 has been below 3,000 animals.

#### Status of the Commission

At the Intergovernmental Meeting held on October 26-27, 1993, in La Jolla, California, in conjunction with the 52nd Meeting of the IATTC, the Under Secretary of Fisheries Development for Mexico announced that Mexico intended to rejoin the IATTC, and that a formal application for membership would be submitted in the near future. Despite the announcement, Mexico has not yet joined the IATTC. Representatives of Ecuador announced on October 3, 1995, at the IATTC 56th Special Meeting in Panama, their nation's intention of rejoining the Commission.

Several recent developments portend change for the IATTC in the near future. On October 4, 1995, at the Intergovernmental Meeting on the Conservation of Tunas and Dolphins in the Eastern Pacific Ocean (held in conjunction with the 56th Special Meeting of the IATTC in Panama), two resolutions were signed by representatives of Belize, Colombia, Costa Rica, Ecuador, France, Honduras, Mexico, Panama, Spain, the United States, Vanuatu, and Venezuela:

(1) The Panama Declaration: The Panama Declaration reaffirmed the commitments and objectives of the IDCP and inter alia announced the intention of governments participating in the IDCP to strengthen and formalize it as a binding legal instrument, to be open to all coastal states bordering the EPO or states with vessels fishing for tuna in the region. The adoption of such an instrument by these states is, however, contingent upon changes in U.S. law which will lift current yellowfin tuna embargoes, provide market access for tuna caught in compliance with the IDCP (as formalized by the Panama Declaration), and redefine the "dolphin safe" label to allow it to be used for any tuna caught in the EPO by a purse-seine vessel in a set in which no dolphin mortalities occurred, as documented by observers.

(2) Declaration on Strengthening the Objectives and Operation of the Convention Establishing the IATTC: This declaration signals the intention of the above governments to begin negotiations under the auspices of the IATTC for a new binding instrument which would take into account the commitments and objectives of the Panama Declaration and the concepts of sustainable development and ecosystem management, and incorporate the principles and provisions of the United Nations (UN) Convention on the Law of the Sea and

the UN Agreement on the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. The new instrument would also adopt a new system of allocating financial contributions, develop mechanisms for enhanced public participation and transparency, and incorporate measures to ensure the long-term protection of dolphins in the region.

3) At a meeting of the IATTC and interested nations in February 1998, an international agreement was reached and agreed to by all parties. That agreement will be effective upon ratification by four nations participating in the ETP tuna fishery.

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# **INTERNATIONAL PACIFIC HALIBUT COMMISSION (IPHC)**

## Basic Instrument

Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, 1953 (TIAS 2900)

## Implementing Legislation

Northern Pacific Halibut Act of 1982 (as amended: 50 Stat. 325; 67 Stat. 494; 79 Stat. 902; 97 Stat. 78).

## Member Nations

Canada and the United States.

## Commission Headquarters

International Pacific Halibut Commission  
P.O. Box 95009  
University Station  
Seattle, Washington 98145-2009

Director: Dr. Bruce Leaman  
Phone: (206) 634-1838  
Fax: (206) 632-2983  
Web Site: <http://www.iphc.washington.edu>

## Budget

The base budget for the fiscal year running from October 1, 1998, through September 30, 1999, is \$1,600,000. The figure for the succeeding year is the same. The budget is supplemented by funds generated by Commission staff from the sale of halibut gathered during stock assessment cruises. The United States and Canada, by treaty, contribute equal shares to fund the base budget. However, at the 1999 annual meeting, the Commission considered ways to ensure that research and management programs would be funded.

## U.S. Representation

### A. Appointment Process:

The United States is represented on the IPHC by three Commissioners who are appointed by the President for a determinate period. Of these Commissioners, one must be a NOAA official, one must be a resident of Alaska, and one must be a nonresident of Alaska. In addition, one of these three Commissioners must be a voting member of the North Pacific Fishery Management Council. The Secretary of State, in consultation with the Secretary of Commerce, may designate from time to time Alternate U.S. Commissioners to the IPHC.

B. U.S. Commissioners:

Steven Pennoyer (3/99)  
Administrator, Alaska Region  
National Marine Fisheries Service, NOAA  
P.O. Box 21668  
Juneau, Alaska 99802

Ralph Hoard (6/00)  
Executive Vice President  
Icicle Seafoods, Inc.  
4019 21st Avenue West  
P.O. Box 79003  
Seattle, Washington 98119

Andrew Scalzi (1/00)  
41685 Redoubt Circle  
Homer, Alaska 99663-9215

C. Advisory Structure:

There are no formal provisions for a U.S. Advisory Committee to IPHC, although informal groups made up of U.S. and Canadian industry representatives, known as the IPHC Conference Board and the Processor Advisory Group, do attend and provide recommendations to annual Commission meetings.

Description

A. Mission/Purpose:

The IPHC was created to conserve, manage, and rebuild the halibut stocks in the Convention Area to those levels which would achieve and maintain the maximum sustainable yield from the fishery.

The halibut resource and fishery have been managed by the IPHC since 1923. The IPHC was established by a Convention between the United States and Canada, which has been revised several times to extend the Commission's authority and meet new conditions in the fishery. The most recent change, a protocol, was concluded in 1979, and involved an amendment to the 1953 Halibut Convention.

"Convention waters" are defined as the waters off the west coasts of Canada and the United States, including the southern as well as the western coasts of Alaska, within the respective maritime areas in which either Party exercises exclusive fisheries jurisdiction. For purposes of the Convention, the "maritime area" in which a Party exercises exclusive fisheries jurisdiction includes without distinction areas within and seaward of the territorial sea or internal waters of that Party.

B. Organizational Structure:

The IPHC consists of a Commission and staff. The Commission consists of six members; three representatives appointed by each Contracting Party. All decisions of the Commission are made by a concurring vote of at least two of the Commissioners of each Contracting Party. The research programs and regulatory actions of the Commission are coordinated by the IPHC staff, in consultation with the Commissioners. The IPHC staff currently includes 29 employees, most of whom are fishery biologists; the rest are administrative and support staff.

C. Programs:

Under the Protocol to the Convention, the Commission retains a research staff and recommends, for the approval of the Parties, regulations designed to achieve the purpose of the Convention. The Protocol provides for: (1) the setting of quotas in the Convention Area, and (2) joint regulation of the halibut fishery in the entire Convention Area under Commission regulations. Neither U.S. nor Canadian halibut fishing vessels are presently allowed to fish in the waters of the other country.

D. Conservation and Management Measures:

In 1991, Canada implemented an individual vessel quota (IVQ) system; a similar, individual fishing quota (IFQ) system for Alaska was implemented by the United States in 1995. The Indian commercial fishery in Area 2A, (Washington, Oregon, and California), the Canadian IVQ fishery in Area 2B (British Columbia), and the United States IFQ fisheries in Areas 2C, 3, and 4 (Alaska) commence on March 15, 1999 and terminate on November 15, 1999. The non-treaty directed commercial fishery in Area 2A will operate during six 10-hour fishing periods (July 7, July 21, August 18, September 1, September 15, and September 29). All fishing periods will begin at 8:00 a.m. and end at 6:00 p.m. local time. The remainder of the Area 2A catch sharing plan, including sport fishing seasons, will be determined under regulations promulgated by the National Marine Fisheries Service.

The IPHC held its Interim Meeting November 23-24, 1998 in Seattle, Washington and its 75th Annual Meeting in Prince Rupert, British Columbia, January 25-28, 1999. The Commission discussed fishing area catch limits, fishing periods and other 1999 management measures, and recommended government action.

At the Interim Meeting, the Commission revised the estimate of natural mortality from 20% to 15%, and discussed the its impact on biomass and recruitment estimates. The lower rate of natural mortality led to a lower overall biomass estimate. The stock, however, is considered to be at or above the maximum sustainable level.

At the Annual Meeting, the Commission agreed to a catch limit for 1999 of 74.06 million pounds, up 2.24 million pounds from the 1998 level. The increased catch limits resulted from the staff's assessment of the halibut resource and reflected healthy stock conditions. These increases also reflect advice received from the industry.

The following catch limits (in pounds) for 1999 in Area 2A (California, Oregon, and Washington), Area 2B (British Columbia), Area 2C (southeastern Alaska), Area 3A (central Gulf), Area 3B (western Gulf), Area 4A (eastern Aleutians), Area 4B (western Aleutians), Area 4C (Pribilof Islands), Area 4D (northwestern Bering Sea), and Area 4E (Bering Sea flats):

Area	Catch Limit (Pounds)
2A	760,000
2B	12,100,000
2C	10,490,000
3A	24,670,000
3B	13,370,000
4A	4,240,000
4B	3,980,000
4C	2,030,000
4D	2,030,000
<u>4E</u>	<u>390,000</u>
Total	74,060,000

The catch limit for Regulatory Area 2A reflects the catch-sharing plan implemented by the Pacific Fishery Management Council (PFMC):

2A Non-treaty directed commercial (south of 2A-1) fisheries	133,108
2A Non-treaty incidental catch in salmon troll	23,490
2A Treaty Indian commercial	256,000
2A Treaty Indian ceremonial and subsistence (year-round)	10,000
2A Sport - North of Columbia River	180,804
<u>2A Sport - South of Columbia River</u>	<u>156,598</u>
Total	760,000

The catch limits for Regulatory Areas 4C, 4D, and 4E reflect the catch-sharing plan implemented by the North Pacific Fishery Management Council (NPFMC). The NPFMC modified its catch sharing plan in Area 4 to allow the Commission to set biologically-based catch limits for Areas 4A, 4B, and a combined Area 4C-D-E.

The Commission received proposals from the halibut industry to shorten or eliminate the winter closure. The IPHC staff agreed to meet with industry representatives as well as other fisheries scientists and managers to discuss the need for the winter closure and logistical problems associated with a longer halibut season.

#### Regulatory Changes:

The Area 2A licensing regulations remained the same as in 1998. The Commission will issue vessel licenses for the sport charter halibut fishery, the directed commercial halibut fishery, and the incidental commercial halibut fishery. The deadline dates for receiving license applications remain the same: April 30 for the directed commercial fishery and March 31 for the incidental commercial fishery. However, the PFMC did review the catch-sharing plan intent and stated that a vessel that has a commercial halibut license cannot be used for sport fishing for halibut.

Modifications were made to the vessel clearances for Area 4B. Non-local vessels fishing in Area 4B will continue to be required to obtain a clearance in person prior to fishing. Adak was added as a location to obtain clearances for Area 4B, therefore the clearance prior to fishing for Area 4B can be obtained at either Nazan Bay on Atka Island or Adak. The clearance required at the completion of fishing in Area 4B must be obtained either in person or by VHF radio (no visual identification of the vessel is necessary). All other Area 4 clearance requirements are unchanged from 1998. During 1999, the Commission and NMFS will be reviewing IPHC clearance procedures and technologies (satellite transponders, etc.) and will release a report prior to the 2000 Annual Meeting.

The careful release regulation was modified to mirror NMFS regulations. All halibut caught and not retained must now be released outboard of the roller by one of the careful release methods. Halibut close to the legal size can be brought on board to be measured but must be returned to the sea in a timely manner.

Clarification by NMFS was made regarding observation of offloads and the scale weight at the time of offloading. A policy directive will be sent to the Commission and NMFS field enforcement officers in the ports. The policy will also be made available to the public and industry.

In 1998, the Commission modified the existing regulations on the minimum size limit to allow the Community Development Quota (CDQ) fishers in Area 4E to land undersized halibut caught with commercial gear for subsistence use. For 1999 the regulation was changed to require the manager of an authorized CDQ organization that allows persons to harvest halibut in Area 4E CDQ fishery to report the total number and weight of undersized halibut to the Commission. The report must include the methodology on how the data was collected and be received by IPHC prior to December 1, 1999.

The Commission also adopted a proposal by the CDQ corporations of the Bering Sea mainland to allow fishers with CDQ assigned to area 4D to harvest it in area 4E, closer to shore. Implementation of the proposal, however, will require a rule modification by the NPFMC.

Other Actions:

The Commission also discussed the issue of live fish landings. Present regulations require that all halibut must be eviscerated at the time of unloading. The Commission agreed to review this issue during the coming year.

The IPHC staff agreed to conduct experiments to determine if the occurrence of chalky halibut, a rare condition that affects the color and texture of halibut flesh, is related to handling methods such as stunning or bleeding. A research cruise is planned during the summer and a report will be available at next years meeting.

For the 2000 Annual Meeting, the Commission will be developing a format for industry and agency proposals for consideration at the Annual Meeting. It is expected that the proposal deadline for regulation changes or fishery issues will be set for the Fall of 1999. A later deadline will be set for comments and proposals associated with the IPHC staff recommendations for catch limits. These deadlines were set to allow dissemination of the proposals and allow industry and agency discussion of proposals prior to the Annual Meeting.

The United States Government commissioner, Steven Pennoyer, was elected Chair for the coming year and the Canadian Government commissioner, Richard J. Beamish, was elected Vice Chair. Canadian commissioners are Richard Beamish, Gregg Best and Rodney Pierce.

E. Future Meetings:

The next Interim meeting will be held in Seattle, Washington, September 28-29, 1999, and the 76th Annual Meeting of the Commission will be held in the Seattle area, from January 10 to 13, 2000.

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## **NORTH PACIFIC ANADROMOUS FISH COMMISSION (NPAFC)**

### Basic Instrument

Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean, 1992 (hereafter referred to as the "Convention," Senate Treaty Document 102-30, 102d Congress, 2d Session)

### Implementing Legislation

The North Pacific Anadromous Stocks Act of 1992 (Title VIII of P.L. 102-567)

### Member Nations

Canada, Japan, the Russian Federation, and the United States

### Commission Headquarters

North Pacific Anadromous Fish Commission  
Suite 502, 889 West Pender Street  
Vancouver, B.C., Canada V6C 3B2  
Executive Director: Dr. Irina Shestakova  
Mr. Vladimir Fedorenko (beginning April 1, 1999)  
Telephone: (604) 775-5550  
Fax: (604) 775-5577  
E-Mail: npafc@interchange.ubc.ca  
URL: <http://www.npafc.org>

### Budget

The approved NPAFC budget for Fiscal Year (FY) 1998/1999 (July 1, 1998-June 30, 1999) is Canadian \$583,700, with each Party contributing \$135,000. At the Sixth Annual Meeting of the NPAFC held on November 1-6, 1998, in Moscow, Russia, the Commission approved a general fund budget of \$546,00 for FY 1999/2000. The total contribution from each Party, however, will remain the same as in FY 1998/1999, with the shortfall being offset by interest income. The NPAFC is currently considering a budget forecast of \$536,000 for FY 2000/2001.

### U.S. Representation

#### A. Appointment Process:

The United States is represented on the Commission by not more than three U.S. Commissioners who are appointed by the President and serve at his pleasure. Each U.S. Commissioner is appointed for a term not to exceed 4 years, but is eligible for reappointment. Of the three Commissioners, one must be an official of the U.S. Government, one a resident of the State of Alaska, and the third a resident of the State of Washington. Candidates for the non-Federal Commissioner positions must be knowledgeable or experienced concerning anadromous stocks and ecologically-related species of the North Pacific Ocean.

In addition, the Secretary of State, in consultation with the Secretary of Commerce, may designate from time to time Alternate U.S. Commissioners to the NPAFC. The number of Alternate Commissioners that may be designated to a Commission meeting is limited to the number of authorized U.S. Commissioners that will not be present.

B. U.S. Commissioners:

Steven Pennoyer (Term expired in November 1998, but will likely be re-nominated and re-appointed)  
Administrator, Alaska Region  
National Marine Fisheries Service, NOAA  
P.O. Box 21668  
Juneau, Alaska 99802-1668

Frances Ann Ulmer (Term expired in November 1998, but will likely be re-nominated and re-appointed)  
Lieutenant Governor, State of Alaska  
P.O. Box 110015  
Juneau, Alaska 99811

Guy R. McMinds (January 2, 2000)  
P.O. Box 67  
Taholah, Washington 98587

C. Advisory Structure:

The North Pacific Anadromous Stocks Act of 1992 established an Advisory Panel to the United States Section of the NPAFC. The Advisory Panel shall be composed of: (1) the Commissioner of the Alaska Department of Fish and Game; (2) the Director of the Washington Department of Fisheries and Wildlife; (3) one representative of the Pacific States Marine Fisheries Commission; and (4) eleven members (six residents of the State of Alaska and five residents of the State of Washington) appointed by the Secretary of State, in consultation with the Secretary of Commerce, from among a slate of 12 persons nominated by the Governor of Alaska and a slate of 10 persons nominated by the Governor of Washington. There must be at least one representative of commercial salmon fishing interests and one representative of environmental interests on each of the Governors' slates.

As is the case with NPAFC Commissioners, Advisors must be knowledgeable of North Pacific anadromous stocks and ecologically related species. Advisors serve for a term not to exceed 4 years, and may not serve more than two consecutive terms.

Description:

A. Mission/Purpose:

The NPAFC serves as a forum for promoting the conservation of anadromous stocks and ecologically-related species, including marine mammals, sea birds, and non-anadromous fish, in the high seas area of the North Pacific Ocean. This area, as defined in the Convention, is "the waters of the North Pacific Ocean and its adjacent seas, north of 33E North Latitude beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured." In addition, the NPAFC serves as the venue for coordinating the collection, exchange, and analysis of scientific data regarding the above species within Convention waters. It also coordinates high seas fishery enforcement activities by member countries (the Convention prohibits directed fishing for salmonids and includes provisions to minimize the incidental take of salmonids in other fisheries in the Convention area).

B. Organizational Structure:

The NPAFC has three standing committees: the Committee on Enforcement, the Committee on Finance and Administration, and the Committee on Scientific Research and Statistics. The committees are responsible for providing accurate and timely advice to the Commission in the areas relating to the finances of the Secretariat and the scope of the enforcement activities and scientific research conducted under the auspices of the Commission.

### C. Programs:

The NPAFC held its Sixth Annual Meeting on November 1-6, 1998, in Moscow, Russia. Delegations from each of the member nations (Canada, Japan, the Russian Federation, and the United States) consisted of official Representatives plus a number of experts and advisors. Mr. William Hines led the U.S. delegation, Mr. Vladimir Izmailov, the Russian delegation, Mr. Shuji Ishida, the Japanese delegation, and Mr. David Bevan, the Canadian delegation. Mr. Bevan, President of NPAFC, chaired the plenary sessions. Representatives from the Republic of Korea (ROK), the North Pacific Marine Science Organization (PICES), and the North Atlantic Salmon Conservation Organization (NASCO) attended the meeting as observers.

As is the norm for NPAFC Annual Meetings, the majority of the work of the Commission took place at the committee level. The recommendations of each committee on its various issues were presented to the Commission in the form of a report for its consideration. These reports were formally adopted by the Commission at its final plenary session. The major issues for each committee are briefly discussed below.

#### Committee on Enforcement (ENFO)

Unauthorized Fishing--The ENFO Committee reviewed unauthorized fishing activities in the Convention Area in 1998. The cooperative enforcement efforts of the Parties resulted in the detection of seven large-scale driftnet vessels engaged in illegal fishing operations in or near the Convention Area. Of the seven vessels, the United States apprehended two and referred two vessels to the Russian Federation for prosecution. A Russian Federal Border Guard vessel fired on one of the driftnet vessels (registered in the People's Republic of China--PRC) in order to stop it, resulting in the death of one and wounding seven of the vessel's crew members. Five of the seven vessels were registered in the PRC; two vessels claimed Russian registry.

Due to the apparent increase in unauthorized high seas salmon fishing in the Convention Area, all Parties pledged to maintain 1999 enforcement activities at levels equal to those of 1998, to ensure sufficient enforcement presence in the area to deter the threat of potential unauthorized fishing activity.

