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### DEVELOPMENT AND INTERNATIONAL ECONOMIC COOPERATION: ENVIRONMENT

#### Large-scale pelagic driftnet fishing and its impact on the living marine resources of the world's oceans and seas

#### Report of the Secretary-General

#### Addendum

#### I. THE ACTIVITIES OF INTERGOVERNMENTAL ORGANIZATIONS

1. In the communiqué issued by Heads of Government of the countries of the Commonwealth at Harare on 22 October 1991, the Commonwealth Heads of Government "expressed concern at the continuation of large-scale driftnet fishing and the threat this posed to the marine environment. They urged all countries to comply with United Nations General Assembly resolutions 44/225 and 45/197 and welcomed the prohibition of fishing with long driftnets in the South Pacific."
2. The communiqué issued by the South Pacific Forum on 30 July 1991, inter alia, reaffirmed the Tarawa Declaration and General Assembly resolutions 44/225 and 45/197.
3. On 31 October the South Pacific Conference meeting in Nuku'Alofa, Tonga, adopted a resolution on large-scale pelagic driftnet fishing. The Conference, inter alia, reaffirmed General Assembly resolutions 44/225 and 45/197, noted its appreciation for the undertakings that had been given to cease driftnet fishing in its region and welcomed the entry into force of the Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific.

### III. REVIEW BY REGIONS

#### A. Atlantic Ocean

4. At its seventh session held in Kingston, Saint Vincent and the Grenadines from 8 to 14 November 1990, the Western Central Atlantic Fishery Commission (WECAFC) discussed the question of large-scale pelagic driftnet fishing and, in accordance with General Assembly resolution 44/225, recommended the imposition of a moratorium on large-scale pelagic driftnet fishing on the high seas of the whole area of competence of the Commission by June 1992. In doing so the Commission noted that no effective conservation and management measures were known which could control this fishery and recommended that the statistical analysis mentioned in the General Assembly resolution be carried out rapidly in order to determine the management and conservation measures required for the utilization of some of these gears. The Commission also specifically recommended that, in accordance with the General Assembly resolution, large-scale pelagic driftnet should not be redeployed in the region.
5. The following information from members of the Western Central Atlantic Fishery Commission was provided by FAO.
6. Mexico reported that no fishing activities are carried out in Mexico with that kind of fishing gear. Therefore the decision to apply the moratorium in the Western Central Atlantic Fisheries Commission region is not applicable to Mexican fisheries.
7. Japan replied that the Government of Japan has prohibited large-scale driftnet fisheries by its vessels on the high seas outside the North Pacific, including the Atlantic Ocean since August 1990, in response to paragraph 4 (c) of the United Nations resolution.
8. Barbados stated that a ban on the use of large-scale pelagic driftnet fishing is included in the conservation measures contained in the new fisheries legislation which is being prepared for enactment.
9. Cuba stated that it has not taken any measures to deal with the use of this fishing gear since it is not used in Cuba and there is no plan to use this type of fishing gear in the future.
10. Panama expressed its willingness to apply the conservation and management measures adopted at the seventh session of WECAFC.
11. The United States of America stated that, with respect to the Commission's recommendation, in accordance with resolution 44/225, as no effective conservation and management measures were known which could control this fishery, a moratorium on large-scale pelagic driftnet fishing on the high seas of the whole areas of competence of the Commission should be imposed by 30 June 1992. The United States reports that the President of the United States signed into law the "Fishery Conservation Amendment, of 1990" on

28 November 1990. Under this law, United States fishermen are prohibited from utilizing large-scale pelagic driftnet fishing techniques within the United States exclusive economic zone (EEZ) as well as in high seas areas beyond the EEZ of any coastal nation, including the area of competence of the Commission.

## B. Indian Ocean

12. The following information from members of the Indian Ocean Fishery Commission (IOFC) was provided by FAO.

13. Seychelles stated that there were no pelagic driftnet fishing vessels licensed in Seychelles. It further noted that from the information obtained from the Seychelles Fishing Authority observers and from other fishing vessels, this fishing technique has not been observed in the Western Indian Ocean.

