



INTERNATIONAL TECHNICAL CONFERENCE ON THE CONSERVATION  
OF THE LIVING RESOURCES OF THE SEA

*E.C.*

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INTERNATIONAL TECHNICAL CONFERENCE ON THE CONSERVATION  
OF THE LIVING RESOURCES OF THE SEA

FIRST DRAFT OF FINAL REPORT

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UN/SEA-459

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I. INTRODUCTION

1. The General Assembly of the United Nations on 14 December 1954 adopted resolution 900 (IX) which reads as follows:

The General Assembly,

Considering that the International Law Commission has proposed for the consideration of the General Assembly draft articles <sup>1/</sup> covering certain basic aspects of the international regulation of fisheries, and considering also that that Commission has not yet concluded its study of related question,

Having regard to the fact that the problem of the international conservation of fisheries involves matters of a technical character which require consideration on a wide international basis by qualified experts,

Being of the opinion that an international technical conference should be held in the near future to consider the problems of fishery conservation and make recommendations thereon,

Recalling that, by resolution 798 (VIII) of 7 December 1953, the General Assembly, having regard to the fact that the problems relating to the high seas, territorial waters, contiguous zones, the continental shelf and the superjacent waters are closely linked together juridically as well as physically, decided, consequently, not to deal with any aspect of those topics until all the problems involved had been studied by the International Law Commission and reported upon it to the General Assembly,

Having regard to the fact that the technical studies relating to the conservation, protection and regulation of fisheries and other resources of the sea are also closely linked to the solution of the problems mentioned in the preceding paragraph,

<sup>1/</sup> See Official Records of the General Assembly, Eighth Session, Supplement No. 9, document A/2456, paragraph 94.

1. Requests the Secretary-General to convene an international technical conference at the head quarters of the Food and Agriculture Organization of the United Nations on 18 April 1955 to study the problem of the international conservation of the living resources of the sea and to make appropriate scientific and technical recommendations which shall take into account the principles of the present resolution and shall not prejudice the related problems awaiting consideration by the General Assembly;
  2. Invites all States Members of the United Nations and States members of the specialized agencies to participate in the Conference and to include among their representatives individual experts competent in the field of fishery conservation and regulation;
  3. Invites the interested specialized agencies and inter-governmental organizations concerned with problems of the international conservation of the living resources of the sea, to send observers to the conference;
  4. Requests the Secretary-General to arrange for the necessary staff and facilities which would be required for the Conference, it being understood that the technical services of Governments of Member States and the technical and secretarial services of the Food and Agriculture Organization shall be utilized as fully as practicable in the arrangements for such a conference;
  5. Requests the Secretary-General to circulate the report of the Conference for information to the Governments of all States invited to participate in the Conference;
  6. Decides to refer the report of the said scientific and technical conference to the International Law Commission as a further technical contribution to be taken into account in its study of the questions to be dealt with in the final report which it is to prepare pursuant to resolution .... (IX) of 14 December 1954.
2. In pursuance of the above resolution the International Technical Conference on the Conservation of the Living Resources of the Sea convened at the Headquarters of the Food and Agriculture Organization of the United Nations on 18 April 1955. It held plenary meetings and concluded its work on May 1955.
  3. The Governments of the following 45 States were represented: 1/

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1/ The names of the representatives and alternates of the Governments are listed in Appendix

Argentina	Germany	Norway
Australia	Greece	Panama
Brazil	Guatemala	Paraguay
Belgium	Honduras	Peru
Canada	Iceland	Poland
Chile	India	Portugal
China	Indonesia	Spain
Colombia	Israel	Sweden
Costa Rica	Italy	Turkey
Cuba	Japan	Union of South Africa
Denmark	Korea	USSR
Ecuador	Mexico	United Kingdom
Egypt	Monaco	United States
El Salvador	Netherlands	Uruguay
France	Nicaragua	Yugoslavia

4. The Governments of the following six States sent observers:

Bolivia, Ceylon, Dominican Republic, Rumania, Thailand and Venezuela.