Alternate Mechanisms of Supporting the Convention by Non-Members--The Parties concurred that the Agreement to Promote Compliance with International Conservation and Management Measures By Fishing Vessels on the High Seas, approved by the United Nations Food and Agriculture Organization (FAO) in 1993 and open for acceptance, could serve as a mechanism to obligate non-member States to support and cooperate with the objectives and principles of the Convention. A country's acceptance of the FAO Agreement would, inter alia, obligate it to ensure that its fishing vessels do not undermine the effectiveness of conservation and measures adopted by such regional fisheries organizations as the NPAFC. The Parties decided, as appropriate, to encourage States or entities not party to the Convention to whom the FAO Agreement is open, to adopt the FAO Agreement as soon as possible.

Enforcement Symposium--The Commission agreed to allocate \$50,00 (Canadian dollars) to finance a two-day Enforcement Standardization Symposium to be held at the U.S. Coast Guard's North Pacific Regional Fisheries Training Center in Kodiak, Alaska, in February/March 1999.

#### Committee on Finance and Administration (F&A)

Upon the recommendation of the F&A Committee, the Commission approved the FY 1999/2000 budget (discussed in the budget section of this document). The F&A Committee also presented for the Commission's consideration at the 1999 annual meeting the budget forecast for FY 2000/2001.

#### Committee on Scientific Research and Statistics (CSRS)

The CSRS exchanged scientific research information on a broad range of issues concerning North Pacific salmonids and ecologically related species. The CSRS reviewed approximately 70 documents related to scientific research activities, salmon catches, and salmon enhancement activities. It also coordinated research plans for 1999. NPAFC

scientists are continuing to gather data on climate and salmon runs from around the Pacific Rim. The CSRS agreed to hold a Research Planning and Coordination Meeting in Vancouver, B.C. March 24-26, 1999.

The total salmon catch among the Parties in 1997 was 838,802 metric tons, down slightly from 847,730 metric tons in 1996. In addition, nearly 4.9 billion juvenile salmon were released in the Convention Area in 1997.

1999 Symposium-The Parties agreed to provide \$30,000 (Canadian) to host a two-day scientific symposium, titled "Recent Changes in Ocean Production of Pacific Salmon" following the 1999 Annual Meeting. Topics will include the identification of new research methods and techniques in ocean salmon research, and the description of forecast and stock assessment models for Pacific salmon.

#### Other Issues

Accession of the ROK and PRC to the Convention -The Parties agreed to use all available avenues of their bilateral relations with the ROK and the PRC to facilitate the accession of these two countries to the Convention. They also agreed that if the bilateral approach fails, they will consider sending Commission representatives to the ROK and PRC to discuss those countries' concerns.

New Executive Director -Mr. Vladimir Fedorenko, of the Russian Federation, was selected to serve as the new Executive Director of the NPAFC. Mr. Fedorenko, who is currently serving as Fisheries Attache in the Embassy of the Russian Federation in Washington, D.C., will assume the office on April 1, 1999.

PICES-NPAFC Cooperation Agreement -The Parties authorized the President of the NPAFC to sign a memorandum of understanding (MOU) on cooperation between PICES (North Pacific Marine Science Organization) and the NPAFC. The MOU provides a formal framework for the two organizations to maintain reciprocal consultations on matters of common interest. The two organizations will also coordinate, when possible, the time and place of annual meetings to facilitate their work.

Future Meetings -The United States will host the Seventh Annual Meeting in 1999 in Juneau, Alaska. Japan will host the Eighth Annual Meeting in 2000, and Canada will host the Ninth Annual Meeting in 2001.

#### Staff Contacts

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## **PACIFIC SALMON COMMISSION (PSC)**

### Basic Instrument

Treaty Between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, 1985

### Implementing Legislation

Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3631)

### Member States

Canada and the United States

### Commission Headquarters

Pacific Salmon Commission  
1155 Robson Street, Suite 600  
Vancouver, British Columbia  
Canada V6E 1B5  
Executive Secretary: Mr. Ian Todd  
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### Budget

The approved Commission budget for Fiscal Year 1998-1999 (April 1, 1998-March 1, 1999) is Canadian \$2,068,217 (\$800,000 from each Party).

### U.S. Representation

#### A. Appointment Process:

The appointment process for U.S. members of the PSC includes several unique features. The legislation implementing the treaty specifies: "The United States shall be represented on the Commission by four Commissioners who are knowledgeable or experienced concerning Pacific salmon, to be appointed by and serve at the pleasure of the President. Of these, one shall be an official of the U.S. Government who shall be a non-voting member of the U.S. Section; one shall be a resident of the State of Alaska and shall be appointed from a list of at least six qualified individuals nominated by the Governor of that State; one shall be a resident of the States of Oregon or Washington and shall be appointed from a list of at least six qualified individuals nominated by the Governors of those States; and one shall be appointed from a list of at least six qualified individuals nominated by the treaty Indian Tribes of the States of Idaho, Oregon, or Washington. Two of the initial appointments shall be for 2-year terms; all other appointments shall be for 4-year terms." Legislation also provides for the designation of an Alternate Commissioner for each Commissioner. In the absence of a Commissioner, the Alternate Commissioner may exercise all functions of the Commissioner.

B. COMMISSIONERS

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Mr. W. Ron Allen (Co-Chair)  
Tribal Chairman  
Jamestown S'Klallam Tribe  
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Sequim, WA 98382

ALTERNATE COMMISSIONERS

Mr. Larry Rutter  
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Mr. Jev Shelton  
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Gillnetters Association  
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Mr. Rollie Rousseau  
16420 N.W. Joscelyn  
Beaverton, OR 97006

Mr. Ted Strong  
Executive Director  
Columbia River Inter-Tribal  
Fish Commission  
729 N.E. Oregon St., Suite 200  
Portland, OR 97232

C. Advisory Structure:

No formal advisory group currently exists.

Description

A. Mission/Purpose:

The PSC's mission is to serve as a forum for cooperation between the United States and Canada in the establishment of general fishery management regimes for the international conservation and harvest sharing of intermingling North Pacific salmon stocks. Implementation of the principles of the Pacific Salmon Treaty should enable the two countries, through better conservation and enhancement, to "prevent overfishing and provide for optimum production; and provide for each Party to receive benefits equivalent to the production of salmon originating in its waters." The Commission also serves as a forum for consultation between the Parties on their salmonid enhancement operations and research programs.

B. Organizational Structure:

The Commission has a complex organizational structure which includes three regional Panels (Northern, Fraser River, and Southern) consisting of 16 U.S. Panel Members (nine of whom are appointed by the Secretary of Commerce). The Northern Panel's stocks of concern are those originating in rivers between Cape Suckling in Alaska and Cape Caution in British Columbia. As its name implies, the Fraser River Panel has regulatory responsibility for stocks of sockeye and pink salmon originating in the Fraser River. The Southern Panel is concerned with stocks originating in

rivers south of Cape Caution (not including the Fraser River).

The Panels are responsible for providing advice to the Commission on the management regimes for the intercepting salmon fisheries in those regions, i.e., those in which one or both countries intercept salmon spawned in the other country. This is done by reviewing technical data on annual fishing plans, regulations, and the salmon enhancement programs of each country. Based on the advice provided by the Panels, the PSC formulates management recommendations, including catch limits and related regulations, to present to the two governments. These recommendations become effective upon approval by both governments.

#### C. Programs:

The United States and Canada have not been able to agree fully on long-term, coast-wide salmon fishing management regimes since 1992. Over the past six years, the two countries have engaged in a series of high-level, government-to-government attempts to resolve their differences, including negotiations in 1994, a formal mediation effort in 1995-1996, and Pacific salmon stakeholder talks in 1997. Unfortunately, all of these efforts have failed because of differing philosophical and technical approaches to equity and salmon conservation issues. Canada has long maintained that there is an equity imbalance in favor of the United States (i.e., the U.S. catch of Canadian-origin salmon exceeds Canada's catch of U.S.-origin salmon) and has refused to discuss critical conservation issues and long-term salmon fishery management regimes until the equity issue has been resolved to its satisfaction.

#### Current Status:

Following the demise of the stakeholder process, Roberts Owen was appointed as the Senior U.S. Federal Negotiator for the Pacific Salmon and Canada appointed Don McCrae to lead the Canadian team in March 1998. Despite attempts at the government-to-government level, United States and Canada were unable to agree on a comprehensive, coast-wide package of interim management arrangements for intercepting Pacific salmon for the 1998 fishing season. However, the countries were able to reach 1-year agreements for specific salmon fisheries in the Southern region, which effects the U.S. Pacific Northwest and Southern British Columbia. Although most issues in the Northern Boundary area between British Columbia and Alaska, appeared to be solvable, negotiations were not successful. No attempt was made to develop a one-year bilateral agreement for chinook salmon; instead, the United States managed its chinook fisheries according to an internal Letter of Agreement.

Southern Fisheries: Fraser River Sockeye: Regarding the U.S. interception of Canadian Fraser River sockeye, a bilateral agreement was successfully negotiated for this fishery. As a result, the bilateral Pacific Salmon Commission Fraser River Panel managed U.S. and Canadian fisheries in Fraser Panel waters. Regarding Canadian interception of Southern U.S. chinook and coho salmon, Canada severely restricted most of its own fisheries in areas that intercept both species, due entirely to conservation concerns for its own imperiled coho stocks.

Northern Fisheries: Despite the lack of management agreements in the Northern Boundary area, U.S. and Canadian fishery managers remained in contact during the season regarding in-season information relevant to management of the salmon stocks. The United States agreed to close the disputed boundary waters of the Dixon Entrance to salmon fishing this summer due to Canadian concerns about the conservation of coho salmon. Although Canada took major actions to reduce the harvest of their northern coho stocks, claiming near-extinction or severe conservation problems, several fishery indices showed much stronger runs than Canada projected. The parties remain divided as to whether a general and chronic coho conservation problem exists.

At the December, 1998 Executive Session of the Commission, the United States' objective was to reach agreement with Canada to begin coast-wide chinook management negotiations at the January 1999, Commission Panel and Post Season meeting. Canada agreed to begin the chinook negotiations in January, but the details of who will conduct those negotiations and how/when they will commence remain unclear.

As to negotiations for long term agreements for species other than chinook, Canada had been asked at the government-to-government level to prepare specific fishery proposals in response to those prepared last year by the US. However, because Canadian internal fisheries management remains in a state of transition, it is unclear whether Canada will be able to table anything soon other than general guidelines or principles. Meanwhile, the United States intends to refine and develop its positions in preparation for the government to government negotiations. These also are expected to commence this winter, albeit according to an as-yet-undefined schedule.

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# CONVENTION ON THE CONSERVATION AND MANAGEMENT OF POLLOCK RESOURCES IN THE CENTRAL BERING SEA

## Implementing Legislation

There is no implementing legislation for the Convention.

## Parties

Japan, People's Republic of China (PRC), Republic of Korea (ROK), Republic of Poland, Russian Federation, and the United States.

## Description

### A. Mission/Purpose:

The objectives of the Convention are:

- "1. to establish an international regime for conservation, management, and optimum utilization of pollock resources in the Convention Area [the high seas area of the Bering Sea beyond the U.S. and Russian 200-mile jurisdictions];
2. to restore and maintain pollock resources in the Bering Sea at levels which will permit their maximum sustainable yield;
3. to cooperate in the gathering and examining of factual information concerning pollock and other living marine resources in the Bering Sea; and
4. to provide, if the Parties agree, a forum in which to consider the establishment of necessary conservation and management measures for other living marine resources in the Convention Area as may be required in the future."

### B. Organizational Structure:

The Convention does not provide for a commission. It does, however, specify that Parties will convene an Annual Conference and establish a Scientific and Technical (S&T) Committee. The functions of the Annual Conference are, among other things, to establish an annual harvest level (AHL) for pollock in the Convention Area, establish an annual individual national pollock quota (INQ) for each Party, adopt appropriate pollock conservation and management measures, establish a Plan of Work for the S&T Committee, and discuss cooperative enforcement measures and receive enforcement reports from each Party. Parties may also use the Annual Conference to determine the scope of any cooperative scientific research on, and conservation and management measures for, living marine resources other than pollock covered by the Convention.

The S&T Committee has the charge to "compile, exchange, and analyze information on fisheries harvests, fish stocks, and other living marine resources covered by this Convention in accordance with the Plan of Work established by the Annual Conference, and shall investigate other scientific matters as may be referred to it by the Annual Conference." The S&T Committee also makes recommendations to the Annual Conference regarding the conservation and management of pollock, including the AHL.

### C. Advisory Body:

No formal U.S. advisory body has been legislated for the Convention. However, the Department of State has invited the 12-member "North Pacific and Bering Sea Fisheries Advisory Body," appointed to advise the U.S. Representative to the U.S.-Russia Intergovernmental Consultative Committee (ICC), to serve informally as the advisory body. This group consists of the following individuals:

- The Director of the Department of Fisheries and Wildlife of the State of Washington;
- The Commissioner of the Department of Fish and Game of the State of Alaska;
- Five members appointed by the Secretary of State from a list of 10 nominees provided by the Governor of Alaska; and,
- Five members appointed by the Secretary of State from a list of 10 nominees provided by the Governor of Washington.

### D. Background:

The development in the mid-to-late 1980s of an extensive pollock fishery in the central Bering Sea (donut hole) area of the Aleutian Basin, beyond the U.S. and Russian 200-mile zones, was of great concern to U.S. and Russian fishing interests. The United States closed a domestic fishery as a result of the adverse impact this unregulated fishery, which was being prosecuted mostly by distantwater fishing nations, was having on U.S. pollock stocks. Concern also extended to bycatch problems associated with the fishery.

The donut hole fishery was being conducted by trawl vessels from Japan, the ROK, Poland, the PRC, and the former Soviet Union. Catch data submitted by these countries indicated that annual harvests in the donut area rose to approximately 1.5 million metric tons (mt) in the years leading up to 1989. Largely due to drastic declines in catch and catch-per-unit-effort from 1990, leading to a total catch of under 300,000 mt in 1991 and under 11,000 mt in 1992, the governments involved agreed to a voluntary suspension of fishing in the area for 1993-94. During the 2-year suspension of fishing, an agreed scientific monitoring program was carried out that showed no evidence of the recovery of the resource.

On February 11, 1994, the Parties completed 3 years of negotiations and initialed the Convention on the Conservation and Management of Pollock Resources in the central Bering Sea. Its major principles include: no fishing permitted in the donut hole unless the biomass of the Aleutian Basin stock exceeds a threshold of 1.67 million mt (if the parties cannot agree on an estimate of the biomass, the estimate of the Alaska Fisheries Science Center and its Russian counterpart will be used); allocation procedures; 100 percent observer and satellite transmitter coverage; and prior notification of entry into the donut hole and of transshipment activities.

On June 16, 1994, the Convention was signed by the PRC, the ROK, the Russian Federation, and the United States. Japan and Poland signed it on August 4, 1994, and August 25, 1994, respectively. The Convention entered into force on December 8, 1995, for Russia, Poland, the PRC, and the United States, December 21, 1995, for Japan, and January 4, 1996, for the ROK.

### Current Status

Representatives from the United States and the five other Parties to the Convention met at the Third Annual Conference in Tokyo, Japan, on November 30-December 4, 1998. The Conference was chaired by Mr. Yasuo Takase, Director, Fishery Division, Economic Affairs Bureau, Ministry of Foreign Affairs, Japan. The U.S. delegation was led by Dr. Richard Marasco, Director, Resource Ecology and Fisheries Management Division, Alaska Fisheries Science Center, National Marine Fisheries Service.

AHL: Based on the report of the S&T Committee, the Parties agreed that data were insufficient to determine the biomass of the Aleutian Basin pollock stock biomass directly. The best available information to estimate this biomass indirectly came from the U.S. research vessel *Miller Freeman* survey of the pollock spawning stock

biomass in the Bogoslof Island area in March 1998. This information was used to determine the biomass of the Specific Area described in Part 1(b) of the Annex to the Convention. The biomass of the Specific Area was estimated to be 432,000 mt--up from 342,000 mt in 1997. Part 1(b) of the Annex states that if the Parties are not able to reach consensus on the Aleutian Basin pollock biomass, the Specific Area biomass will represent 60 percent of the total Aleutian Basin biomass. With this in mind, the total biomass in the Aleutian Basin would be estimated at 720,000 mt. This number is far below the 1.67 million mt threshold (Part 1(c) of the Annex) that would trigger a commercial fishery. The Parties agreed that, despite a moratorium on commercial fishing in the Central Bering Sea for the past 6 years, the pollock stocks have not rebuilt.

Irrespective of the low Aleutian Basin total biomass estimate above, and the fact that all trial fishing results in 1998 showed little or no fish in the central Bering Sea, Japan, the ROK, Poland, and the PRC made an unusually strong effort to establish a symbolic AHL to be allocated in equal amounts to each of the Parties. The purpose of this initiative was to convince the fishermen who have endured 6 years of pollock fishing moratoria in the central Bering Sea and who still do not understand or believe the science reports, that there really are no pollock in the central Bering Sea. However, the United States reminded Parties of their responsibilities under Article 6 of the United Nations Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks to invoke the precautionary approach when scientific data does not clearly indicate that it is prudent to establish a fishery. After a thorough discussion by the Parties, the Annual Conference could not reach consensus to establish an AHL for a commercial pollock fishery in the central Bering Sea during 1999 under the mechanism suggested by the above Parties. Therefore, following the procedures established by the Convention, the AHL for 1999 remains at zero. The Parties agreed to reconsider a detailed ROK proposal for a mechanism to establish a symbolic AHL at the Fourth Annual Conference. Because the 1999 AHL is zero, no INQs were established.

Terms and Conditions for Trial Fishing in 1999: Trial fishing by vessels of the Parties will be permitted in 1999 under the same terms and conditions that were established by the Second Annual Conference in 1997. Included are provisions that no more than two vessels from each Party to the Convention at any time may conduct trial fishing for pollock and that information on the vessels that will engage in the trial fishing will be provided to all Parties in advance of fishing operations. Vessels engaged in trial fishing will have scientific observers of the flag-State on board and will accept at least one scientific observer of other Parties to the Convention in accordance with arrangements to be made between the flag-State of the vessel and the other Parties.

Management Measures for a Central Bering Sea Fishery: Parties continued to discuss management measures that will apply once a commercial central Bering Sea pollock fishery is resumed. The following conclusions were reached:

Observer Issues--The Parties continued to discuss the provisions of a central Bering Sea observer program. Most parties agreed that the Convention provides that only one non-flag state observer per vessel must be accepted by the flag state. Several Parties also raised the issue of equitable opportunity for all Parties to place observers aboard other Party vessels, so as to meet the objectives of the Convention. The Parties agreed that these were complex issues that could not be resolved at the Third Annual Conference. In any event, all fishing vessels will carry observers when commercial fishing is resumed in the Convention Area.

Method to Determine Catch--The consensus of the Parties was that the most accurate and efficient method should be used to estimate the catch. Until the issue of the best method is resolved, either scales or volumetric methods (i.e., calibrated bins or codend measurement) should be used.

Method of Conducting the Fishery--The Parties reached consensus that an INQ fishery, rather than an Olympic-style fishery, would be the most equitable method by which to conduct a commercial fishery in the central Bering Sea. Regarding the allocation of INQs, the Parties agreed that this issue would require further discussion.

Source of Data for Management--The Parties concluded that the records of the vessel Master should be the primary source of data for fishery management. However, if discrepancies are found between the observer's data and the Master's data, such differences are to be investigated by the flag state and resolved as soon as possible.

Coastal State Reports on Scientific Data and Conservation Measures: Under the Convention, the two coastal states, Russia and the United States, are required to submit reports on scientific data and on conservation and management measures in effect in their zones. Russia described management measures and trends in the status of stocks in its EEZ and in the Western Bering Sea. The United States reported that the Bogoslof Island area would remain closed to commercial pollock fishing for another year, and noted that the North Pacific Fishery Management Council would consider an 11 percent reduction in the acceptable biological catch (ABC) for pollock in the U.S. zone.