14. In its response Japan noted that in paying due respect to General Assembly resolution 44/225, the Government of Japan took measures, effective 15 August 1990, to prohibit large-scale driftnet fishing in the waters other than the Pacific Ocean, such as the Indian and Atlantic Oceans.

15. In Malaysia, the use of driftnets is very common among fishermen. They are mainly operated from small boats within 12 miles from shore. They are known to be selective in nature. However, there is a new kind of driftnet, with bigger mesh size, to catch Ray fish. The latter operation has proven to have adverse impact on non-targeted species like turtles. Malaysia has imposed a ban on the use of the driftnet with a mesh size of more than 25.4 cm. Action will be taken to monitor the possible existence of large-scale pelagic driftnetters in Malaysian waters in the near future and it is considering the possible imposition of a ban on the use of large-scale driftnets after studies are done on the existing driftnets, as to its size, length, area of operation, catch composition and impact on non-targeted species.

16. Oman confirmed that driftnets are not used at present in the Sultanate.

17. Saudi Arabia noted that the Kingdom does not have fishing ships operating on the high seas of the Indian Ocean for the time being, and it will take the moratorium into consideration in case the Kingdom wishes to undertake large-scale pelagic driftnet fishing activities in the future.

18. Australia replied that it was particularly concerned that fleet displacement of effort into the Indian Ocean should not take place, not only for the protection of the threatened southern bluefin tuna but also for the protection of other marine resources. Consequently, Australia has supported implementation of the United Nations resolution and its reinforcement through a number of international forums, including the International Whaling Commission. Australia is of the view that driftnetting incurs significant waste and environmental damage, and should be replaced by other, more

selective fishing methods. Australia is concerned that in many cases data on high seas driftnetting has not been collected or, if collected, made available. The Indian Ocean is a case in point. Nevertheless, the evidence which has been obtained from large-scale driftnet fisheries indicates clearly that these fisheries present an unusually high degree of risk in terms of their capacity to deplete fish and wildlife populations on the high seas before any meaningful scientific assessment can be undertaken or effective management regimes developed.

19. In Australia, Fisheries Notice AFZ 1, proclaimed by the Minister for Primary Industries and Energy on 25 July 1989, prohibited the taking of fish in proclaimed waters with the use of a pelagic gillnet or driftnet of a kind specified in the Schedule; and prohibited persons from having in their possession or charge, in a boat in proclaimed waters, equipment of the kind specified in the Schedule unless that equipment is stowed and secured below deck. The Schedule to the Notice specifies a pelagic gillnet or driftnet the total length of which is more than 2.5 km. Driftnet vessels continue to be prohibited from entering Australian ports except in case of emergency and transshipment of driftnet-caught product in the Australian fishing zone also is prohibited. Legislation is currently being prepared which will make it an offence for Australian nationals to engage in driftnetting beyond the AFZ. This legislation will enable Australia to implement more effectively the United Nations resolutions and to ratify the Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific, 1989, done in Wellington.

20. The United States reported that it supported fully the Committee's recommendation that, in accordance with General Assembly resolution 44/225, a moratorium on large-scale pelagic driftnet fisheries should be implemented in the high seas region of the Indian Ocean by 30 June 1992. The United States further reported that the President of the United States signed into law the "Fishery Conservation Amendments of 1990" on 28 November 1990. Under this law, United States fishermen are prohibited from utilizing large-scale pelagic driftnet fishing techniques within the United States exclusive economic zone (EEZ) as well as in high seas areas beyond the EEZ of any coastal nation, including the high seas region of the Indian Ocean.

21. Madagascar replied that it does not have any tuna fleet operating in the Indian Ocean. Within the framework of fishery agreements concluded with foreign countries, only tuna purseiners, longliners and pole and line vessels are authorized to fish in Malagasy waters. The Malagasy Government has no objection to the adoption of the recommended moratorium.

### C. South Pacific

22. On 24 September 1991 Canada signed the Protocol II; Chile signed this Protocol on 1 November 1991.