5. The following specialized agencies and inter-governmental organizations were represented by observers:

Food and Agriculture Organization  
United Nations Educational, Scientific and Cultural Organization  
General Fisheries Council for the Mediterranean  
Indo-Pacific Fisheries Council  
International Pacific Salmon Fisheries Commission  
International Pacific Halibut Commission  
International Commission for the Northwest Atlantic Fisheries  
International Council for Exploration of the Seas  
Inter-American Tropical Tuna Commission  
International North Pacific Fisheries Commission  
Permanent Commission for the Exploitation of the Maritime Resources  
of the South Pacific  
International Whaling Commission

6. The Conference elected the following officers:

Chairman: Klaus Sunnanaa, Norway

Deputy-Chairman: Francisco V. Garcia-Amador, Cuba

Vice-Chairmen: Francis F. Anderson, Australia

B.N. Chopra, India

Umberto d'Ancona, Italy

Motosuku Fujinaga, Japan

José Alvarez del Villar, Mexico

Luis Edgardo Llosa, Peru

Pedro Diaz de Espada, Spain

Konstantin Babaian, Union of Soviet Socialist Republics

Ronald Wall, United Kingdom

William C. Herrington, United States of America

7. Mr. James Baster of the United Nations Secretariat acted as Executive Secretary of the Conference.

8. The Conference appointed a Credentials Committee consisting of the representatives of the following countries:

Brazil, Canada, Egypt, Indonesia, Japan, Mexico, the Netherlands, Poland and the Union of South Africa.

The Committee held two meetings and submitted a report on the credentials of the representatives.

9. The Conference also elected a Nominations Committee which was composed of the representatives of Argentina, Canada, France, Greece, India and Poland. This Committee was given the function of proposing Vice-Chairmen for election by the Conference.

10. The Conference subsequently elected a General Committee consisting of the Chairman, Deputy Chairman and the ten Vice-Chairmen whose function was to advise the Chairman on the conduct of the work of the Conference. The Committee held meetings.

11. The Conference adopted as its agenda the provisional agenda drawn up by the Secretary-General (Doc. A/CONF.10/1/Rev.3).<sup>1/</sup> It also adopted, with certain amendments, the provisional Rules of Procedure proposed by the Secretary-General (Doc. A/CONF.10/4/Rev.1).

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<sup>1/</sup> Cited in Appendix

12. The Conference had before it an extensive technical documentation of which the chief items are listed in Appendix .

13. The Conference considered all the items on its agenda. The General Committee was authorized to prepare a draft Report for the Conference and for this purpose elected three drafting Sub-Committees composed as follows:

(a) Drafting Sub-Committee I on Item 9 of the Agenda representing the Governments of Canada, Columbia, Indonesia, Norway and Poland.

(b) Drafting Sub-Committee II on Items 10 and 11 of the Agenda representing the Governments of Australia, Mexico, Netherlands, USSR and USA.

(c) Drafting Sub-Committee III on Item 12 of the Agenda representing the Governments of Ecuador, France, India, USSR and USA.

14. The result of the deliberations of the Conference is summarized in the following Sections of the Report.

## II. OBJECTIVES OF FISHERY CONSERVATION

1. Conservation is essential in the development of a rational exploitation of the living resources of the seas. Consequently, conservation measures should be applied when scientific evidence shows that fishing activity adversely affects the magnitude and composition of the resources or that such effects are likely.
2. The immediate aim of conservation of living marine resources is to conduct fishing activities so as to increase, or at least to maintain, the average sustainable yield of products in desirable form. At the same time wherever possible scientifically sound positive measures should be taken to improve the resources.
3. The principal objective of conservation of the living resources of the seas is to obtain the optimum sustainable yield so as to secure a maximum supply of food and other marine products. When formulating conservation programs, account should be taken of the special interests of the coastal State in maintaining the productivity of the resources of the high seas near to its coast.

### III. TYPES OF SCIENTIFIC INFORMATION REQUIRED FOR A FISHERY CONSERVATION PROGRAMME

1. Effective conservation of any resource of the sea requires scientific information, which is based on statistical records of the amount and kind of fishing and of resulting catches, and on integrated research on the biology and conditions of existence of the resource. It is therefore essential that any nation engaging in sea fishing collect adequate statistical records of fishing effort and catch, and it should also conduct pertinent biological and other investigations, to serve as a basis of ensuring the conservation of the resource being exploited. Since both the determination of the need for conservation measures and the selection of adequate and effective measures often depend on having data over a long period of time, it is most desirable that adequate records be collected, and biological and other research be conducted, from the beginning of the development of a fishery.

2. Scientific information is required in order to provide answers, for a given fishery resource, to the following problems:

- a) Whether regulation of the amount, manner or kind of fishing may be expected to produce desirable changes in the amount of the catch or its quality. (It is important to determine whether the amount, manner and kind of fishing is such that regulation would maintain or improve the quantity or quality of the sustainable catch, because only in this case is the application of regulatory measures indicated. In order to make such a determination it is often necessary to consider also the fluctuations in the fish population resulting from the effects of environmental factors unconnected with amount, manner or kind of fishing).