Plan of Work for the Scientific and Technical Committee:

Research--The United States will be unable to conduct the annual Bogoslof Island pollock spawning survey due to scheduled repair work on the *R/V Miller Freeman*. Japan volunteered to conduct the survey in January and February 1999. The ROK plans to conduct a survey with its new research vessel *Tamgu No. 1* and will provide a schedule for this research, once the vessel is fully operational and the research plan has been finalized. Russia was unsure about research plans for 1999, but expected to be able to advise the Parties by the end of January 1999. The U.S. will conduct a hydro acoustic survey in May-June 1999 and will request permission from Russia to enter the Russian EEZ to survey the Navarin Basin. The United States suggested it would be beneficial if Korea, Japan, and the United States could coordinate an intership calibration of equipment if their research schedules permit. There continues to be a need to continue genetic research and the Parties agreed to exchange information on each of their research efforts in this area.

Pollock Stock Identification: The Parties agreed that a workshop on pollock stock identification methods would be beneficial. The United States and Japan agreed to develop plans to conduct such a workshop and to correspond further with the other Parties on this issue. The workshop will probably be held before the next Annual Conference.

Matters Relating to Conservation and Management of Living Marine Resources Other Than Pollock in the Convention Area: Japan noted that other animals in the Bering Sea ecosystem may impact the health of pollock stocks. The Parties agreed to consider these issues further, and Japan offered to prepare a paper to begin this discussion.

Fourth Annual Conference: The ROK offered to host the Fourth Annual Conference in early November 1999, at a place to be determined. The PRC made a tentative offer to host the Fifth Annual Conference in 2000, most likely in Shanghai.

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**COMMISSION FOR THE CONSERVATION OF ANTARCTIC MARINE LIVING  
RESOURCES  
(CCAMLR)**

Basis Instrument

Convention for the Conservation of Antarctic Marine Living Resources (TIAS 10240), 1982.

Implementing Legislation

Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2431).

Member Nations

Argentina, Australia, Belgium, Brazil, Chile, European Community, France, Germany, India, Italy, Japan, Republic of Korea, New Zealand, Norway, Poland, Russian Federation, South Africa, Spain, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay (note: Bulgaria, Canada, Finland, Greece, the Netherlands, and Peru have acceded to the Convention but are not members of the Commission).

Commission Headquarters

Commission for the Conservation of Antarctic Marine Living Resources  
123 Harrington Street  
Hobart, Tasmania 7000 Australia

Executive Secretary: Esteban De Salas Ortueta  
Phone: 61 02 31 0366

Budget

(Amounts are in Australian dollars) The Commission approved a budget for 1999 of \$2,002,200. The 1999 U.S. contribution will be \$73,524.

U.S. Representation

A. Appointment Process:

The Secretary of State, with the concurrence of the Secretary of Commerce and the Director of the National Science Foundation, appoints an officer or employee of the United States as the U.S. representative to the Commission. The Secretary of Commerce and the Director of the National Science Foundation, with the concurrence of the Secretary of State, designates the U.S. representative to the Scientific Committee.

B. U.S. Representative to the Commission:

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U.S. Representative to the Scientific Committee:

Rennie Holt  
Director, Antarctic Ecosystem Research Group  
NOAA/NMFS/F/SWC  
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Phone: (619) 546-7601

C. Advisory Structure:

The U.S. Representative to the Scientific Committee is responsible for providing scientific advice to the Commissioner on the operation of the U.S. Antarctic Marine Living Resources (AMLR) directed research program; on the status of krill, finfish, squid, marine mammal, and bird populations; on data requirements; on the long-term program of work of the Scientific Committee; and on recommendations for conservation and management measures. Permanent Working Groups on Fish Stock Assessment (WG-FSA) and Ecosystem Monitoring and Management (WG-EMM) have been constituted to develop and review research proposals and results. The Commission is currently assisted by an ad hoc Working Group on Incidental Mortality Arising from Longline Fishing (WG-IMALF).

Description

A. Mission/Purpose:

The 1982 Convention established CCAMLR for the purpose of protecting and conserving the marine living resources in the waters surrounding Antarctica. The Convention is based upon an ecosystem approach to the conservation of marine living resources and incorporates standards designed to ensure the conservation of individual populations and species and the Antarctic marine ecosystem as a whole.

The Convention applies to the Antarctic marine living resources of the area south of 60 South latitude and to the Antarctic marine living resources of the area between that latitude and the Antarctic Convergence which form part of the Antarctic marine ecosystem. The Antarctic Convergence is deemed to be a line joining the following points along parallels of latitude and meridians of longitude: 50°S, 0°; 50°S, 30°E; 45°S, 30°E; 45°S, 80°E; 55°S, 80°E; 55°S, 150°E; 60°S, 150°E; 60°S, 50°W; 50°S, 50°W; 50°S, 0°.

B. Organizational Structure:

CCAMLR is comprised of the Commission, Executive Secretary, and the Scientific Committee. The Commission consists of one representative from each member nation and is responsible for facilitating research, compiling data on the status of and changes in Antarctic marine living resources, ensuring the acquisition of catch and effort data, publishing information, identifying conservation needs, adopting conservation measures, and implementing a system of observation and inspection. The Executive Secretary handles the administrative matters for the Commission. The Scientific Committee is comprised of scientific advisors from the member nations. It sponsors the permanent working groups and recommends research programs and conservation and other measures to the Commission. There are working groups for Fish Stock Assessment (WG-FSA) and Ecosystem Monitoring and Management (WG-EMM).

U.S. participation on the Scientific Committee and in WG-FSA and WG-EMM is supported by the activities of the U.S. Antarctic Marine Living Resources (AMLR) Directed Research Program, conducted by the National Marine Fisheries Service's Antarctic Ecosystem Research Group (AERG), Southwest Fisheries Science Center, La Jolla, California.

### C. Programs:

The Commission adopted its first conservation measures during the 1984 session (CCAMLR III). At its Seventeenth Meeting in Hobart, Tasmania, October 26 to November 6, 1998, the Commission adopted additional conservation measures pertaining to fishing in the CCAMLR Convention Area in Antarctic waters. These were agreed upon in accordance with Article IX of the Convention for the Conservation of Antarctic Marine Living Resources.

The measures restrict overall catches and bycatch of certain species of fish, krill, squid and crab; limit participation in several new and exploratory fisheries; restrict fishing in certain areas and to certain gear types; set fishing seasons; require vessel and gear marking; continue previously adopted reporting requirements; specify licensing and inspection obligations of Contracting Parties; encourage cooperation between Contracting Parties to ensure compliance with CCAMLR conservation measures; and mandate the use of Automated Satellite-Linked Vessel Monitoring Systems (VMS) on Contracting Party vessels fishing in the Convention Area.

CCAMLR approved several fisheries as **new or exploratory fisheries** for the 1998/99 fishing season. These fisheries are limited total allowable catch (TAC) fisheries and, with the exception of an exploratory fishery for M. Hyadesi in Statistical Subarea 48.3 open to all Contracting party vessels, are open only to the countries which notified CCAMLR of an interest by their fishers in the fisheries. The United States was not a notifying country, and, thus, U.S. fishers are not eligible to participate in them. The new fisheries are for: longline fishing for Dissotichus species in Statistical Subarea 48.6 by South Africa; longline fishing for Dissotichus species in Statistical Division 58.4.3 outside areas of national jurisdictions by France; and longline fishing for Dissotichus species in Statistical Division 58.4.4 by France, South Africa, Spain and Uruguay. The exploratory fisheries are for: trawl fishing for Dissotichus species in Statistical Division 58.4.1 west of 90°E by Australia; trawl fishing for Dissotichus species in Statistical Division 58.4.3 by Australia; longline fishing for Dissotichus eleginoides in Statistical Subarea 58.6 by France and South Africa; and longline fishing for Dissotichus species in Statistical Subareas 88.1 by New Zealand.

Participation in the **Convention Area crab fishery** continues to be limited to one vessel per Commission member. Applications for a crab permit must be received no later than ninety days prior to intended harvesting and will be considered in order of application. If there are multiple applicants, the one U.S. crab permit will be issued on the basis of: (1) order of receipt of applications; (2) criteria for harvesting permits appearing in 50 CFR 300.112; (3) willingness to participate in CCAMLR pilot programs; and (4) record of previous participation, if any, in the crab fishery.

CCAMLR adopted, or significantly expanded, several **conservation measures addressing illegal, unreported and unregulated fishing in the Convention Area**. The first measure requires Contracting Parties to undertake licensing and inspection obligations with regard to their flag vessels operating in the Convention Area. The second measure requires "Cooperation between Contracting Parties to Ensure Compliance with CCAMLR Conservation Measures with regard to their Vessels". Cooperation is facilitated by port inspections. The third measure requires Contracting Parties to establish automated satellite-linked vessel monitoring systems, no later than March 1, 1999, to monitor the position of its fishing vessels licensed to harvest marine living resources in the Convention Area. Current fishing for krill was excluded from the scope of the measure. By a fourth measure, CCAMLR prohibited directed fishing for Dissotichus species in Statistical Subareas 48.5, 88.2, and 88.3 and in Division 58.4.1 (east of 90°E) from November 7, 1998 through November 30, 1998. A final measure requires Contracting Parties to ensure that all fishing vessels licensed to fish in the Convention Area are marked in accordance with internationally recognized standards and that all marker buoys and similar objects floating on the surface and intended to indicate the location of fixed or set fishing gear are clearly marked at all times with the letter(s) and or numbers of the vessel to which they belong. These marking measures have been required of U.S. vessels fishing in the Convention Area since 1988.

CCAMLR continued its discussion of **trade-related measures** as a means of facilitating compliance and agreed to hold an intersessional meeting in Brussels in April 1999 to consider specific proposals.

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**CONVENTION FOR THE CONSERVATION  
OF ANTARCTIC SEALS  
(CCAS)**

Basic Instrument

Convention for the Conservation of Antarctic Seals (29 UST 441, TIAS 8826)

Implementing Legislation

None.

Member Nations

Argentina, Australia, Belgium, Chile, France, the Federal Republic of Germany, Japan, Norway, Poland, South Africa, the Russian Federation, the United Kingdom, and the United States of America.

Commission Headquarters

The Convention did not establish a Commission.  
The United Kingdom serves as the Depositary Government.

Budget

None.

U.S. Representation

The United States is represented at Meetings of Contracting Parties to the Convention by a delegation, headed by the Department of State and including representatives of the National Marine Fisheries Service, the Marine Mammal Commission, and the environmental community.

Description

A. Mission/Purpose

The Convention for the Conservation of Antarctic Seals was signed in London on February 11, 1972. It entered into force on March 11, 1978, and calls for Contracting Parties to meet within 5 years of entry into force, and at least every 5 years thereafter, to review the operation of the Convention. The purpose of the Convention is to promote and achieve the objectives of protection, scientific study and rational use of Antarctic seals, and to maintain a satisfactory balance within the ecological system.

The Convention applies to the seas south of 60E South Latitude, in respect of which the Contracting Parties affirm the provisions of Article IV of the Antarctic Treaty.

B. Organizational Structure

There is no Commission. The Scientific Committee on Antarctic Research (SCAR) of the International Council of Scientific Unions, through its Group of Specialists on Seals, receives reports from and advises the Contracting Parties on the number of seals killed or captured, the status of stocks, and the need, if any, for conservation and management measures.

### C. Programs

Because there had been no commercial sealing in the Antarctic after the Convention entered into force in 1978, an offer by the United Kingdom, as Depositary Government, to host a 1983 meeting of Parties, was declined. The first and, to date, only meeting of Parties, held in 1988, was occasioned by a 1986/87 Soviet commercial sealing expedition and research cruise.

The 1988 meeting limited its recommendations to amendments to the Annex to the Convention or to Contracting Parties and other institutional action independent of the terms of the Convention. The Meeting agreed that Contracting Parties should restrict the number of seals killed or captured by special permit. It also agreed to encourage cooperative planning among holders of special permits for scientific research and detailed the scientific information which should be reported. The meeting recommended that the Annex be amended to increase the period of notification by a Contracting Party to other Contracting Parties prior to leaving home port for a commercial sealing expedition from 30 to 60 days. The final report of the meeting noted, however, that Contracting Party countries are unlikely to engage in commercial sealing in the foreseeable future.

In 1992, the United Kingdom proposed, but the Parties did not feel it necessary, to hold a further meeting. In October 1993, the United Kingdom hosted an informal meeting of the Parties to review the operation of the Convention. The meeting was held in the margins of the twelfth meeting of the Commission for the Conservation of Antarctic Marine Living Resources. As a result, the Parties noted the need to: improve the submission and exchange of data; endorse scientific programs on seal research; provide SCAR with contact points of CCAS parties; and circulate copies of reports from the SCAR Group of Specialists to CCAS Parties. In response to an inquiry, the United Kingdom confirmed that the recommendations adopted by the 1988 Meeting of Parties entered into force on March 27, 1990.

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# GREAT LAKES FISHERY COMMISSION

## Basic Instrument

Convention on Great Lakes Fisheries between the United States and Canada signed September 10, 1954; entered into force October 11, 1955. 6 UST 2836; TIAS 3326; 238 UNTS 97.

## Implementing Legislation

Great Lakes Fisheries Act of 1956 (16 USC 932).

## Member Nations

U.S. and Canada.

## Commission Headquarters

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Website: <http://www.glf.org>

## Budget

The Commission approved a budget of \$13.7 million for FY 1999. The U.S. contribution is \$8.4 million.

## U.S. Representation

### A. Appointment process:

The United States is represented by 4 Commissioners appointed by the President. Of the Commissioners, one is to be an official of the U.S. Government and three are individuals who reside in different Great Lakes States and who are knowledgeable regarding the fisheries of the Great Lakes; one of these three must be an official of a Great Lakes state. The term of office for Commissioners is 6 years, and an Alternate Commissioner shall perform the duties of a Commissioner in the absence of a Commissioner, or when a Commissioner vacancy occurs. There are no set guidelines for the nomination process.

### B. U.S. Commissioners:

--Federal Commissioner: Jamie Rappaport Clark, Director, U.S. Fish and Wildlife Service; appointed June 1998.

--Bernard J. Hansen, (Committee Vice-Chair), Alderman, 44th Ward, City of Chicago; appointed September 16, 1994.

--Joseph Day, Executive Director, Indian Affairs Council, State of Minnesota; appointed November 21, 1997.

--Dr. Roy A Stein, Director, Aquatic Ecology Lab, Ohio State University; appointed 1998.

### C. Advisory structure:

There is no statutory requirement that the Commission establish an advisory body. However, an extensive advisory network has been developed by the Commission (see Description below).

### Description

#### A. Mission/Purpose:

The GLFC was established to control and eradicate sea lamprey which decimated important commercial and recreational fisheries in the Great Lakes following their entry into the lakes via canals constructed in the nineteenth century to improve navigation and access to the lakes by ocean-going vessels. Specific responsibilities of the Commission are:

1. to formulate research programs to sustain maximum productivity of any stock of fish in the Convention area that is of common concern to the United States and Canada;
2. to coordinate research done pursuant to such programs and, if necessary to undertake such research itself and to recommend appropriate measures to contracting parties and publish the scientific findings obtained in the performance of its duties; and
3. to formulate and implement a program for eradicating or minimizing sea lamprey populations in the Great Lakes basin.

Over the years, as new organizations and new ecological challenges have arisen, the Commission has sought to coordinate fisheries-related activities with other agencies and the public.

#### B. Organizational Structure:

The GLFC secretariat handles the day-to-day operations of the organization. The Commission meets in plenary session annually, in mid-June. Commissioners convene an Interim Meeting in early December, and special meetings of the Commissioners take place as needed.

#### C. Programs:

Lamprey control. The lamprey eradication and control mandate of the Commission consumes the bulk of the Commission's budget and is carried out by the Commission's "control agents" in the United States and Canada. The U.S. agent is the U.S. Fish and Wildlife Service (USFWS). The Commission contracts for the application by USFWS employees of chemical lampricide in the lakes and in their tributaries. The Department of Fisheries and Oceans provides this function for Canada.

Re-registration. The chief lamprey control chemicals (TFM and Bayluscide/niclosamide) are currently undergoing re-registration, required by the U.S. Environmental Protection Agency (EPA) under 1990 amendments to the Federal Insecticide, Fungicide, and Rodenticide Act. This process ensures that the chemical does not have harmful environmental effects, and is a mandatory requirement of U.S. law. EPA has advised the GLFC via the Upper Mississippi Science Center (UMSC) that the TFM and Bayluscide registration eligibility decisions will be released by February 28, 1999. This will detail all studies and information required to complete re-registration. Although the re-registration process is not yet complete, EPA pledged that the GLFC would still be permitted to use the lampricide in U.S. waters. The Canadian registration for TFM and Bayluscide will expire on December 31, 1999; the UMSC is working to extend the registrations through 2000 and amend current rules to allow aerial application of granular Bayluscide on the St. Mary's River.

GLFC and its stakeholders. The Commission operates through a broad-based, grass roots committee structure, with a basin-wide series of local level committees which cooperate with state and federal officials in monitoring fish (and

lamprey) populations in local waters. This information is passed to "lake committees," which present reports to the Commission at its annual meeting. The Board of Technical Experts (BOTE) draws from academic and industry experts in environmental issues, biology and pesticide use. Other experts serve on a fish disease control committee. The Committee of the Whole (ComW) advises the Commission on technical and "political" matters. ComW members include senior State or Provincial officials with fisheries responsibilities. The Commission, assisted by these groups, has developed the Joint Strategic Plan for Management of Great Lakes Fisheries (SGLFMP), although the Convention does not vest the Commission with fishery management authority. The SGLFMP is currently undergoing a periodic review by officials from various state, federal, provincial and tribal fisheries and environmental management agencies.

#### Commission Issues:

Both Canada and the United States are concerned about long-term funding prospects for the Commission. Increased funding is necessary to maintain effective lamprey control while conducting research in alternatives to chemical lampricide, however Canada is downsizing its government. GLFC responsibilities may eventually be transferred from the Department of Fisheries and Oceans to Environment Canada. In the spring of 1996, Canada announced a reduction to its GLFC contribution. After intense domestic and U.S. pressure, Canada relented and restored full funding, although continued funding at this level by Canada is not certain. The United States plans to continue its annual contribution of \$8.353 million for the foreseeable future. Recent attempts within Congress to transfer the lamprey control portion of the GLFC budget from the Department of State to the Department of Interior have not been successful.

Current lamprey control activity is focusing on the St. Mary's River, which produces more sea lampreys than all other Great Lakes areas combined. Pending approval by the Great Lakes Fishery Commission, the new planned control strategy should reduce sea lamprey populations in Lake Huron and northern Lake Michigan by at least 85 percent. Cost-effective sea lamprey control on the St. Mary's River was once thought to be impossible because of the size of the river and because of the widespread distribution of sea lamprey larvae. However, state-of-the-art lamprey assessment and modeling technologies, combined with the development of a new lampricide formulations, have provided the tools to accurately target concentrations of larval lampreys and to effect a significant level of control at the least possible cost.

The GLFC Secretariat projects that the Commission will have reduced TFM use by 35 percent from 1991 to the end of the decade through a combination of refinements in the application process, improved stream selection, and investments in alternative controls. Virtually no TFM is being used in the St. Mary's River project. The primary control agent there is granular Bayluscide, which does not affect the entire water column and can be applied to discrete areas with remarkable precision.

The Commission also uses barrier dams in lamprey control, as well as a program to introduce sterile males into the lamprey population. Progress is being made in reducing the Commission's dependency on chemical lampricide, with a 50 percent reduction from 1990 levels targeted to take place by the year 2000. The Commission and its control agents are actively exploring "partnership" opportunities, such as involving the U.S. Army Corps of Engineers in the construction of barrier dams, to prevent lamprey from traveling up tributaries to spawning areas.

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## CONVENTION ON BIOLOGICAL DIVERSITY

## (CBD)

### Basic Instrument

**Convention on Biological Diversity (CBD).** The Convention was opened for signature at the United Nations Convention on Environment and Development in Rio de Janeiro, June 1992; signed by President Clinton on June 4, 1993, and transmitted it to the Senate for advice and consent, along with an interpretive statement to clarify how the United States understands certain provisions that have caused concern. The treaty acquired the necessary number of ratifications and entered into force on December 29, 1993.

### Implementing Legislation

The CBD is awaiting Senate ratification. No implementing legislation to carry out the terms of the treaty was sent to the Congress, because current law was considered sufficient to meet the U.S. obligations.

### Member Nations

As of January 1999, 174 nations and the European Community had ratified or acceded to the CBD. The United States has signed but not yet ratified the Convention.

### Secretariat Headquarters

Secretariat for the Convention on Biological Diversity  
World Trade Centre  
413 St. Jacques St.  
Office 630  
Montreal, Quebec H2Y 1N9  
Canada  
Tel. (1) 514-288-2220  
Fax. (1) 514-288-6588  
<http://www.biodiv.org>

Executive Secretary: (1/99 Currently Vacant)  
Mr. Hamdallah Zedan is the Officer in Charge

### Budget

The Conference of the Parties at its Fourth Meeting (COP-4) in May 1998, approved a budget of \$5.7 million for 1999 and \$5.985 million for 2000. The United States is not yet a Party and therefore currently is not obligated to contribute directly to the Convention Budget.

In addition to the CBD budget, the implementation of the Convention in developing countries is funded through a Financial Mechanism. The Global Environment Facility (GEF) is the institution designated by the Conference of the Parties to operate the Financial Mechanism on an interim basis. The U.S. pledged U.S. \$430 million to the current replenishment of the GEF (1999-2002). For more details on the GEF see description below.

### U.S. Representation

The Department of State is the lead U.S. agency to the CBD negotiations. The Department of Commerce (including NOAA), Department of the Interior, the Environmental Protection Agency, the U.S. Agency for International Development, and a number of other Agencies participate actively in the interagency process and on delegations to CBD negotiations.

The National Marine Fisheries Service has been designated the lead NOAA Line Office on marine and coastal CBD issues, working in close consultation with the NOAA International Liaison Staff and other NOAA agencies.

### Description

#### A. Mission/Purpose:

The objectives of the Convention on Biological Diversity (CBD) are:

- (1) the conservation of biological diversity,
- (2) the sustainable use of its components, and
- (3) the fair and equitable sharing of the benefits arising out of the utilization of genetic resources.

#### B. Organizational Structure:

The Convention on Biological Diversity (CBD) is governed by a Conference of the Parties (COP) made up of all the Parties to the Convention. During the first three years (1994-1996) the COP met annually. COP-IV met in May 1998, in Bratislava, Slovakia, and COP-5 is scheduled for June 2000 in Nairobi, Kenya. At the COP, countries report on steps taken under the Convention and consider measures for strengthening the treaty.

In addition to the COP, a Subsidiary Body on Scientific, Technical, and Technological Advice (SBSTTA) has been set up to provide advice to the COP. The SBSTTA is also composed of representatives of governments that are Parties and has its own Bureau. SBSTTA generally meets annually. The next SBSTTA meeting is scheduled for June 1999 in Montreal, Canada.

The CBD is far reaching and the COP has the capacity to set up standing or *ad hoc* committee to deal with specific issues. The CBD can also serve as a framework for binding protocols. The first such protocol, on biosafety, is scheduled to be completed in February 1999.

A Secretariat, located in Montreal, Canada, provides administrative support to the Convention under the auspices of the United Nations Environment Program. The Secretariat also manages an electronic clearing-house mechanism to promote and facilitate technical and scientific cooperation (<http://www.biodiv.org/>).

#### C. Programs:

**General Provisions of the Treaty:** The Convention on Biological Diversity affirms that conservation of biodiversity is a common concern of humankind and reaffirms that nations have sovereign rights over their own biological resources. Implementation depends principally on action by Parties at the national level. In this respect, the Convention provides general guidance on best practices, but does not currently include any sanctions for countries that do not adhere to these practices. The Convention covers *both* terrestrial and marine biota, and Parties are explicitly required to implement the CBD consistent with the rights and obligations of States under the law of the sea.

The major commitments made by Parties to the Convention encompass nearly all aspects of NMFS work and responsibilities. These commitments include:

- C To develop national strategies, plans, etc., for conservation and sustainable use of biodiversity; and to integrate, as far as possible and appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans (Art. 6).
- C To identify and monitor the components of biodiversity and activities which have or might have significant adverse impacts (Art. 7).

- C To establish protected areas or areas where special measures are needed and to regulate or manage biological resources important to biodiversity; to promote protection of ecosystems and natural habitats; and to promote environmentally sound and sustainable development in areas adjacent to protected areas; to prevent introduction of species from outside a country that could threaten native ecosystems or species; to develop or maintain necessary legislation and other regulatory provisions for protection of threatened species and populations; and to establish means to regulate, manage or control risks associated with use and release of living modified organisms from biotechnology with likely adverse environmental effects (Art. 8).
- C To adopt measures for the *ex-situ* conservation of components of biological diversity (Art. 9).
- C To integrate consideration of the conservation and sustainable use of biodiversity resources into national decision-making; adopt measures relating to the use of biological resources to avoid or minimize adverse impacts on biological diversity; to preserve and maintain knowledge and practices of indigenous and local communities embodying traditional lifestyles that are compatible with conservation or sustainable use requirements; support remedial action in degraded areas; and encourage cooperation between the government and private sector to develop methods for sustainable use (Art. 10).
- C To adopt economically and socially sound measures that act as incentives for the conservation and sustainable use of components of biological diversity (Art. 11)
- C To establish programs for scientific and technical education and training in identification, conservation, sustainable use of biodiversity and promote research that contributes to biodiversity (Art. 12).
- C To promote programs for public education and awareness (Art. 13).
- C To require environmental impact assessments that address impacts on biodiversity and to minimize such impacts. (Art. 14).
- C To create conditions to facilitate access to genetic resources on mutually agreed terms, recognizing sovereign rights of States over their natural resources; and to share in a fair and equitable way the results of research, development, and the commercial utilization of genetic resources with contracting Parties providing such resources (Art. 15).
- C To encourage access to, and transfer of, technology relevant to the conservation and sustainable use of biological diversity or that makes use of genetic resources and does not cause significant damage to the environment (Art. 16).
- C To facilitate the exchange of information and scientific and technical cooperation in the field of the conservation and sustainable use of biological diversity (Art. 17&18).
- C To encourage biotechnology research, especially in developing countries; ensure the fair and equitable sharing of benefits from biotechnology; and address safety concerns related to the transfer, handling and use of living modified organisms (Art. 19).

In addition to these general provisions, developed country Parties are required to provide “new and additional financial resources” to assist developing country parties meet the incremental costs of implementing measures that fulfill the obligations of the CBD. These resources are provided through the GEF (Art. 20 & 21).

**Marine and Coastal Biodiversity:** The first meeting of the Convention’s Subsidiary Body on Scientific, Technical, and Technological Advice (SBSTTA) focused on aspects of marine and coastal biodiversity. SBSTTA’s recommendations formed the basis of the “*Jakarta Mandate on Marine and Coastal Biodiversity*” adopted at COP-2 in November 1995. The *Jakarta Mandate* identified five priority areas for action, and directed the CBD Secretariat to set up a 15 person *ad hoc* Panel of Experts to advise the CBD Secretariat and SBSTTA on priorities for

implementing the *Mandate*.

The five priority areas are:

- (1) Promoting integrated marine and coastal area management as the framework for addressing human impacts on biological diversity.
- (2) Establishing and maintaining marine and coastal protected areas.
- (3) Using fisheries and other marine and coastal living resources sustainably. This was the most controversial recommendation, including issues of overcapacity, subsidies and bycatch.
- (4) Ensuring that mariculture practices are environmentally sustainable.
- (5) Preventing the introduction of, and controlling or eradicating, alien species that threaten ecosystems, habitats or species.

The first meeting of experts was held in Indonesia March 7-10, 1997. This meeting was the beginning of a process to identify priorities and actions for the Parties in the five thematic areas. COP-4 developed the outline of a three year program of work to implement the *Jakarta Mandate*.

#### Recent Activities

The Fourth Conference of the Parties of the CBD met in Bratislava, Slovakia, May 6-17, 1998. Of particular importance to NOAA, COP-4 approved work programs to implement the *Jakarta Mandate* and to address the conservation and sustainable use of inland water ecosystems. The *Jakarta Mandate* work program includes activities to be implemented by the CBD Secretariat and expert groups on biodiversity aspects of integrated marine and coastal area management, fisheries, marine protected areas, mariculture, and alien species. A major initiative is planned on alien species that threaten marine and coastal ecosystems, and specifically called for: a) an incident list of introductions; b) the identification of gaps in existing or proposed legal instruments, guidelines and procedures to counteract introductions and adverse impacts; and c) a major conference and preparations for a global strategy. The Convention will also begin work on a more general work program on alien species at the next meeting of SBSTTA in June 1999.

Other issues on the crowded agenda included: agricultural and forest biodiversity; the Internet-based clearing-house mechanism; traditional knowledge; access to genetic resources and benefit sharing; a review of the operations of the Convention; national reports; and a review of the financial mechanism and additional guidance to the Global Environment Facility (GEF). COP-4 set the schedule to finalize a biosafety protocol in early 1999. This protocol on transboundary movement of genetically modified living organisms may have significant implications for aquaculture.

**Biosafety Protocol:** The Parties to the CBD are currently negotiating a protocol on biosafety which focuses on the transboundary movement of LMOs (living modified organisms - i.e., organisms that have been genetically modified through modern biotechnology) that pose potential threats to the conservation and sustainable use of biodiversity. The protocol may also cover products derived from biotechnology. The United States is committed to protecting biological diversity and environmental integrity. To that end, the United States is working to ensure that the regime established by the protocol is environmentally responsible, scientifically based and analytically sound, and will not unduly affect research and trade in beneficial biotechnology products. The U.S. is by far the single largest exporter of biotechnology products. The final negotiating session for the Protocol will take place February 14-19, 1999 in Cartagena, Colombia, followed by a special session of the COP February 22-23 to approve the agreement as a protocol to the Convention on Biological Diversity. The outcome of the negotiations may have implications for mariculture research and operations, particularly with regard to the trade in live, genetically modified aquaculture species, and potential liability claims should such organisms escape and cause negative environmental impacts across national borders.

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# **Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)**

## Basic Instrument

Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087, TIAS 8249)

## Implementing Legislation

Endangered Species Act (16 USC 1531-43)

## Member Nations

Afghanistan, Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalem , Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Central African Republic, Chad, Chile, China, People's Republic of, Colombia, Comoros, Congo, Congo, Democratic Republic of, Costa Rica, Cote d'Ivoire, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, India, Indonesia, Iran, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Korea, Republic of, Latvia, Liberia, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Rwandese Republic, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Tanzania, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

## Secretariat Headquarters

CITES Secretariat  
15, chemin des Anémones  
Case postale 456  
CH-1219 Châtelaine  
Geneve, Switzerland

## Budget

The budget for 1998 (the last year for which figures are available) approved by the Conference of the Parties is CHF 7,381,160 (\$5,161,650). The U.S. contribution averages \$1.4 million.

## U.S. Representation

The Endangered Species Act designates the Fish and Wildlife Service of the Department of Interior, with the assistance of the Department of State to implement the Convention. FWS is also responsible for inspections of shipments of wildlife through designated ports of entry. The bulk of CITES-listed species are under the management jurisdiction of FWS. However, many species are managed by NMFS, including all the great whales, all the dolphins, all the marine turtles, six seal species, queen conch and all hard coral species listed either on Appendix I or II.

The National Marine Fisheries Service draws on the expertise of its regional offices and science centers in order to

participate fully in the inter-agency collaboration necessary to implement CITES in both scientific and management concerns.

The Animal and Plant Health Inspection Service of the Department of Agriculture inspects imports of plant species listed on the treaty.

### Description

#### A. Mission/Purpose:

Provides for international co-operation for the protection of certain species of wild fauna and flora against over-exploitation through international trade.

#### B. Organizational Structure:

The CITES framework includes a Standing Committee which handles administrative matters and recommends policy actions to the Parties. In addition, there are separate committees on animals and plants, which review scientific matters, including management questions, and make recommendations to the Standing Committee.

All the committees meet approximately once a year on their own schedules. Conferences of the Parties are convened approximately every two years.

#### C. Programs:

Under CITES, species are listed in Appendices according to their conservation status. In addition, listed species must meet the test that trade is at least in part contributing to their decline. Appendix I species, for which there is no international trade permitted, are "threatened with extinction." Appendix II species are "not necessarily threatened with extinction," but may become so unless trade is strictly regulated. This regulation usually takes the form of a requirement for documentation from the country of export, monitoring of imports and, in some cases, export quotas. Imports from countries which are not CITES members still require what is called "CITES-equivalent documentation." Appendix III includes all species which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the co-operation of other Parties in the control of trade.

In order to determine whether such limitation is necessary, the Animals Committee of CITES undertakes reviews of Appendix II species for which there are significant amounts of international trade, from which recommendations for conservation of the species are made.

Of special interest to NOAA Fisheries are significant trade studies for queen conch and hard corals, implementation of a resolution calling for a review of the effects of international trade on sharks species, cooperative efforts with the International Whaling Commission to control illegal trade in whales, and recent efforts by the Government of Cuba to re-open international trade in hawksbill turtle shells.

### Recent Activities

The following is a report of marine issues discussed at the 10th Meeting of the Conference of the Parties (COP10), convened 6-20 July 1997 in Harare, Zimbabwe:

Note: Decisions of substance need a 2/3 majority for passage

### Resolutions

A report on the Biological and Trade Status of Sharks, the production of which was facilitated for the Animals Committee by the United States, was adopted by consensus. In a Decision, the Parties adopted the recommendations contained in the report and assigned the Chair of Animals Committee as liaison with FAO.

A proposed resolution to establish a Marine Fish Working Group, which would have created a group to address permitting issues for marine fish which might be listed in CITES lost by a vote of 49-50.

A resolution to rescind CITES Resolution 2.9 (which would have repealed link between IWC and CITES) lost by a vote of 27-51.

The Parties adopted a Decision which calls for increased enforcement cooperation, particularly in DNA testing, and reporting of stockpiles of whale meat

#### Species proposals

Votes on species proposals were the following:

To change the following whale species from Appendix I to Appendix II (would reopen international trade)

- C Gray - lost 47-61-8
- C Okhotsk Sea minke - lost 45-65-7
- C Southern hemisphere minke - lost 53-59-4
- C North Atlantic minke - lost 57-51-6
- C Bryde's whales - withdrawn by proponent

To change hawksbill turtles from Appendix I to Appendix II (would reopen international trade)

- C initial vote in Committee I - lost 53-39-18
- C Plenary vote - lost 55-49-7

To list sawfish in Appendix I - lost 24-50

To list all sturgeon in Appendix II - modified proposal with implementation delayed until April 1, 1998, passed; intervening time will be used to work out "implementation issues" .

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# INTERNATIONAL WHALING COMMISSION (IWC)

## Basic Instrument

International Convention for the Regulation of Whaling, 1946, (TIAS 1849); Protocol amending 1956 (TIAS 4228).

## Implementing Legislation

Whaling Convention Act of 1949 (64 Stat. 421, 16 U.S.C. 916-9161).

## Member Nations

Antigua and Barbuda, Argentina, Australia, Austria, Brazil, Chile, Costa Rica, Denmark, Dominica, Finland, France, Germany, Grenada, India, Ireland, Italy, Japan, Kenya, Republic of Korea, Mexico, Monaco, Netherlands, New Zealand, Norway, Oman, People's Republic of China, Peru, Russian Federation, Senegal, Solomon Islands, South Africa, Spain, Sweden, Switzerland, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, United Kingdom, and the United States.

## Commission Headquarters

International Whaling Commission  
The Red House  
Station Road, Histon  
Cambridge, CB4 4NP, United Kingdom  
Secretary: Dr. R. Gambell  
Phone: 011-44-1223-233-971

## Budget

The Commission approved a budget of 1,323,968 pounds sterling for 1998-99. The U.S. contribution amounts to 49,784 pounds sterling for 1998-99.

## U.S. Representation

### A. Appointment Process:

The Commissioner is appointed by the President, on the concurrent recommendations of the Secretary of State and the Secretary of Commerce, and serves at his pleasure. The President may also appoint a Deputy U.S. Commissioner.

### B. U.S. Commissioner:

Dr. D. James Baker  
Under Secretary for Oceans and Atmosphere  
National Oceanic and Atmospheric Administration  
Department of Commerce  
Washington, D.C. 20230

### Deputy Commissioner:

Dr. Michael F. Tillman  
Director, Southwest Fisheries Science Center  
National Marine Fisheries Service  
National Oceanic and Atmospheric Administration  
La Jolla, CA 92038-0271

C. Advisory Structure:

U.S. representation in the IWC has no formal (legislated) advisory structure. The IWC Commissioner does consult, however, with the "IWC Interagency Committee," which includes representatives of the Department of State, the Marine Mammal Commission, other Federal agencies, conservation organizations, and other interested parties.

Description

A. Mission/Purpose:

The 1946 Convention has as its objective the proper conservation of world whale stocks, thus making possible the orderly development of the whaling industry. The Convention established the IWC to provide for a continuing review of the condition of whale stocks and for such additions to or modifications of the agreed conservation measures as might appear desirable.

B. Organizational Structure:

The IWC consists of the Commission, Secretariat, and subject area committees. The Commission is composed of one member from each Contracting Government, and may be accompanied by one or more experts and advisors. Each member government has one vote. Decisions of the Commission are by simple majority of those members voting, except that a three-fourths majority of those members is required for actions to amend the provisions of the Schedule (which contains the binding decisions of the Commission). The Commission can determine its own rules of procedure and may appoint its own Secretary and staff. The Committees may be set up by the Commission from its own members and experts or advisors to perform such functions as it may authorize. At the 1997 IWC annual meeting, the Commissioner from Ireland, Michael Canny, was elected to Chair the IWC for the next three years, with Sweden's Commissioner, Bo Fernholm, to serve as the Vice-Chair.

C. Programs:

The IWC normally meets once a year to review the condition of whale stocks and to modify conservation measures as appropriate. The Commission has used various means of regulating commercial whaling including the fixing of open and closed seasons, open and closed areas, protected species, size limits for each species, and limits on the catch of whales in any one season. The IWC recognizes two distinct types of whaling: commercial whaling and aboriginal subsistence whaling.

Past actions by the IWC include establishment of a whale sanctuary in the Indian Ocean area and in the Southern Ocean (in most of the waters south of 40E S. latitude), prohibition on the use of cold grenade (non-exploding) harpoons to kill whales for commercial purposes, a moratorium on all commercial whaling from the beginning of the 1985-86 pelagic and 1986 coastal seasons, and the adoption of a separate and distinct management scheme for aboriginal subsistence whaling. Criteria for evaluating research involving the killing of whales under special permits were established because of concerns that some countries would use special permits for scientific research as a means of circumventing the zero catch limits for commercial whaling. The 1946 Convention allows countries to issue special permits authorizing the taking of whales for scientific research.

The 50th annual IWC meeting was held in Muscat, Oman from May 16-20, 1998. The United States lead the passage of several resolutions, including one establishing a permanent agenda item to address environmental concerns.

While IWC meetings are generally contentious, as tensions between the whaling and anti-whaling nations persist, the 1998 meeting was particularly contentious. For example, the plenary session was interrupted on the first day by a protest from the Caribbean bloc over an opening statement submitted by a non-governmental organization observer, the International Wildlife Coalition, which called upon seven member countries to alter their positions at the IWC by rejecting "the Japanese practice of linking foreign aid to unqualified support for their anti-conservation actions."