- b) If conservation measures are indicated, what particular measures should be adopted to produce the effects desired.
- c) What measures, other than control of amount, manner or kind of fishing, can be undertaken to improve the quantity or quality of the catch.

3. The scientific information required will include some or all of the following types:

- a) Extent of separation of the fishery resource into independent or semi-independent populations, which constitute the natural biological units of the resource to be dealt with by a conservation programme.
- b) Magnitude and geographic ranges of the populations constituting the resource, as a basis for conducting effectively both investigation and regulation, since these need to be applied over whatever sea areas are occupied by the populations to be conserved.
- c) Pertinent facts respecting the life history, (such as growth, mortality rates, migration, recruitment, etc.) ecology, behaviour and population dynamics of the species constituting the resource; including fluctuations in abundance and variations in distribution and behaviour which are due to changes in the biotic and abiotic factors of the environment, and which are independent of the amount of fishing; and including the inter-relationships of the community of organisms of which the exploited species forms a part.
- d) Effects of the amount, manner and kind of fishing on the resource and on the quantity and quality of the sustainable average catch to be obtained from it.
- e) Relationships of the resource to other species which are members of the same ecological community and are being exploited simultaneously by the same fishing equipment.

4. The degree of elaboration of the scientific investigations required to solve the conservation problems presented by particular resources, or in particular areas of the sea, is extremely variable. In some cases quite simple investigations will be adequate to determine the need for application of conservation measures, and to indicate appropriate measures to be applied. In other cases very detailed and extensive investigations will be necessary. The requirements of each case must be determined on scientific evidence.

#### IV. TYPES OF CONSERVATION MEASURES APPLICABLE IN A CONSERVATION PROGRAMME

1. Several general types of measures may be applied in a conservation programme, under each of which there are several specific types of measures which may be used, depending on the nature of the resource and the way in which it is harvested:

- a) Regulation of the amount of fishing to maintain or to increase the average sustainable catch
  - i) By directly limiting the amount of the total catch by fixing a maximum annual catch.
  - ii) By indirectly limiting the amount of the catch by closed seasons and closed areas, or by the limitation of fishing gear and ancillary equipment.
- b) Protection of sizes of fish, the conservation of which will result in a greater average catch or a more desirable quality, by
  - i) Regulation of fishing gear to achieve differential capture of specified sizes.
  - ii) Prohibition of landing of fish below a specified size, and requiring their return to the sea alive, if technically practicable.
  - iii) Prohibition of fishing in areas where or seasons when small fish predominate.

- c) Regulations designed to assure adequate recruitment.
  - i) Control of the amount of fishing by any of the means of (a) to ensure adequate spawning stock.
  - ii) Differential harvesting of different sizes of fish, by any of the means of (b) to lower the fishing rate on immature fish.
  - iii) Prohibition of fishing in spawning areas or during spawning seasons.
  - iv) Preservation and improvement of spawning grounds.
  - v) Differential harvesting of sexes to achieve a desirable sex ratio in the population. (This type of measure is not generally applicable, but has been applied to some crustacea, mammals and fishes.)
- d) Measures for improvement and increase of marine resources.
  - i) Artificial propagation.
  - ii) Transplantation of organisms from one bio-geographical area to another, with due precaution against adverse effects.
  - iii) Transplantation of young to better environmental conditions.

2. The determination of which of these measures should be applied in a given conservation programme will depend on the details of the life history, ecology, population dynamics, and behaviour of the species constituting the resource and on the technical nature of the fishing. The efficient application of conservation measures requires adequate prior scientific investigation of these matters. Recommendations for regulations should be made only on the basis of such investigations.

V. PRINCIPAL SPECIFIC INTERNATIONAL FISHERY CONSERVATION PROBLEMS  
OF THE WORLD FOR THE RESOLUTION OF WHICH INTERNATIONAL  
MEASURES AND PROCEDURES HAVE BEEN INSTITUTED

In various fishery regions of the world, agreed international measures and procedures have been instituted for the resolution of specific international fishery conservation problems. This Section gives a review of the existing international conservation organization in the North Atlantic, South Atlantic, Mediterranean, Indo-Pacific, North Pacific and South Pacific fishery regions and in the Antarctic Ocean and other whaling areas. It also states the principle on which these international conservation organizations operate.