Other actions in 1998 include the passage of a resolution affirming the objectives of the Southern Ocean Whale Sanctuary and the necessary Scientific Committee actions on the Sanctuary that must be completed by 2004, and a resolution reaffirming the positive working relationship between the IWC and the Convention on International Trade in Endangered Species. Furthermore, as it has done for the past ten years, the Commission denied, based on its commercial elements, Japan's request for an interim quota of minke whales for its small-type coastal whalers. Scientific whaling is allowed under the Convention, and Japan is engaged in lethal research on minke whales in the Southern Ocean Sanctuary and in the North Pacific. Nonetheless, the IWC has concluded that these programs are contrary to its conservation goals, and, in 1998, passed again a resolution condemning these lethal scientific whaling programs.

The IWC continues to maintain the moratorium on commercial whaling. However, Norway lodged a timely objection to the 1982 moratorium decision, and therefore is not bound by that decision. Thus, it continues to authorize takes of minke whales from the northeast Atlantic. In 1998, as it has done in previous years, the IWC passed a resolution condemning Norwegian whaling outside the Commission. In 1997, in an attempt to resolve some of the long-standing challenges to the IWC's ability to control commercial whaling, the Irish Government introduced a proposal to establish a whale sanctuary in the high seas, in exchange for allowing the resumption of limited coastal commercial whaling. The proposal remains under discussion, and, to date, the IWC has discussed it only briefly.

At the 1997 Annual Meeting, the Commission approved a combined quota of bowhead whales to meet the needs of the Eskimos in Alaska and Russia which allows an average of 56 bowhead whales to be landed each year. The Alaska Eskimos have been conducting aboriginal subsistence hunts with approval of the International Whaling Commission since the commission began regulating such hunts in the 1970s. At the same time, the IWC adopted a quota that allows a five-year aboriginal subsistence hunt of an average of four non-endangered gray whales a year by the Makah Indian Tribe, combined with an average annual harvest of 120 gray whales by Russian natives of the Chukotka region. Russia, the U.S., Denmark (for Greenland), and St. Vincent and the Grenadines (for Bequia) have quotas from the IWC for aboriginal subsistence whaling.

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## **PART II. BILATERAL CONSULTATIVE ARRANGEMENTS**

# **U.S.-CANADA AGREEMENT ON FISHERIES ENFORCEMENT**

## Basic Instrument

Agreement between the Government of the United States of America and the Government of Canada on Fisheries Enforcement of September 26, 1990 (House Document 102-22, 102d Congress, 1st Session).

## Authorities

Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1822(a), which authorizes the Secretary of State to negotiate international fisheries agreements, and 16 U.S.C. 1855(d), which authorizes the Secretary of Commerce to promulgate regulations necessary to carry out the Magnuson Act.

## Member Nations

Canada and the United States.

## Meetings

Parties meet annually, alternating meetings between the United States and Canada.

## Description

The Parties have agreed to take appropriate measures consistent with international law to ensure that their nationals, residents and vessels do not violate, within the waters and zones of the other Party, the national fisheries laws and regulations of the other Party. Such measures shall include prohibitions on violating the fisheries laws and regulations of the other Party respecting gear stowage, fishing without authorization, and interfering with, resisting, or obstructing in any manner, efforts to enforce such laws and regulations; and may include such other prohibitions as each Party deems appropriate.

Bilateral enforcement meetings are held to review past practices and discuss new standards, policies, and strategies for enforcement cooperation. Communications, prosecution practices, evidentiary requirements, regulation interpretation, notification procedures, and hot pursuit comprise the core of discussions.

## Recent Activities

The Sixth Annual Implementation Meeting under the Agreement was held in Silver Spring, Maryland, on October 1, 1998.

The Agenda included the following topics:

1. Opening statements
2. Review of 1997 enforcement actions
3. Review of case prosecutions under the Agreement
4. Issues requiring resolution
5. Ways to improve the effectiveness of enforcement operations

6. Other business

7. Closing statements

The Parties agreed to meet next year to continue to review and increase cooperation under the Agreement.

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## **UNITED STATES-MEXICO FISHERIES COOPERATION PROGRAM**

### Basic Instrument

There is no formal instrument establishing the United States-Mexico Fisheries Cooperation Program. The U.S. National Marine Fisheries Service (NMFS) and the predecessor agency to the Mexican Secretaría de Medio Ambiente, Recursos Naturales, y Pesca (SEMARNAP) informally agreed in 1983 to meet annually to review the broad range of issues involved in the bilateral fisheries relationship. Additional discussions are held as a small part of the annual Bi-National Commission (BNC) meeting held to review the overall United States-Mexican bilateral relationship. There are three memoranda of understanding (MOU) since agreed to by NMFS and SEMARNAP to formalize two aspects of the fisheries relationship: 1) research (MEXUS-Gulf and MEXUS-Pacífico) and 2) information exchange. The research MOUs have proven highly effective, but NMFS has been unable to arrange continuing reciprocal exchanges under the information exchange MOU and it is currently inactive.

### Implementing Legislation

Two laws provide the legal authority for the Cooperation Program. The Magnuson Fishery Conservation Act, 16 U.S.C. 1822(a) authorizes the Secretary of State to negotiate international fishery agreements. Another law, 16 U.S.C. 1855(d), authorizes the Secretary of Commerce to promulgate regulations necessary to carry out the Magnuson Act.

### Member Nations

The United States and Mexico

### Budget

There are no funds specifically budgeted for the program, costs are assumed in the operating budgets of the participating NMFS offices. Annual costs of the program including staff time, travel, translation services, and miscellaneous expenses total about \$60,000 annually. This does not include the cost of various working group meetings such as the annual MEXUS-Gulf and MEXUS-Pacífico meetings or special meetings like the shrimp management and enforcement meetings held during 1997 and the by-catch reduction device (BRDs) meeting held in 1998.

### Representation

The annual Fishery Cooperation Talks (FCTs) are coordinated by NMFS and SEMARNAP's Subsecretaría de Pesca (PESCA). Both agencies often invite other agencies to participate in the meetings. NMFS has invited representatives from other NOAA agencies, the Food and Drug Administration, Interior (Fish and Wildlife), Coast Guard, and State as well as state government officials. PESCA has invited other SEMARNAP units (the Oficina de Asuntos Internacionales, the Instituto Nacional de Pesca, and the Procurador General para el Ambiente [PROFEPA]), the Secretaría de Comercio, the Secretaría de Salud, and the Secretaría de Relaciones Exteriores.

## Description

### A. Mission/Purpose:

The participants have agreed to periodically review the United States-Mexican fisheries relationship. The BNC and FCT discussions serve to reinforce the longstanding cooperative relationship between the United States and Mexico on fishery issues. Formal and informal sessions provide opportunities to exchange information and discuss major issues.

### B. Programs:

NMFS and SEMARNAP normally meet twice annually, alternating meetings between the United States and Mexico. The parties discuss priority fishery issues as part of the annual BNC meeting. More detailed discussions are then conducted at the FCTs. Working group meetings are held as needed. The two science working groups (MEXUS-Gulf and MEXUS-Pacifico) meet annually. Other working group meetings are held as required on such matters as enforcement, management, aquaculture, and other issues.

Initially the participants decided to omit the most contentious issues and focus on those issues where it was possible to reach some agreement on mutually beneficial projects. As a result, considerable progress was made during the 1980s in expanding cooperative research programs and better understanding each country's fishery laws and policies. The relationship has matured during the 1990s; recent meetings have included discussions on management, enforcement, recreational fisheries, quality control, marine mammals and endangered species. The meetings help to inform participants of national programs affecting the other country. The participants in recent years have widened the scope of some research projects to include coordinated management and other issues.

### C. Conservation and Management Measures:

Conservation and management issues are generally the major topics discussed at the meetings. The protection of marine mammals and endangered species (especially turtles and mammals) were for several years the focus of discussions, but Mexican officials for many years objected to discussions on the management of commercial fishery resources. Mexican officials in recent years, however, have responded more favorably to NMFS suggestions that we initiate information exchanges and share management experienced on various fishery resources. Shark and shrimp management and bycatch reduction in particular have been discussed in some detail. Mexico has even taken the initiative in pursuing possible cooperation on Gulf of Mexico shrimp management, but agreement at the Federal level is complicated by the important role of state agencies.

### D. Major Results of the 1997 Meeting

The 18th meeting of the United States-Mexico Fishery Cooperation Talks (FCTs) was held in Seattle, Washington from September 29-30, 1997. The two delegations were headed by the Mexican Under-Secretary for Fisheries and the NOAA Assistant Administrator for Fisheries. Discussions explored cooperative efforts in seven major areas: (1) research cooperation, (2) administrative/management issues, (3) aquaculture, (4) enforcement, (5) tuna/dolphin issues, (6) sea turtle issues, and (7) FAO initiatives. Significant progress was noted on the tuna/dolphin issue. NMFS briefed PESCA on new U.S. tuna/dolphin legislation and the research program envisioned by that legislation. Mexican cooperation in the research program is critical. NMFS and PESCA at the Seattle meeting also discussed management issues of mutual interest in some detail. The two delegations discussed closer cooperation at the International Commission for the Conservation of Atlantic Tunas (ICCAT). Sea turtle conservation programs in both countries were reviewed. The status of the Sea Turtle Convention and the need to secure ratification of additional countries were considered. The discussions on BRDs held before the meeting were also reviewed. NMFS and PROFEPA, another SEMARNAP unit, reviewed the extensive exchanges underway on enforcement. PESCA invited NMFS to participate in a trade show. NMFS indicated a willingness, but stressed the lead time necessary to prepare an effective booth or presentation or to recruit industry participation. The FAO initiatives were discussed in detail, especially the shark initiative.. Much of these discussion were conducted in a side meeting with FWS participation.

E. Future Meetings:

SEMARNAP invited NMFS to Mexico for the 1999 FCT session. No specific dates have been set, but the FCTs will probably be held during September.

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## **UNITED STATES-CHILE FISHERIES COOPERATION PROGRAM**

### Basic Instrument

The basic instrument establishing the United States-Chile Cooperation Program is a Memorandum of Understanding (MOU) between the U.S. National Marine Fisheries Service (NMFS) and the Chilean Servicio Nacional de Pesca (SERNAP) signed in 1995.

### Implementing Legislation

Two laws provide the legal authority for the Cooperation Program. The Magnuson Fishery Conservation Act, 16 U.S.C. 1822(a) authorizes the Secretary of State to negotiate international fishery agreements. Another law, 16 U.S.C. 1855(d), authorizes the Secretary of Commerce to promulgate regulations necessary to carry out the Magnuson Act.

### Member Nations

The United States and Chile

### Budget

There are no funds specifically budgeted for the program; costs are assumed in the operating budgets of the participating NMFS offices. Annual expenditures for the program including staff time, travel, translation services, and miscellaneous expenses total about \$50,000 annually.

### Representation

The meetings are coordinated by NMFS and SERNAP. Both agencies often invite other agencies to participate in the meetings. NMFS has invited representatives from other NOAA agencies, the Food and Drug Administration, Coast Guard, and the State Department. SERNAP routinely invites other units of the Ministerio de Economía (the Subsecretaría de Pesca and the Instituto de Fomento Pesquero) as well as industry representatives. SERNAP has also invited representatives of the Marina (Navy) and Ministerio de Relaciones Exteriores to attend some sessions.

### Description

#### A. Mission/Purpose:

The participants have agreed to periodically review the United States-Chilean fisheries relationship. The resulting Fishery Cooperation Talks (FCTs) provide a forum for U.S. and Chilean fishery officials to review fishery issues of mutual concern. Formal and informal sessions provide opportunities to exchange information and discuss major issues, resulting in frank exchange of views and information.

#### B. Programs:

NMFS and SERNAP have agreed to arrange annual meetings during the first few years of the cooperation. In the future, as the relationship matures, it may not be necessary for all of the participants to meet annually. It is likely that some of the working groups, however, may require annual consultations. Recent meetings have included discussions on management, enforcement, recreational fisheries, quality control, marine mammals and endangered

species, research, environment, aquaculture, and information exchange. The meetings help to inform participants of national programs affecting the other country.

#### C. Conservation and Management Measures:

Conservation and management issues are generally the major topics discussed at the meetings. The protection of marine mammals was initially the primary focus of the meetings and continues to be an important element. NMFS has additionally raised some concerns about Pacific sea turtles, especially leatherbacks. Other important conservation and management issues discussed include enforcement, management strategies and systems, and recreational fishing. Discussions on these issues as well as information exchanges and visits have enabled the NMFS and Chilean fishery agencies to exchange ideas and experiences of use in formulating domestic policies as well as to further work on species of mutual interest.

#### D. Major Results of the 1997 Meeting:

The 4rd full session of the FCTs was held in Puerto Varas, Chile, July 24-25, 1997. The delegations were headed by the NOAA Assistant Administrator for Fisheries and the Chilean Subsecretaría de Pesca. The Seattle discussions explored cooperative efforts in nine major areas: 1) enforcement, 2) administration and management, 3) aquaculture 4) environment, 5) environment, 6) research, and 7) information exchange. The two delegations agreed to several exchanges involving marine parks, enforcement (analyzing satellite data), public display, management, turtle, small pelagic, and swordfish, and whale research, and statistics. How to proceed on a possible research initiative on the Humboldt Current Large Marine Ecosystem (LME) was discussed. Environmental issues including sea turtles and El Niño were discussed including possible avenues of cooperation. Both countries agreed to consult prior to the next FAO Committee on Fisheries (COFI) on the topics of sea birds, sharks, fishing effort, and access arrangements for fisheries research vessels. Details on the follow-up to these discussions are available from F/ST3.

#### E. Future Meetings:

NMFS invited SERNAP to Monterey, California Chile for the 1999 session. No specific dates were decide on, but it will probably be in October or November. NMFS will hold the meeting at the Pacific Fisheries Environmental Lab at Pacific Grove.

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**U.S.-JAPAN**

## CONSULTATIVE COMMITTEE ON FISHERIES

### Basic Instrument

There is no formal instrument per se. The two countries agreed to the Consultative Committee via an exchange of diplomatic notes on January 27, 1992.

### Implementing Legislation

None.

### Member Nations

The United States and Japan

### Meetings

The Committee meets on an annual basis, or at other times as may be considered appropriate, in the United States or Japan. The venue for the Committee is decided prior to each meeting.

### U.S. Representation

The Committee consists of one representative from each Government, as well as support staff and advisors. The current U.S. Representative is Ms. Mary Beth West, Deputy Assistant Secretary of State for Oceans and Space, Department of State.

### Description

The U.S.-Japan Consultative Committee on Fisheries was formed to promote bilateral cooperation in the field of fisheries and fisheries research. It replaced the more formal Governing International Fisheries Agreement (GIFA) between the United States and Japan that expired on December 31, 1991. The Consultative Committee holds regular high-level bilateral consultations on fishery issues of mutual concern.

### Recent Activities

Government delegations from the United States and Japan met at the Ministry of Foreign Affairs in Tokyo, Japan, on January 22-23, 1997, to conduct the Fifth Meeting of the U.S.-Japan Consultative Committee on Fisheries. The U.S. delegation was led by Ms. Mary Beth West, Deputy Assistant Secretary for Oceans and Space, Department of State, and Mr. Masahiro Ishikawa, Deputy Director-General of the Fisheries Agency of Japan, led the Japanese delegation.

The two delegations exchanged views on the full range of issues in the U.S.-Japan fisheries relationship. Topics of discussion included the United Nations (UN) Agreement on the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and the UN Food and Agriculture Organization (FAO) Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas. Representatives also discussed the conservation and management of tuna stocks in the Atlantic and Pacific Oceans and exchanged views on whaling, sea turtles, sharks, fisheries bycatch and a number of other issues of mutual concern.

The two delegations reaffirmed the value of maintaining and further strengthening the long-standing cooperation between the United States and Japan on these and other fisheries issues. They agreed to hold the sixth meeting of the Committee in the United States at a time in 1998 to be mutually decided.

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## **U.S.-RUSSIA INTERGOVERNMENTAL CONSULTATIVE COMMITTEE (ICC)**

### Basic Instrument

Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on Mutual Fisheries Relations of May 31, 1988, as amended (TIAS 11442, the U.S.-Soviet Comprehensive Fisheries Agreement). Note: The obligations of the former Soviet Union under this agreement have devolved on the Russian Federation.

### Implementing Legislation

Public Law 100-629 (An untitled Act that implemented the Comprehensive Fisheries Agreement. Enacted November 7, 1988.)

### Member Nations

The United States and the Russian Federation

### Meetings

The ICC meets alternately in the United States and Russia, on an annual basis, at the discretion of the heads of delegation.

### U.S. Representation

Under the Rules of Procedure established for the ICC, the United States and Russia are to designate a Representative and an Alternate Representative. The current U.S. Representative is Mary Beth West, Deputy Assistant Secretary of State for Oceans and Fisheries Affairs. To date, the United States has not identified an Alternate Representative.

Pursuant to Section 5 of Public Law 100-629, a 12-member "North Pacific and Bering Sea Fisheries Advisory Body" was established to advise the U.S. Representative to the ICC. This body consists of the following individuals:

- (A) The Director of the Department of Fisheries and Wildlife of the State of Washington;
- (B) The Commissioner of the Department of Fish and Game of the State of Alaska;
- (C) Five members appointed by the Secretary of State from a list of ten nominees provided by the Governor of Alaska; and,
- (D) Five members appointed by the Secretary of State from a list of ten nominees provided by the Governor of Washington.

### Description

The United States and the Russian Federation maintain the bilateral ICC fisheries forum pursuant to the U.S.-Soviet Comprehensive Fisheries Agreement, signed on May 31, 1988. The ICC is responsible for furthering the objectives of the Comprehensive Fisheries Agreement. These objectives include maintaining a mutually beneficial and equitable fisheries relationship through (1) cooperative scientific research and exchanges; (2) reciprocal allocation of surplus fish resources in the respective national 200-mile zones, consistent with each nation's laws and regulations; (3) cooperation in the establishment of fishery joint ventures; (4) general consultations on fisheries matters of mutual concern; and, (5) cooperation to address illegal or unregulated fishing activities on the high seas of the North Pacific Ocean and Bering Sea.

## Background

The inaugural meeting of the ICC was held in Washington, D.C., February 6-10, 1989. Since that meeting, initiatives leading to two new multilateral international conventions designed to address major fisheries conservation problems in the North Pacific and associated seas have emerged from the ICC process. The Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean brought the end to the last legal high seas salmon fishery in the world, a major objective of the United States. It also included in one regime all of the major salmon-producing countries of the Pacific rim. The earliest coordination over and drafting of the Convention for the Conservation and Management of the Living Marine Resources of the Central Bering Sea also took place in the ICC. The latter Convention, which entered into force on December 8, 1995, is in the process of establishing a management regime to govern commercial fishing in the Central Bering Sea when the pollock resource found there can sustain renewed fishing.

In addition to setting the stage for the negotiation of these two conventions, the two sides also signed an agreement in September 1992 governing the harvest of salmonids within their respective exclusive economic zones (EEZs). Among other things, this agreement restricts fisheries for Pacific salmon to within 25 nautical miles of the U.S. and Russian coasts between 170 degrees East longitude and 143 degrees 53 minutes and 36 seconds West longitude, north of 50 degrees North latitude.

## Current Status

Representatives of the United States and Russia met at the headquarters of Dalryba in Vladivostok, Russia, on October 22-24, 1997, for the Ninth Meeting of the ICC. They consulted on a range of fisheries matters of mutual concern. The U.S. delegation was led by the Deputy Assistant Secretary of State for Oceans and Space, Ms. Mary Beth West, and the Russian delegation was led by Mr. Mikhail. V. Demytyev, Chief of the Department of Fisheries, Ministry of Agriculture and Food of the Russian Federation. Four major issues were discussed at the ICC meeting:

1. Recent increase in the number of fishing vessel incursions into the U.S. zone in the Bering Sea: The U.S. side expressed its concern over the large number of fishing vessel incursions (seven Russian and six third-Party vessels) into the U.S. EEZ this summer by vessels operating from the Russian zone.

The Russian delegation responded that after receiving information on the incursions from the United States, Russia set up a 2-mile "buffer zone" at the maritime boundary and dispatched fisheries enforcement vessels to patrol the "buffer zone." In addition, the administrations of the ports in the Russian Far East are taking measures to ensure that fishing vessel captains have been familiarized with the "buffer zone" and maritime boundary location prior to their departure for the fishing grounds.

2. Difficulty in obtaining clearance for mutually agreed scientific research cruises: This year, for the second time in as many years, a request by the United States for a research cruise permit for the NOAA research vessel MILLER FREEMAN to conduct cooperative pollock fisheries stock assessment work in the Russian EEZ during the summer was denied by the Russian Government, specifically the Russian Defense Ministry.

To avoid this kind of problem in the future, the Russian side proposed that TINRO's research vessel, the PROFESSOR KAGANOVSKIY, meet the MILLER FREEMAN within 15 miles on either side of the U.S.-Russia maritime boundary, calibrate hydro acoustic survey equipment and exchange scientists, and then each vessel would conduct the survey cruise in its own zone. Data on the cruises would be exchanged later. The U.S. side said that although it appreciated Russia's proposal, it would be disappointed if the proposal represented more than a short term solution to the problem. The U.S. side expressed its hope that a way can be found to allow access by U.S. research vessels to the Russian zone.

3. Information about salmon fishing within the Russian zone: Prior to the meeting, the United States requested that

the Russian side provide salmon catch data for the Russian zone. The U.S. delegation explained in detail that this request was related to the severe, unexplained sockeye salmon run failure in western Alaska and that the United States was seeking the cooperation of Russian scientists and fishery managers to determine the cause of this failure and to predict future failures. Under the two countries' 1992 bilateral salmon fishing agreement, both sides agreed to close specific areas to salmon fishing, exchange information regarding the numbers of research and scouting vessels operating under respective national research programs and the amount of their catch, and to establish a joint scientific program on anadromous stocks that would exchange information on salmonid stocks and fisheries. Only one meeting of the joint program occurred, in 1993.

The Russian side responded that Russia, too, experienced failures of sockeye salmon runs in 1997, leading to a difficult economic situation for Russian salmon fishers. The Russian delegation said that Russian salmon scientists and managers are seeking the same answers as their U.S. counterparts.

The range of salmon questions submitted by the United States proved too broad for the two sides to adequately address at the ICC meeting. They agreed to hold a bilateral meeting in spring 1998 to address salmon issues and exchange data, as allowed under the 1992 agreement.

4. Transfer of fishing effort from the Sea of Okhotsk to the Bering Sea: The United States expressed its concern about the transfer of foreign fishing effort from the Sea of Okhotsk to the Navarin Basin after Russia prohibited all commercial fishing in the central Sea of Okhotsk in 1995. The U.S. delegation asked to be provided with the identification of the amount and character of that transferred effort. The Russian side responded that there has been no transfer of effort. The Russians said that foreign fishing vessels operating in the Russian zone of the Bering Sea are granted quotas based on the TAC determined by Russian scientists for the Western Bering Sea.

The Russians disclosed that in 1997 they concluded bilateral agreements with the Republic of Korea, the People's Republic of China, and Poland, which allocated catch allocations in the Russian zone of the Sea of Okhotsk totaling 114,000 metric tons. This quota is part of the overall total allowable catch (TAC) established by Russia for the entire Sea of Okhotsk.

Other Issues: In addition to the four issues summarized above, the two countries exchanged views on implementing the UN Straddling Fish Stocks and Highly Migratory Fish Stocks Agreement, discussed strategies for the Second Annual Conference of the Parties to the Central Bering Sea Convention (the "Donut Hole" Convention), and exchanged information on the status of pollock stocks in the Sea of Okhotsk and the Bering Sea.

The Tenth Meeting of the ICC will be held in the United States in fall 1998, the exact time and place yet to be decided.

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### **PART III. SCIENTIFIC ORGANISATIONS AND COUNCILS**

## **NORTH PACIFIC MARINE SCIENCE ORGANIZATION (PICES)**

### Basic Instrument

Convention for a North Pacific Marine Science Organization (PICES)

### Implementing Legislation

No implementing legislation. Self-executing treaty; under the general authority of the Secretary of State.

### Member Nations

Canada, Japan, People's Republic of China, Republic of Korea, Russian Federation, and the United States of America

### Organization Headquarters

PICES Secretariat  
Institute of Ocean Sciences  
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Chair of Governing Council: Dr. Hyung-Tack Huh  
Director, Korea Ocean Research and  
Development Institute

Vice Chair: Dr. Vera Alexander  
Dean, School of Fisheries and Ocean Sciences  
University of Alaska

### U.S. Representation

#### A. Appointment Process

The United States is represented on the PICES Governing Council by two delegates appointed by the Secretary of State in consultation with interested agencies and institutions: one from a major Federal government research agency and one from a research university or other academic institution. The United States is represented on the Scientific Committees and Working Groups created by the Governing Council by individuals appointed by the Secretary of State in consultation with interested agencies and institutions.

#### B. U.S. Delegates

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#### D. Working Groups

Currently active PICES Working Groups are:

WG8- Practical Assessment Methodology  
WG10-Circulation and Ventilation in the Japan Sea (East Sea)  
WG11-Consumption of Marine Resources by Marine Birds and Mammals WG12-Crabs and Shrimps  
WG13-Carbon Dioxide in the North Pacific  
WG14-Effective sampling of micronekton to estimate ecosystem carrying capacity

#### Description

##### A. Mission/Purpose:

The area which the activities of PICES concern is defined by the Convention as the temperate and sub-Arctic region of the North Pacific Ocean and its adjacent seas, especially northward from 30 degrees North Latitude. Activities of the organization may, for scientific reasons, extend farther southward in the North Pacific Ocean.

The primary role of PICES is to coordinate research efforts undertaken by the Parties and to facilitate the exchange of scientific and technical information on a broad range of scientific disciplines. The organization provides an international forum to promote greater understanding of the biological and oceanographic processes of the North Pacific Ocean and its role in global environment.

##### B. Organizational Structure:

PICES is comprised of (1) a Governing Council, (2) a Science Board (3) such permanent or ad hoc scientific groups and committees as the Governing Council may from time to time establish and (4) a Secretariat. The Governing Council has both scientific and administrative functions.

The scientific functions of the Governing Council are to identify research priorities and problems pertaining to the Convention Area and appropriate methods for their solution; to recommend coordinated research programs and related activities pertaining to the Convention Area which shall be undertaken through the national efforts of the participating Contracting Parties; to promote and facilitate the exchange of scientific data, information and personnel; to consider requests to develop scientific advice pertaining to the Convention Area; to organize scientific

symposia and other scientific events; and to foster the discussion of problems of mutual scientific interest.

The administrative functions of the Governing Council are to adopt and amend the Rules of Procedure and Financial Regulations; to consider and recommend amendments to the Convention; to adopt the annual report of the organization; to examine and adopt the annual budget and financial accounts of the organization; to determine the location of the Secretariat; to appoint the Executive Secretary; to maintain contact with other international organizations; and to manage the activities of the organization.

#### C. Recent Activities:

PICES held its seventh annual meeting in October 1998, in Fairbanks, Alaska. Among the major outcomes of this meeting was the election of a new chair, Dr. Hyung-Tack Huh (Republic of Korea), and a new vice-chair, Dr. Vera Alexander (United States). Discussions were held concerning the selection of the new Executive Secretary but no consensus could be reached so it was agreed that the Assistant Executive Secretary, Dr. A. Bychkov, would serve as the interim Executive Secretary until consensus can be reached.

The PICES eighth annual meeting will take place in Vladivostok, Russian Federation, from October 8-17, 1999. The following scientific sessions will take place at the eighth meeting: 1) the nature and impacts of North Pacific climate regime shifts, 2) modelling and prediction of physical processes in the subarctic North Pacific, 3) coastal eutrophication, phytoplankton dynamics, and harmful algal blooms, 4) ecological impacts of oil spills and exploration, 5) GLOBEC and GLOBEC-like studies and application to fishery management, 6) recent findings of GLOBEC and GLOBEC-like programs in the North Pacific, 7) workshop on herring and euphausiids population dynamics, and 8) workshop on the application of scientific visualization in marine ecosystem analysis.

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## **PROGRAM FOR THE CONSERVATION OF ARCTIC FLORA AND FAUNA (CAFF)**

### Basic Instrument

The Program for the Conservation of Arctic Flora and Fauna was established to address the special needs of Arctic species and their habitats in the rapidly developing Arctic region. It forms one of four programs the Arctic Council created by the Declaration on the Establishment of the Arctic Council, signed September 19, 1996 in Ottawa, Canada. The Arctic Council succeeded the Arctic Environmental Protection Strategy (AEPS), adopted through a Ministerial Declaration at Rovaniemi, Finland in 1991.

### Implementing Legislation

None

### Member Nations

Canada, Denmark/Greenland, Finland, Iceland, Norway, Russia, Sweden, and the United States.

### Organization Headquarters

The CAFF International Secretariat is located at Hafnarstraeti 97, 600 Akureyri, Iceland.

Executive Secretary: Snorri Baldursson

Phone: 354 462 3350 Fax: 354 462 3390

### Budget

The cost of the Secretariat is borne largely by Iceland, the host country, supported by voluntary contributions from Member countries. The U.S. contribution for 1998/99 is \$40,000, provided by the U.S. Fish and Wildlife Service Alaska Region,

### U.S. Representation

#### A. Appointment Process

The United States Department of State has designated the U.S. Fish and Wildlife Service (FWS) as the lead Federal agency for CAFF. The FWS Alaska Region Assistant Regional Director for International Affairs serves as the U.S. National Representative to CAFF and leads the U.S. delegation to the biannual meetings of CAFF.

#### B. U.S. Delegates and Scientific Advisers

U.S. delegates and scientific advisors are provided to CAFF by the Department of State, U.S. Fish and Wildlife Service, the Bureau of Land Management, the National Oceanic and Atmospheric Administration/National Marine Fisheries Service, Alaska Department of Fish and Game, and non-governmental organizations (Arctic Network, Alaska Nanuuk Commission, National Audubon Society, Circumpolar Conservation Union).

#### C. Interagency Arctic Policy Group (APG)

U.S. participation in CAFF is also informed and advised by the Interagency Arctic Policy Group convened on a monthly basis by the Department of State.

## Description

### A. Mission/Purpose:

CAFF's main goals are to:

(1) conserve Arctic Flora and fauns, their diversity and their habitats; (2) protect the Arctic ecosystem from threats; (3) improve conservation and management, laws, regulations and practices for the Arctic; and (4) integrate Arctic interests into global conservation.

Its guiding principles are:

(1) the involvement of indigenous and local people and the use of traditional ecological knowledge; (2) the use of a broad, ecosystem-based approach to conservation and management; (3) cooperation with other conservation initiatives and the other Arctic Council programs (AMAP, the Arctic Monitoring and Assessment Program; PAME, the Program for the Protection of the Arctic Marine Environment; and EPPR, the Program for Emergency Prevention, Preparedness, and Response) to minimize duplication and to increase effectiveness; and (4) effective communication with respect to CAFF programs

### B. Organizational Structure:

CAFF operates through a system of Designated Agencies and National Representatives responsible to CAFF and their respective countries. The National Representatives and Permanent Participants meet several times a year to guide the administration of CAFF work and to prepare CAFF reports to meeting of Senior Arctic Affairs Officials and Arctic Ministers under the AEPS. CAFF meets annually to assess programs and to develop CAFF Work Plans. It is directed by a chair and vice-chair which rotate among the Arctic countries and is supported by an International Secretariat. As needed, CAFF also establishes Specialist and Expert Groups to address program areas.

Most of CAFF's work is carried out through a system of Lead countries as a means of sharing the workload. Whenever possible, CAFF works in cooperation with other international organizations and associations to achieve common conservation goals in the Arctic.

### C. Recent Activities:

At its 1998 meeting, the Arctic Council endorsed the CAFF Strategic Plan for the Conservation of Arctic Biological Diversity, which takes into account priority and financial considerations and work done in other fora. The five priority objectives of the plan are to:

(1) enhance efforts to monitor Arctic biodiversity, paying particular attention to species, populations, habitats, and ecosystems which are of greatest ecological, cultural, social, economic, or scientific value; (2) support and implement measures for the conservation of Arctic genetic resources, species, and their habitats; (3) establish protected areas in the Arctic region where they contribute to the conservation of ecosystems, habitats, and species; (4) manage activities outside protected areas in order to maintain the ecological integrity of protected areas and to ensure the conservation of biodiversity; and (5) identify approaches and develop strategies by which information on the conservation of Arctic biological diversity can be made available in an appropriate manner to those making socio-economic decisions.

The CAFF biennial Work Plan is based upon these five priority objectives. Some examples are: work on rare, vulnerable and endangered plants and animals of the Arctic; developing circumpolar conservation strategies for certain species; work on Arctic vegetation; analyzing and making recommendations on threats to Arctic species and their habitat; an indigenous peoples mapping project.

It is also CAFF's intention to prepare an overview on the status and trends in changes to ecosystems, habitats, and species, in the Arctic and to identify elements of a program to monitor circumpolar biological diversity, and to assess, in collaboration with AMAP, the effects of climate change and UV-B radiation on Arctic ecosystems.

#### D. Meetings

CAFF meets on an every two year basis, The next meeting of CAFF will be April 26-30, 1999 in Yellowknife, Canada. The National Representatives to CAFF meet on an approximately every six month basis to address administrative and organizational matters.

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## **GLOBAL ENVIRONMENT FACILITY (GEF)**

### Basic Instrument

**Instrument for the Establishment of the Restructured Global Environment Facility.** The Instrument was approved by participating countries in March 1994.

### Implementing Legislation

No new implementing legislation needed. U.S. participation in the GEF is dependent on contributions from the Treasury Department to the GEF Trust Fund, through annual appropriations.

### Member Nations

As of January 1999, a total of 156 countries, including both recipient countries and donors such as the United States, were participants in the GEF.

### Secretariat Headquarters

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Washington D.C. 20433  
USA  
Tel: (202) 473-8324  
Fax: (202) 522-3240 or 522-3245  
<http://www.gefweb.org/html>

GEF Chief Executive Officer: Mohamed El-Ashrey

### Budget

In 1998, donors including the United States, pledged nearly U.S. \$2 billion to the second replenishment of the restructured GEF (GEF-2; 1999-2002). The U.S. pledged the largest amount, \$430 million to be contributed over several fiscal years. Current U.S. contributions to the GEF come from the Department of the Treasury. Contributions to the GEF are meant to be "new and additional," i.e., over-and-above existing official development assistance. Between 1991 and September 1998, the GEF invested nearly \$2 billion in environment projects.

### U.S. Representation

The Department of the Treasury has the lead for the U.S. government. Deputy Assistant Secretary of the Treasury, William Schuerch, represents the U.S. on the GEF Council, and Deputy Assistant Secretary of State Rafe Pomerance is his alternate. NOAA has consistently played an important advisory role at both the policy and project level. The NOAA International Liaison Staff has had the lead on GEF issues for NOAA.

### Description

#### A. Mission/Purpose:

The GEF is the primary multilateral financial mechanism to protect the global environment through projects and programs in four focal areas: conserving biological diversity, mitigating climate change, reducing pollution of international waters, and phasing out the production and use of stratospheric ozone depleting substances (in

countries not covered by the Montreal Protocol Fund). The GEF provides grants and concessional funding to recipient countries (developing countries and countries with economies in transition) to cover the incremental costs to achieve global environment benefits in the focal areas. The GEF operates the financial mechanisms for the U.N. Framework Convention on Climate Change and the Convention on Biological Diversity. GEF projects must be country driven, incorporate consultation with local communities and, where appropriate, involve non-governmental organizations in project implementation.

#### B. Organizational Structure:

The GEF is governed by a 32 member GEF Council representing constituencies of over 160 donor and recipient country governments. The GEF Council meets at least twice a year to review and approve the work programs, policies, and administration of the GEF. The U.S. has one of the seats on the Council. A universal GEF Assembly meets approximately every three years. The first meeting of the Assembly occurred in 1998.

GEF projects and programs are managed through three implementing agencies: the World Bank, the United Nations Development Programme (UNDP), and the United Nations Environment Programme (UNEP). The World Bank and UNDP manage the lion's share of the projects. The GEF Secretariat, which is functionally independent from the three implementing agencies, reports to and services the Council and Assembly of the GEF. A Scientific and Technical Advisory Panel, convened by UNEP, provides advice on technical issues at the request of the Council and manages a roster of experts that provides technical reviews of individual projects.

#### C. Programs:

The GEF was created as a multilateral mechanism to fund the incremental costs of achieving global environmental benefits in developing countries and countries with economies in transition. In particular, it was designed to fund agreements expected to be achieved at the 1992 U.N. Conference on Environment and Development in Rio de Janeiro, Brazil. It began as a three-year pilot-phase Facility in 1991. During the Pilot Phase, the U.S. did not contribute directly to the GEF core fund, but instead pledged and funded \$150 million in "parallel-financed" GEF projects funded and managed by the U.S. Agency for International Development.

The Facility was restructured and replenished with over US\$ 2 billion in 1994 (GEF-1), to cover the agreed incremental costs of activities that benefit the global environment in four focal areas: climate change; biological diversity; international waters; and stratospheric ozone. Both the Framework Convention on Climate Change and the Convention on Biological Diversity have designated the GEF as their funding mechanism on an interim basis. The second replenishment (GEF-2) was completed in early 1998.

Countries may be eligible for GEF funds in one of two ways: (1) if they are eligible for financial assistance through the financial mechanism of either the Framework Convention on Climate Change or the Convention on Biological Diversity; or (2) if they are eligible to borrow from the World Bank or receive technical assistance grants from UNDP through a Country Program. A country must be a party to the Climate Change Convention or the Convention of Biological Diversity to receive funds from the GEF in those focal areas. GEF projects must be country driven, incorporate consultation with local communities and, where appropriate, involve non-governmental organizations in project implementation.

To date, the GEF has approved proposals more than 500 projects in 119 countries, totaling nearly \$2 billion in GEF financing and leveraging an additional \$5 billion in cofinancing. The majority of these projects are in the climate change (38%) and biodiversity (46%) focal areas. Project quality has shown steady improvement over the history of the GEF. NOAA has provided limited technical support for the development of several projects.

**Marine Issues:** Marine projects of interest to NMFS may be funded under either the biodiversity focal area or the international waters focal area. Coastal, marine, and freshwater ecosystems represent one of four operational programs in the biodiversity focal area. The objective of the program is the conservation and sustainable use of

biological resources in these ecosystems. The GEF has recently funded several World bank projects in developing countries specifically related to marine fisheries, and will play a key role in the World Bank's Sustainable Fisheries Forum. The GEF is showing increasing flexibility and breaking new ground both in types of projects and as a coordination mechanism among U.N., bilateral, and multilateral development bank assistance mechanisms. NOAA has only begun to utilize the many opportunities for collaboration and leverage that the GEF provides.