A. REVIEW OF EXISTING INTERNATIONAL CONSERVATION ORGANIZATIONS

1. International arrangements for the conservation of particular resources or for the conservation of resources in a particular area, have been made in many parts of the world. Some of these arrangements provide only for required research, while others provide also for the recommendation and/or application of conservation measures. There is a total of eleven such councils and conventions involving 42 different States. Some of the States are members of more than one council or convention so that membership of the eleven organizations totals 78. 1/

(1) North Atlantic

2. The International Council for the Exploration of the Sea provides for the co-ordination of the scientific research of most countries in Northern and Western Europe on the fish stocks of the North Sea and the Baltic in the North East Atlantic and the Greenland waters. Membership is open to all nations having an interest in the area.

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1/ See document A/CONF.10/L.4.

3. The 1946 Convention for the Regulation of the Meshes of Fishing Nets and the Size Limits of Fish is an arrangement among 13 nations in Europe for the application of specific conservation measures. These measures are based on the scientific advice of the International Council for the Exploration of the Sea, which is given through a liaison committee appointed by the Council.

4. Canada, Newfoundland, the United States and France organized the North American Council on Fishery Investigations, which was active from 1920 to 1938, to co-ordinate their scientific research in the Northwest Atlantic, operating on the pattern of the International Council for the Exploration of the Sea. This North American Council provided a background for the subsequent establishment of the International Convention for the Northwest Atlantic Fisheries.

5. The International Convention for the Northwest Atlantic Fisheries covers the sea fisheries of the Northwest Atlantic Ocean, and is open to all nations who participate in the fisheries of this region and to the adjacent coastal States. Since some nations are not concerned with problems in the entire region, it is divided into sub-areas, the investigation and conservation of the fish resources within which is the concern of panels consisting of those nations having an interest in the corresponding sub-areas, that is States fishing in the sub-area and the adjacent States. The Commission develops necessary programmes and co-ordinates the research which is done by member governments. Recommendations for regulations are made by the Commission on the basis of proposals from the appropriate panels, and become effective for a given sub-area when accepted by the government members of the panel for such sub-area.

(2) South Atlantic

6. There are no international arrangements in this area, except for whaling, discussed separately below.

(3) Mediterranean

7. The International Commission for the Scientific Exploration of the Mediterranean was organized in 1919. Its function is to co-ordinate the scientific research in this sea, both oceanographical and biological, but not with particular reference to fisheries.

8. The General Fisheries Council for the Mediterranean organized in 1952 and sponsored by FAO, is an association of Mediterranean States for the purpose of co-ordinating research and development activities related to the fisheries of this sea. It has at present 11 members. There is a liaison committee between this Council and the International Commission founded in 1919.

(4) Indo-Pacific

9. The Indo-Pacific Fisheries Council is another FAO sponsored council for the co-ordination of research, conservation and development of the fisheries (both inland and marine) of this region. It was founded in 1949 and is open to all nations of the region; it has at present 16 Members.

(5) North Pacific

10. The Fur Seal Treaty of 1911 between Japan, Russia, Canada and the United States is the earliest example of a Convention for the conservation of a single resource. This Convention, which has resulted in rebuilding and management of the fur seal herds of the North Pacific, provided particularly for the cessation of pelagic sealing. Although the treaty was terminated in 1941, following the withdrawal of Japan, the U.S. and Canada have continued the management of the herds in the Eastern North Pacific, and the USSR has continued to manage those to the West. Negotiation of a new convention is expected in the near future.
11. The International Pacific Halibut Convention negotiated between the United States and Canada in 1923, established a Commission which, with its own research staff, undertook the necessary investigations of their halibut fisheries in the Northwest Pacific. In 1930 the Commission was given authority to regulate the fishing on the basis of its scientific findings as well as to continue the research necessary for a continuing conservation programme, to make possible the attainment of the maximum sustainable catch.
12. The International Sockeye Salmon Convention between the United States and Canada provided for a Commission which, with its own research staff, should investigate the sockeye salmon spawning in the Fraser River watershed. After some years of investigation the Commission recommended the construction of certain fishways and after eight years of such investigations had authority to regulate and to take action to conserve and rebuild those salmon populations. It is now in its eighteenth year of operation, and currently conducts both research and management of the fishery.
13. The International North Pacific Fisheries Convention, recently negotiated between Japan, Canada, and the United States, covers stocks of fish in the convention area under substantial exploitation by two or more contracting parties. It does not include salmon stocks of the Northwest Pacific since neither Canada nor the United States fish such stock. Research is conducted by the national research agencies, being co-ordinated by the Commission established by the Convention, but the Commission may employ its own scientific staff if necessary. Decisions and recommendations for regulations are confined to the contracting countries engaged in the exploitation of a given stock on a substantial scale. Under this Convention States which have not engaged in substantial exploitation of certain stocks of fish agree to abstain from fishing those stocks where it can be shown that all the following conditions are satisfied (a) the stock is being fully utilized, (b) is under conservation regulations and (c) is subject to extensive scientific study designed to discover whether the stock is being fully utilized and the conditions necessary for maintaining its maximum sustained productivity.
14. The Inter-American Tropical Tuna Convention, operating in the tropical and sub-tropical Eastern Pacific, was negotiated in 1949 between Costa Rica and the United States to obtain scientific information respecting the tunas and tuna bait-fishes in the tropical and sub-tropical Eastern Pacific, required as a basis for maintaining the populations of those fishes at levels which will permit maximum sustainable catches. The treaty is open to adherence by all nations having an interest in the fishery. Panama adhered