### Recent Activities

In 1998 the GEF trust Fund was successfully replenished and the first Participant's Assembly met in New Delhi, India. The Assembly gathered Ministers and high-level officials from GEF Member governments to exchange views on the policies and operations of the GEF. More than 900 participants attended the Assembly, representing 119 GEF Member governments, international organizations and 185 non-governmental organizations. Participants endorsed the central tenets of the GEF. The Assembly formulated and endorsed the New Delhi Statement of the First GEF Assembly, which stressed that for the GEF to meet its potential and fulfill its missions, it should:

- remain innovative, flexible and responsive;
- ensure that its activities are country-driven;
- increase efforts to ensure sustainability of global environmental benefits;
- streamline the project cycle;
- undertake long-term planning;
- make incremental cost calculation more transparent and pragmatic;
- strengthen its monitoring and evaluation functions;
- better define linkages between land degradation and the four focal areas
- allow for Implementing Agencies to promote measures to achieve global environmental benefits within their regular portfolios;
- build strong relationships with the global scientific community
- promote greater coordination with and co-financing by other funding sources; and
- strive to mobilize additional resources from public and private sources.

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# **INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA (ICES)**

## Basic Instrument

The Council was established by an exchange of letters on July 22, 1902, in Copenhagen, Denmark, with eight country representatives in attendance (Denmark, Germany, Norway, Russia, Finland, the Netherlands, Sweden, and the United Kingdom of Great Britain). The United States joined the Council on July 22, 1912. From 1902 until 1964, the Council operated in a kind of "gentlemen's agreement" fashion. Then, on September 12, 1964, the council membership concluded the Convention for the International Council for the Exploration of the Sea, 1964 (TIAS 7628), giving it true and full international status. The Convention fixed the seat of the Council at Copenhagen and by the end of 1967 all Contracting Parties had ratified the Convention which came into force on July 22, 1968.

## Member Nations

Belgium, Canada, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Latvia, Netherlands, Norway, Poland, Portugal, Russia, Spain, Sweden, United Kingdom of Great Britain, and the United States of America.

## Commission Headquarters

International Council for the Exploration of the Sea:

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Copenhagen K, Denmark

General Secretary: Professor Chris Hopkins

Telephone: (45)33 15 42 25/33 15 70 92 (General Secretary)

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## Budget

The 1997 budget was 20,411,278 DKK (approximately \$3,129,049.). The United States contribution was 825,000 DKK (approximately \$126,473).

## U.S. Representation

A. Process:

NMFS, through NOAA and DOC, and the National Science Foundation, provides the Department of State with recommendations for the U.S. representatives (delegates and advisors) to the annual meeting.

B. U.S. Representation:

There were two ICES Delegates to the 25 September - 3 October, 1997, Annual Science Conference, 85th Statutory Meeting, in Baltimore, Maryland, U.S.A..

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#### C. Committees and Working Groups:

U.S. representation in ICES has no formal (legislated) advisory structure. During 1997/1998, the United States has members on all nine Committees and sixty-five Working/Study Groups, with chairs on five Working/Study Groups.

#### Description

##### A. Mission/Purpose:

ICES is the oldest oceanographic organization in the North Atlantic area and is the premier body for giving advice at the international level on scientific and policy matters relating to fisheries, pollution and other marine environmental issues. ICES provides advice on pollution matters to the London, Oslo and Helsinki Conventions for Marine Pollution and, on fisheries matters, to the Convention for the Conservation of Salmon in the North Atlantic Ocean; the United States is a party to all of these conventions. ICES also advises the North-East Atlantic Fisheries Commission and the International Baltic Sea Fishery Commission. ICES also has strong formal ties to the Intergovernmental Oceanographic Commission (IOC), to which the United States belongs, and the annual ICES meeting is the major forum for coordinating the planning and execution of ICES/IOC joint research on living marine resources in the North Atlantic.

The United States has been a member of ICES since 1912 and, in recent years, has strengthened its leadership role, particularly in the Advisory Committees on Marine Pollution and on Fisheries Management, in order to direct the organization's work towards issues and concerns of U.S. interest. U.S. representatives serve on all of the nine Advisory and Standing Committees which meet in concurrent session during the Annual Science Conference to plan the work of ICES and to conduct its business.

##### B. Organizational Structure:

The Council consists of the President, who presides at all meetings of the Council and the Bureau and two delegates from each participating country. The Bureau, the executive body of the Council, meets intersessionally and consists of the President, a First Vice President and five Vice Presidents elected from the delegates, each for a 3-year term. On completion of his term of office a member of the Bureau is not eligible for re-election to the same office for the succeeding term.

The Council does most of its work through two Advisory and seven Standing Committees. The chairmen of these Committees constitute the Consultative Committee, whose chairman is elected by the committee, but not necessarily

from its members. The chairman of this committee is also the chairman of the Liaison Committee, which provides advice to the North-East Atlantic Fisheries Commission.

The chief executive officer of the Council is the General Secretary who is responsible to the Bureau for the management of the Council's staff and office. He is appointed by the Council, on the advice of the Bureau. The Service Hydrographique is under the immediate direction of the Council's Hydrographer. The Statistician acts as Secretary of the Liaison Committee and to the various working groups established by the Council. He also provides advice on such statistical matters as may come within the scope of his office.

Delegates of participating countries may be accompanied by experts at annual or other meetings of the Council. Each annual meeting of the Council has a formal opening presided over by the President which may be attended by delegates, the experts appointed by member countries, observers appointed by the various international organizations which have received invitations from the Council, and guests, usually persons from non-member countries wishing to take part in the meeting. All other meetings of the Council proper are restricted to delegates. Certain committees, such as the Consultative, Liaison, Finance and Editorial Committees are not open to non-members.

The Advisory and Standing committees produce reports at each annual meeting, which are considered, together with any recommendations, by the Consultative Committee. The recommendations of the Consultative Committee are passed to the full Council for decision, which if agreed, are binding on the Council. The Council as a scientific body is only concerned with scientific matters. Its constitution prohibits it from dealing with non-scientific matters.

Using the information provided by the Working Groups, the Advisory Committee on Fishery Management (ACFM) provides advice, upon direct request, to regulatory fishery commissions on behalf of the Council. ACFM meets twice a year and its findings and advice are supplied to the member countries of ICES, the Commission of the European Communities, and to three fishery commissions.

Since 1902 the Council has met in a number of places in Europe and North America, including Copenhagen, its seat.

#### Recent Activities

The 1997 Annual Science Conference (ASC), 85th Statutory Meeting, of ICES took place in Baltimore, Maryland, U.S.A. Nearly 600 persons from more than 30 countries attended the Conference. The United States was represented by a delegation of more than 200 scientists. This was only the second ICES ASC held in the United States (the first was held in Woods Hole, MA in 1981), and the first time where sign interpretation for the hearing impaired was available at the General Assembly.

The Baltimore Mayor, Kurt L. Schmoke, welcomed participants at the General Assembly where Under Secretary for Ocean and Atmosphere, D. James Baker, presented the keynote speech on the U.S. vision of responsible marine resource management. The open lecture titled "Algal Blooms - the Good, the Bad, and the Ugly" was given by Dr. Katherine Richardson of Denmark. A response to the open lecture was presented by Dr. Sandra Shumway of the U.S.A.

At the scientific sessions of this conference, there were more than 350 presentations, including 55 posters and several video and P.C. presentations.

The first significant restructuring of ICES in 20 years was implemented during the 1997 ASC. The restructuring was aimed at improving the quality of the annual science conference, increasing integration of scientific activity, increasing flexibility for future change, and reducing the layering of decision processes. The plan, approved in 1996, (a) reduces the duration of the annual meeting (beginning in 1998) from ten to eight days, (b) clearly separates scientific sessions from business sessions, (c) provides a new approach to decision making that reduces redundant reviews and increases planning processes, and (d) reduces the number of scientific committees from twelve to seven.

The current committees are: Oceanography Committee, Marine Habitat Committee, Living Resources Committee, Resource Management Committee, Fisheries Technology Committee, Mariculture Committee, and Baltic Committee. The Resource Management, Fisheries Resources, Marine Habitat, and Oceanography Committees are intended to promote integrated scientific programs, whereas the other three committees are more specialized committees that have been retained from the previous structure because they have broad support from their members.

The Council approved the U.S.A. proposal to amend the rules of procedure such that any delegate or designee can attend Finance Committee meetings as an observer. In addition, it was agreed to review the rules for other committees with the expectations that all of the rules will be changed to increase transparency

#### Leadership

U.S. A. scientists chair five working/study groups.

#### Future Meetings

The 1998 meeting will be in Lisbon, Portugal. Beginning in 1999 in Stockholm, Sweden, and continuing in 2000 in Belgium, in 2001 in Oslo, Norway, and in 2002 in Copenhagen, Denmark, ICES will be celebrating the 100th anniversary of the meetings at these same locations that mark the founding of ICES.

#### Staff Contacts

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# JOINT FAO/WHO INTERNATIONAL CODEX ALIMENTARIUS FOOD STANDARDS PROGRAMME

## Basic Instrument

The Codex Food Standards Programme was established in 1962 when FAO and WHO recognized the need for international standards to protect the health of consumers and facilitate trade among member nations. The Codex Alimentarius Commission (CAC) is charged with developing food standards for adoption and use by member countries. These international food standards are contained in 14 volumes that have been adopted by the CAC. The purpose of these standards is to protect the health of consumers and facilitate fair practices in food trade. These texts are in the form of Specific Food Standards, Codes of Practice and Recommendations. The CAC includes provisions for food hygiene, food additives, pesticide residues, contaminants, labeling and presentation and methods of analysis and sampling.

## Member Nations

Albania, Algeria, Angola, Antigua, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Barbados, Barbuda, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Democratic Republic of Congo, Republic of Costa Rica, Cote D'IVOIRE, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Islamic Republic of Iran, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Laos, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Mauritania, Mauritius, Mexico, Micronesia Federated States, Moldova, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Sultanate of, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovak Republic, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syria, Tanzania, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, United States of America, Uruguay, Vanuatu, Venezuela, Vietnam, Yemen, Zambia, and Zimbabwe.

## Non-member Country

Bahamas

## Commission Headquarters

Secretariat of the Joint FAO/WHO Food Standards Programme Food  
and Agriculture Organization of the United Nations

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## Budget

The total budget for the Codex Programme is \$5.7KK. Seventy-five percent is contributed from FAO and 25% is contributed from WHO.

### **Organizational Structure**

The Programme is operated by an International Commission through an Executive Committee and has various subsidiary bodies. Subsidiary bodies or Committees are both vertical and horizontal – or cross-cutting in nature. For example, specific food commodity committees such as the Codex Committee on Fish and Fishery Products (CCFFP) would be an example of a vertical committee. The Codex Committee on Food Hygiene (CCFH), which must address the hygienic considerations in all of the outputs of the Codex Alimentarius Programme is an example of a horizontal or cross-cutting Committee. Additionally, there are regional Committees that are also cross-cutting in nature which address special needs of specific geographical regions. In addition to member nations, Codex relies on scientific support from three prestigious committees sponsored by other specific United Nations Programmes. These are the Joint Expert Committee on Food Additives, the Joint Meeting on Pesticide Residues, and the International Consultative Group on Food Irradiation. A fourth expert committee is currently being formed to pass expert judgement on microbiological risk assessments which are offered to the Codex Committee on Food Hygiene. Each member country maintains a country contact point.

### **U.S.A. Representation**

There are currently 22 different commodity and subject matter committees within Codex. The U.S.A. delegate is nominated by the U.S.A. Codex Office and affirmed by the Interagency Codex Policy Steering Committee, chaired by the USDA Undersecretary for Food Safety. The Steering Committee consists of: the U.S. Manager for Codex; and administrative appointed senior level policy personnel being the Deputy Commissioner for Policy, Food and Drug Administration; the Assistant Administrator, Office of Prevention, Pesticides, and Toxic Substances, U.S. Environmental Protection Agency; the Assistant Secretary, Marketing and Regulatory Programs, Department of Agriculture; the Undersecretary of Farm and Foreign Agricultural Services, Department of Agriculture; the Special Assistant to the Secretary, Department of Agriculture; the Assistant Administrator for Fisheries, National Marine Fisheries Service; Special Trade Ambassador for Agriculture, Office of the U.S. Trade Representative; the Director of the Office of Agricultural and Textile Trade, Department of State; the Undersecretary, Food, Nutrition and Consumer Services, Department of Agriculture; the Undersecretary of Research, Education, and Economics, Department of Agriculture; and the Vice Chairman, Codex Alimentarius Commission. There is also an interagency technical committee for U.S.A. Codex consisting of career senior level executives (SES). The Director of NMFS/Office of Sustainable Fisheries serves on this interagency technical committee. U.S.A. delegates to the Committee meetings are led by the U.S.A. Delegate and are comprised of other governmental and NGO advisors which include academia, industry, state government officials, trade associations, consumer organizations, etc.

### **Programs**

The output products of the Codex Alimentarius Food Standards Programme generally relate to four specific areas, for example, (1) the development of General Principles to be followed in the international trade of food commodities, (2) specific Codex Commodity Standards for individual food commodities, or processing requirements, (3) the establishment of Codex Guidelines for specific actions or procedures, and (4) recommended Codes of Hygienic Practice which are similar to our GMP concepts that are to be followed when producing and/or manufacturing specific food commodities. A country's adherence to these Codex outputs provides the country a "safe harborage" in the settlement of GATT disputes by WTO. The Codex Programme provides a forum for the world's leading experts to discuss, debate, and reach a scientific consensus on the food safety issues that affect international trade. Further, governmental participation allows access to the world's most current and complete body of scientific food safety information. Without a doubt, Codex has upgraded global food manufacturing practices which have dramatically resulted in improved global consumer protection. Such improvements lessen expensive regulatory efforts for importing countries during a time of shrinking resources. The United States has benefitted substantially from its participation in Codex. Action of the Codex Alimentarius Programme can greatly influence world regulatory food control activities since Codex work products represent a consensus of opinion on regulatory issues by the

more than 140 member countries that in turn represent more than 97 percent of world's population.

### **Recent Activities**

Since Codex was established in 1962, its commodity committees have published more than 200 commodity standards, including those for various types of processed fruits and vegetables; meat and fish products; cereals, pulses, and legumes; fats and oils; milk and milk products; soups and broths; and foods for special dietary uses. In addition to Codex standards, there are more than 35 Guidelines and Codes of Practice for food production and processing which have been prepared by the general subject committees. Historically, the U.S.A. has a low rate of acceptance of Codex Standards. To date the United States has accepted 981 pesticide standards and it has taken a position on about 70 commodity standards accepting most with specified deviations.

Codex has recently standardized the Hazard Analysis Critical Control Point (HACCP) Food Inspection Program. Likewise it has enumerated the General Principles and Guidelines for the Conduct of Microbiological Risk Assessments as well as for the Application of Microbiological Criteria for Foods. It has developed numerous standards and codes of practice for various fishery products and other foodstuffs.

The Codex Committee on Imports/Exports is currently debating a paper on issues relating to the judgement of equivalence between inspection systems, drafting guidelines for the development of equivalence agreements regarding food import and export inspection and certification systems, proposing draft guidelines/recommendations for food import control systems, proposing draft guidelines and criteria for official certificate formats, and rules relating to the production and issuance of certificates, and debating a paper on the development of guidelines for the utilization and promotion of quality assurance systems, all of which have or will have relevance to similar debates expected to be carried out by ICCAT.

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**PART IV. OTHER INTERNATIONAL ARRANGEMENTS OF INTEREST**

## **FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO) COMMITTEE ON FISHERIES (COFI)**

The Food and Agriculture Organization was founded in October 1945 with a mandate to raise levels of nutrition and standards of living, to improve agricultural productivity, and to better the condition of rural populations.

Today, FAO is the largest autonomous agency within the United Nations system with 175 Member Nations plus the EC (Member Organization) and more than 1,500 professional staff. The Organization's 1998-1999 biennial budget is set at \$650 million and FAO-assisted projects attract more than \$3000 million per year from donor agencies and governments for investment in agricultural and rural development projects.

The Organization offers direct development assistance, collects, analyses, and disseminates information, provides policy and planning advice to governments and acts as an international forum for debate on food and agriculture issues.

FAO is active in land and water development, plant and animal production, forestry, fisheries, economic and social policy, investment, nutrition, food standards and commodities and trade. It also plays a major role in dealing with food and agricultural emergencies.

A specific priority of the Organization is encouraging sustainable agriculture and rural development, a long-term strategy for the conservation and management of natural resources. It aims to meet the needs of both present and future generations through programs that do not degrade the environment and are technically appropriate, economically viable, and socially acceptable.

FAO is governed by the Conference of Member Nations, which meets every two years to review the work carried out by the organization and approve a Programme of Work and Budget for the next biennium.

The Conference elects a Council of 49 Member Nations to act as an interim governing body. Members serve three-year, rotating terms. The Conference also elects a Director-General to head the agency. The current Director-General, Jacques Diouf, began a six-year term in January 1994.

The Organization's work falls into two categories. The Regular Programme covers internal operations, including the maintenance of the highly qualified staff who provide support for field work, advise governments on policy and planning and service a wide range of development needs. It is financed by Member Nations, who contribute according to levels set by the Conference.

The Field Programme implements FAO's development strategies and provides assistance to governments and rural communities. Projects are usually undertaken in cooperation with national governments and other agencies. More than 60 percent of Field Programme finances come from national trust funds and 22 percent is provided by the United Nations Development Programme. FAO contributes about 16 percent - drawn from the Regular Programme budget - through its Technical Cooperation Programme (TCP).

The **Committee on Fisheries (COFI)**, a subsidiary body of the FAO Council, was established by the FAO Conference at its Thirteenth Session in 1965. The Committee presently constitutes the only global inter-governmental forum where major international fisheries and aquaculture problems and issues are examined and recommendations addressed to governments, regional fishery bodies, NGOs, fishworkers, FAO and international community, periodically on a world-wide basis. COFI has also been used as a forum in which global agreements and non-binding instruments were negotiated.

COFI membership is open to any FAO Member and non-Member eligible to be an observer of the Organization. Representatives of the UN, UN bodies and specialized agencies, regional fishery bodies, international and international non-governmental organizations participate in the debate, but without the right to vote.

In the present biennium, largely at the urging of the United States, the FAO undertook to develop global calls for action for the: (1) management of fishing capacity, (2) reduction of seabird bycatch in longline fisheries, and (3) conservation and management of sharks. These products are expected to be endorsed by COFI at its meeting February 15-19,1999.

COFI may establish sub-committees on certain specific issues, for example the **Sub-Committee on Fish Trade**. Such subsidiary bodies meet in the intersessional period of the parent Committee.

The two main functions of COFI are to review the programmes of work of FAO in the field of fisheries and aquaculture and their implementation, and to conduct periodic general reviews of fishery and aquaculture problems of an international character and appraise such problems and their possible solutions with a view to concerted action by nations, by FAO, inter-governmental bodies and the civil society. The Committee also reviews specific matters relating to fisheries and aquaculture referred to it by the Council or the Director-General of FAO, or placed by the Committee on its agenda at the request of Members, or the United Nations General Assembly.

In its work, the Committee supplements rather than supplants other organizations working in the field of fisheries and aquaculture.

#### CONTACT

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### **United Nations General Assembly (UNGA)**

The United Nations General Assembly (UNGA) was not known as a forum for the discussion of fisheries issues through most of its history, but this changed in the 1990s when it took up the problem of large-scale, pelagic driftnet fishing on the high seas. UNGA Resolution 44/225, adopted in 1990, called for a moratorium on the use of this fishing gear on the high seas by June 30, 1992. This Resolution was supplanted by UNGA Resolution 46/215, which delayed the effective date of the moratorium until December 31, 1992. Since that time, UNGA has adopted resolutions at least biennially inviting information on implementation for inclusion in a report of the Secretary General prepared for a future meeting of UNGA. NOAA Fisheries has worked with the Department of State to prepare a U.S. submission at every such opportunity. In addition, UNGA regularly considers and adopts resolutions on unauthorized fishing in zones of national jurisdiction and on the high seas; fisheries bycatch and discards; promoting the entry into force of the Food and Agriculture Organization Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas; and promoting the entry into force of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. The United States provides information for reports of the Secretary General on these topics as well.

**Multilateral High-Level Conference on the  
Conservation and Management of  
Highly Migratory Fish Stocks in the  
Western and Central Pacific  
(MHLC)**

The MHLC is a series of conference negotiations striving to design and implement a conservation and management regime for highly migratory fish stocks in the western and central Pacific Ocean. There have been 3 MHLC meetings to date, with a fourth planned in Honolulu in February 1999. Participation in this process has grown to include representatives of Australia, Chinese Taipei, Cook Islands, Federated States of Micronesia, Fiji, France, French Polynesia, Indonesia, Japan, Kirabati, Marshall Islands, Nauru, New Caledonia, New Zealand, Niue, Palau, Papua New Guinea, People's Republic of China, Philippines, Republic of Korea, Samoa, Solomon Islands, Tonga, Tuvalu, United States, Vanuatu, and Wallis and Futuna.

MHLC2, held in Majuro, Marshall Islands, June 10-13, 1997, set an agenda and defined success for the process. It adopted by acclamation the Majuro Declaration which expresses the commitment of the participants to negotiate, over a 3-year period, a legally binding conservation and management regime for western and central Pacific highly migratory fish stocks. These stocks support fisheries that produce over 50 percent of the world's tuna catch, and are thus probably the largest and most valuable that are not yet subject to a conservation and management regime. Fortunately, of the tuna stocks likely to be covered, all are believed to be in healthy condition, with the possible exception of bigeye tuna. Achieving the stated goal may be what was called the most significant potential development in that part of the world, given the importance of fish resources to many Pacific island economies.

**WESTERN CENTRAL ATLANTIC FISHERY COMMISSION  
(WECAF)**

WECAF is the FAO regional fishery body for the Caribbean region. Its main functions are to facilitate coordination of research; to encourage education and training; to assist Member Governments in establishing rational policies and to promote rational management of resources that are of interest for two or more countries. It operates through committees including the Committee for the Management and Development of the Lesser Antilles, a Working Party on Statistics, and a Working Party on Assessment of Marine Fishery Resources.

**FISHERY COMMITTEE FOR THE EASTERN CENTRAL ATLANTIC  
(CECAF)**

CECAF is the FAO regional fishery body for the Eastern Central Atlantic. It is organized to promote programs of development for the rational utilization of fishery resources; assist in establishing bases for regulatory measures; and encourage training. It operates through a Sub-Committee on Management of Resources Within Limits of National Jurisdiction; a Joint Working Party on Resources Evaluation; a Joint Working Group on Sardines, Horse Mackerels and Mackerels of the northern CECAF area; a Joint Working Party on Hakes and Deep-Sea Shrimps; and a Joint Working Party on Small Pelagics or Demersals of the Western Gulf of Guinea; a Sub-Committee on Fishery Development.

**DRAFT CONVENTION ON THE CONSERVATION AND MANAGEMENT OF FISHERY  
RESOURCES IN THE SOUTH EAST ATLANTIC OCEAN  
(SEAFO)**

A Convention to establish a new regional fisheries conservation and management organization for the Southeast Atlantic Ocean, the Southeast Atlantic Fisheries Organization (SEAFO), is currently being negotiated. SEAFO

would manage fishery resources on the high seas, but not those under national jurisdiction. The next round of negotiations are scheduled to take place March 8-11, 1999, in London. Negotiators hope to conclude and sign the convention in late 1999.

### **NORTH PACIFIC INTERIM SCIENTIFIC COMMITTEE FOR TUNA AND TUNA-LIKE SPECIES (ISC)**

The purposes of ISC are to (1) enhance scientific research and cooperation for conservation and rational utilization of the species of tuna and tuna-like fisheries which inhabit the North Pacific Ocean during all or part of their life cycle; and (2) establish the scientific groundwork, if at some time in the future, it is decided to create a multilateral regime for the conservation and rational utilization of these species in the region.

### **WESTERN PACIFIC YELLOWFIN TUNA RESEARCH GROUP (WPYRG)**

The WPYRG, an informal organization of scientists and fisheries officers, was organized in 1990 to promote cooperation and to facilitate collaborative research on the yellowfin tuna populations of the central-western Pacific Ocean. The Group's initial efforts produced answers to key fishery management questions concerning the safe level of exploitation and yield for the yellowfin tuna stock, the level of large-scale fisheries interaction, and factors contributing to local depletion. Follow-up efforts include extending investigations to associated species, such as bigeye tuna, and improving the precision of estimates of population parameters.

### **STANDING COMMITTEE ON TUNA AND BILLFISH OF THE SOUTH PACIFIC COMMISSION (SCTB)**

The SPC'S Oceanic Fisheries Program (OFP, formerly the Tuna and Billfish Assessment Program), is an integrated program of fishery data collection, syntheses, analysis and scientific research on behalf of SPC member countries, that aims to generate the resource information necessary for the rational exploitation and sound management of the international tuna fisheries in the SPC area. The OFP has two major components: the Fisheries Statistics Section and the Tuna Research Section, both of which provide scientific advice on the status of stocks in the western Pacific tuna fishery. The work of the Tuna Research Section is reported to the Standing Committee on Tuna and Billfish, which meets annually.

### **SOUTH PACIFIC ALBACORE TUNA RESEARCH GROUP (SPAR)**

SPAR is a forum to review existing albacore fisheries in the South Pacific; identify types and availability of albacore fishery statistics; review research and research findings on albacore; identify and assign priorities for future albacore research; and provide for coordination of research on albacore in the South Pacific. SPAR meets every other year and will next meet in 1998.

### **ASIA-PACIFIC FISHERY COMMISSION (APFIC)**

APFIC was organized in 1948 as the Indo-Pacific Fishery Commission, an FAO regional fishery body. It has been redesignated as the Asia-Pacific Fishery Commission. APFIC operates through subsidiary bodies including: a Joint Working Party on Fish Technology and Marketing; Working Party of Experts on Inland Fisheries; a Working Party

on Aquaculture; and a Committee on Marine Fisheries. In 1996, it held a Symposium on the Environmental Aspects of Responsible Fisheries.

### **INDIAN OCEAN FISHERY COMMISSION (IOFC)**

The IOFC is an FAO regional fishery body. It operates through a Committee for the Development and Management of Fisheries in the Bay of Bengal; the Bay of Bengal Program; the Committee for the Development and Management of the Gulfs; and the Committee for the Development and Management of Fisheries in the Southwest Indian Ocean. With negotiation of the Indian Ocean Tuna Commission (a fisheries management organization), IOFC discontinued its Committee for the Management of Indian Ocean Tuna. Because the United States is neither a coastal State nor a State whose nationals fish in the area covered by the Agreement, it is not a member of the IOFC,

### **INTERNATIONAL OCEANOGRAPHIC COMMISSION (IOC)**

The United States is supporting the Ocean Science in Relation to Living Resources (OSLR) program, which includes funding for the GLOBEC and SPACC, Large Marine Ecosystems (LMEs), HAB, and biodiversity. The GLOBEC Science Plan is about to be finalized and a GLOBEC open science meeting will be held in 1997 or 1998.

### **GLOBAL ECOSYSTEM DYNAMICS (GLOBEC)**

GLOBEC is an IOC activity. Conceived as a study of zooplankton in relation to their physical environment (and thus to future climatic change), it has developed strong fisheries components. Active programs include "Cod and Climate Change," a GLOBEC-ICES program in the North Atlantic. The "Small Pelagic Fishes and Climate Change" (SPACC) and PICES-GLOBEC "Climate Change and Carrying Capacity" programs are in planning.

### **GLOBAL OCEAN OBSERVING SYSTEM (GOOS)**

GOOS is an internationally coordinated system for systematic operational data collection (measurements), data analysis, exchange of data and data products, technology development and transfer. The objective of the GOOS is to ensure the establishment of a permanent system of global and systematic observations adequate for forecasting climate variability and change; for assessing the health or the state of marine environment and its resources, including the coastal zone; and for supporting an improved decision-making and management process, which takes into account potential natural and man-made changes in the environment and their effects on human health and marine resources. NMFS is in the process of developing a U.S. LMR GOOS Plan.

### **INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE (IPCC)**

The IPCC was established to provide an authoritative statement of scientific opinion on climate change. Several hundred scientific experts serve on three Working Groups. Their work was broadly peer-reviewed and subjected to full governmental reviews. Working Group I deals with the science of climate change itself. Working Group II deals with impacts and response strategies. Working Group III deals with broad socioeconomic issues, such as the costs and benefits of global mitigation efforts in energy, forestry and agriculture.

All of the significant fisheries materials are included in Working Group II reports. NMFS (ST2) has had significant roles in Working Group II, including a recent designation as Co-Convening Lead Author for the Polar Regions report.

### **Asia Pacific Economic Cooperation (APEC)**

APEC was established in 1989 as something of an OECD for the Pacific Rim, and, under APEC, the Fisheries Working Group (FWG) was formed in 1991. The FWG meets annually, and deliberates on a broad range of LMR issues and specific project proposals. A total 18 APEC Economies are invited to these FWG meetings, and this number will increase to 21 in 1999 with the accession to APEC of Russia, Vietnam, and Peru. In recent years, the FWG has concentrated in the areas of management; trade and marketing; seafood inspection training; aquaculture; and various environmental issues. In addition, special technical workshops have been held on the margins of the last two FWG meetings on (1) destructive fishing practices in coral reef fisheries, and (2) management of diseases in aquaculture.

### **Organization for Economic Cooperation and Development (OECD)**

OECD is a Paris-based international organization that provides a forum for consultations on a wide range of economic issues among developed countries. The OECD Committee for Fisheries meets twice annually (in the spring and fall) and occasionally holds ad hoc technical meetings. In recent years, the OECD Committee for Fisheries has emphasized management-related studies, and, currently, is working on a multifaceted studies program that focuses on the transition to sustainable fisheries, using a case study approach. NMFS is presently providing four case studies to OECD.

### **World Trade Organization (WTO)**

The WTO (formerly the General Agreement on Tariffs and Trade) was established in 1947, and is the international organization that negotiates and enforces trade rules, and periodically convenes multilateral trade negotiations, the last of which, the Uruguay Round, began in 1986 and concluded in 1994. The United States three fishery-related interests in WTO: (1) defending our conservation laws in WTO dispute settlement; (2) negotiating fisheries tariffs and non-tariff barriers in the trade rounds; and (3) more recently, participating in meetings of the WTO Committee on Trade and Environment.

### **Commission for Sustainable Development (CSD)**

The CSD was established after the 1992 UNCED-convened "Green Summit: in Rio, and its main purpose is to monitor progress made in meeting the goals of the 1992 Rio meeting, in particular Agenda 21. CSD holds meetings annually in New York, and reviews documents and resolutions that address, inter alia, various global fishery issues in light of the charges in the 1992 Rio declarations. As such, the CSD provides a convenient barometer for gauging opinions in the United Nations on global fishery and LMR issues.

### **COMMISSION FOR ENVIRONMENTAL COOPERATION (CEC)**

The signing of the North American Free Trade Act (NAFTA) in 1993 created the world's largest trading bloc. At the same time, the NAFTA partners sought to build environmental safeguards into the trade liberalization pact and signed the North American Agreement on the Environmental Cooperation, creating the North American Commission for Environmental Cooperation (CEC).

The CEC funds projects in four major areas; 1) Trade and the Environment; 2) Conservation of Biodiversity; 3) Pollutants and Health; and 4) Law and Policy. Projects focus on the protection of the North American environment, and therefore trilateral environmental problems, issues and cooperation are given priority in funding. The CEC work program to date has focused primarily on terrestrial, air transport and chemical issues, but it is beginning to address the marine environment as well.

### **U.S.- FRANCE COOPERATIVE PROGRAM**

The 14th Joint Session of the U.S. - France Cooperative Program in Oceanography is scheduled to take place in France in 1998. The Director of the Northeast Fisheries Science Center serves as the U.S. Program Leader for the Living Resources Panel. French and American Scientists are currently working on projects including: (1) Technological Interactions in Multi-Species Fisheries, (2) Age Composition of Fisheries Catch, (3) Genetic Manipulation : Shellfish and Marine Invertebrates, (4) COADs - Comprehensive Ocean-Atmosphere Data Set - Data Bank for Fisheries, (5) CEOS (Climate and Eastern Ocean Systems), (6) Spatio-temporal Scales in the Dynamics of Exploited Populations, and (7) Automated Image Processing Techniques for Classification and Assessment of Living Resources.

### **U.S.- MOROCCO COOPERATION**

The United States established fisheries ties with the Government of Morocco in 1975 when a U.S. Regional Fisheries Attache position was established in Casablanca. These ties were formalized by a series of agreements signed in Washington, D.C., in May 1983. The agreements call for cooperative exchanges between Moroccan and U.S. fishery scientists as a part of an agreement linking the NMFS Southeast Fisheries Science Center and the Institute Scientifique des Peche Maritimes in Casablanca. The most recent exchanges took place in early December 1996. Fifteen projects for potential cooperation were identified, including scientific exchanges needed to help Morocco create a fisheries management program established on a solid scientific basis.

### **U.S.- SOUTH AFRICA COOPERATIVE PROGRAM**

The Conservation, Environment, and Water Committee of the U.S.- South Africa Binational Commission was established, in part, to assist South Africa maintain its high quality of oceanographic and fisheries science through increased cooperation with international marine scientists and organizations, and to seek increased participation of under-represented communities in marine sciences.

### **U.S.- CHINA MARINE AND FISHERIES SCIENCE AND TECHNOLOGY PROTOCOL**

This Protocol, initiated in May 1979, is part of an umbrella science and technology agreement. The cooperative activities under the Protocol are managed by a Joint Working Group which consists of a co-chair and an executive secretary on each side. OAR provides the U.S. Co-chair. Within the Joint Working Group framework, a Living Marine Resources (LMR) panel was established to address cooperative projects in fisheries and aquaculture.

### **U.S.- KOREA SCIENCE AND TECHNOLOGY AGREEMENT**

The U.S.- Korea Science and Technology Agreement was concluded in 1988, renewed in 1992, and will be considered for renewal in 1997. Two meetings of the Joint Committee on Scientific and Technological Cooperation have taken place since 1993 and a third meeting is scheduled to take place in 1997. NMFS involvement with this S&T has thus

far been minimal, though NMFS was active in the June 1996 U.S.- Korea Forum on Ocean Science and Technology.

## **PART V. APPENDICES**

## APPENDIX A

### GOVERNING INTERNATIONAL FISHERY AGREEMENTS (GIFAs)

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), foreign fishing within the U.S. 200-mile Exclusive Economic Zone may only be conducted under a GIFA.

Although many GIFAs have been concluded since the enactment of the Magnuson-Stevens Act, the following list includes only active agreements that are currently in force or in the process of extension.

Status as of January 1, 1999:

<u>Country</u>	<u>Expiration Date</u>	<u>Status</u>
Estonia	6-30-98	In Extension
Latvia	12-31-99	In Force
Lithuania	12-31-98	In Extension
People's Republic of China	7-01-98	In Extension
Poland	12-31-99	In Force
U.S./Russia Mutual Fisheries Relations Agreement	12-31-98	In Extension

APPENDIX B

NATIONAL MARINE FISHERIES SERVICE  
INTERNATIONAL FISHERIES DIVISION  
SCHEDULE OF MEETINGS AND EVENTS  
JANUARY 1 -DECEMBER 31, 1999

<b>Dates</b>	<b>Location</b>	<b>Activity</b>
<b><u>1998</u></b>		
Oct. 25 - 30	Rome, Italy	FAO Consultation
Nov. 1-6	Moscow, Russia	Sixth Annual Meeting of the North Pacific Anadromous Fish Commission
Nov 12-24	Santiago, Spain	ICCAT Annual Mtg
Nov. 30-Dec. 4	Vancouver, B.C.	Fall PSC Executive Session
<b><u>1999</u></b>		
Jan. 11-14	Seattle, WA	U.S.-Russia ICC/Transboundary Meeting
Jan. 11-15	Vancouver, B.C.	PSC Panel and Post Season Meeting
Jan. 25-28	Prince Rupert, B.C.	International Pacific Halibut Commission Annual Meeting
Feb. 4	Boston, MA	NAFO Consultative Committee Meeting
Feb. 11-12	Rome, Italy	Meeting of FAO and non-FAO Fisheries Bodies
Feb. 15 - 19	Rome, Italy	FAO COFI Meeting
Feb. 8-12	Portland, OR	PSC 14th Annual Meeting
Feb/?	Tokyo, Japan	Seventh Annual Meeting of the U.S.-Japan Consultative Committee
March 2-4	Dartmouth, N.S.	NAFO Transparency Meeting on Fisheries
March 9-10	Washington, D.C.	ICCAT Species Working Groups
March 10-11	Rome, Italy	FAO Fisheries Ministerial
March 8-11	Oxford, UK	SEAFO Convention Mtg.

<b>April 19-30</b>	<b>New York, NY</b>	<b>7<sup>th</sup> Session of the UN Commission on Sustainable Development</b>
<b>April 26-30</b>	<b>Yellowknife, Canada</b>	<b>CAFF VII</b>
<b>April 27-29*</b>	<b>Brussels, Belgium</b>	<b>CCAMLR Intersessional: Catch Certification For Toothfish</b>
<b>April</b>	<b>Paris, France</b>	<b>OECD Committee on Fisheries</b>
<b>May 3 -5</b>	<b>San Sebastian, Spain</b>	<b>NAFO Precautionary Meeting</b>
<b>May</b>	<b>Cairns, Australia</b>	<b>FWG10 (APEC)</b>
	<b>Europe -?? (Brussels, Belgium)</b>	<b>FAO Technical Consultation #2 Measuring Capacity</b>
<b>May 31-June 2</b>	<b>Madrid, Spain</b>	<b>ICCAT Intersessional: Allocations</b>
<b>May</b>	<b>Boston, MA</b>	<b>NASCO Section Mtg</b>
<b>June 5-12</b>	<b>Westport, Ireland</b>	<b>NASCO Annual Mtg</b>
<b>July/Aug</b>	<b>Capetown , S. Africa</b>	<b>SEAFO Convention Mtg.</b>
<b>August</b>	<b>Locations TBD</b>	<b>ICCAT Advisory Committee Regionals</b>
<b>August</b>	<b>Boston, MA</b>	<b>NAFO Consultative Committee Meeting</b>
<b>Sept.</b>	<b>Locations TBD</b>	<b>ICCAT Advisory Committee Regionals</b>
<b>Sept. 13 -17</b>	<b>Halifax, N.S.</b>	<b>Annual NAFO Meeting</b>
<b>Sept. 28-29</b>	<b>Seattle, WA</b>	<b>IPHC Interim Meeting</b>
<b>Oct. 18-19*</b>	<b>Vancouver, Canada</b>	<b>ICCAT Trilateral Meeting</b>
<b>Oct. 24-26*</b>	<b>Silver Spring, MD</b>	<b>ICCAT Advisory Committee Meeting</b>
<b>Oct. 24-29</b>	<b>Juneau, AK</b>	<b>7<sup>th</sup> Annual NPAFC Meeting</b>
<b>Oct. 25-Nov. 5</b>	<b>Hobart, Tasmania</b>	<b>CCAMLR XVIII</b>
<b>Oct.</b>	<b>Paris, France</b>	<b>OECD Committee on Fisheries</b>
<b>Nov. 15-22</b>	<b>Brazil</b>	<b>ICCAT Annual Meeting</b>
<b>Jan. 10-13, 2000</b>	<b>Seattle, WA</b>	<b>IPHC Annual meeting</b>

**The Following Meetings May Occur During FY 1999:**

<b>? (2 days)</b>	<b>Vancouver, B.C.?</b>	<b>U.S.-Canada Pacific Hake Resource Meeting</b>
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? (6-8 days)

**U.S. and Canada**

**PSC 1999 Salmon Fishing Negotiations  
(2-3 additional meetings)**

? (2-3 days)

**U.S.-Russia Bering Sea Fishery  
Agreement/Maritime Boundary Negotiations**