in 1953. The Commission established by this Convention conducts scientific investigation by means of its own staff, and makes conservation recommendations based on the research results.

(6) South Pacific

15. The Permanent Commission on the Exploitation and Conservation of the Maritime Resources of the South Pacific, which was inaugurated in 1954 between Peru, Ecuador and Chile, has broad terms of reference. It proposes to (a) unify fishing and whaling regulations of the three countries, (b) promote scientific investigations, (c) compile statistics and exchange information with other agencies and (d) co-ordinate the work of the three countries in all matters pertaining to the conservation of the living resources of the sea.

(7) Antarctic and other whaling areas

16. The International Convention of 1946 for the Regulation of Whaling, to which 17 nations now adhere, established a Commission in 1949 which co-ordinates and reviews research of member governments, reviews and evaluates scientific findings, and makes conservation regulations on the basis of those findings. It is concerned with the conservation of whales in all the areas where whaling is conducted.

17. The Permanent Commission on the Exploitation and Conservation of the Maritime Resources of the South Pacific, already mentioned in paragraph 15, regulates whaling and the conservation of whales in the Southeast Pacific.

B. PRINCIPLES OF INTERNATIONAL CONSERVATION ORGANIZATIONS

18. The older of the research and management conventions operating with permanent commissions have been highly successful in restoring and maintaining the productivity of international resources. In general, the newer conventions are making encouraging progress in this direction. Experience in international conservation of living marine resources reflected in the foregoing organizations has led increasingly to the incorporation in conservation conventions of certain basic provisions in the application of conservation programmes. The more important of such provisions are:

- (a) A sufficiently large geographical area within which research and regulation is to be done to encompass the entire range of the populations constituting the resource or resources with which the convention is concerned.
- (b) All interested nations, both the fishing nations and the adjacent coastal States, are included in the international organizations responsible for conservation of a given resource, or in a given region.
- (c) Adequate scientific research, carefully evaluated as outlined in Sections III and IV of the report, for determination of the need for conservation measures, and the formulation of particular measures to be applied.
- (d) Continuing research and review.

- (e) Where international organizations are granted regulatory powers, these powers are sufficiently broad to enable the full application of all suitable conservation measures which have been arrived at on the basis of adequate scientific investigations.
- (f) Facilities for adjustment and revision of the convention to meet changing conditions in the fishery and to take advantage of advancing technical and scientific knowledge.
- (g) Clear rules conveying the rights and duties of the member States, the conservation measures to be recommended, the functions of the commissions set up under the convention and the authority of these commissions to regulate or recommend regulations, and how these recommendations shall be handled.
- (h) Facilities to obtain advice from the interested public, through advisory committees or otherwise, regarding the applicability and practicability of management programmes and measures and to inform the public concerning the work of the Commission, its objectives and accomplishments.



VI. THE APPLICABILITY OF EXISTING TYPES OF INTERNATIONAL  
CONSERVATION MEASURES AND PROCEDURES TO OTHER  
INTERNATIONAL FISHERY CONSERVATION PROBLEMS

A. PROBLEMS OF THE COASTAL STATES - EXTENT OF INTEREST AND RESPONSIBILITY

1. As regards coastal States, two trends of thought became apparent during the Conference, as to the place of such a State in the matter of conservation. All agreed that conservation measures adequate both from the technical and scientific points of view should, where needed, be introduced in the areas in question in order to prevent all those in the various countries who are concerned with the fisheries from causing any decrease in the sustainable yield of the resources.

2. According to one group, the coastal State has a special interest in the measures of conservation to be applied. Within this group, the points of view expressed concerning the rights and duties of the coastal State covered a wide range. These varied from the proposal which was accepted by the Conference <sup>1/</sup> and appears in Section II, paragraph 3 of this report, that the coastal State be regarded as having a special interest in the conservation of the living resources of the sea adjacent to its coasts, to the proposal, that the coastal State alone should be entrusted with control and conservation measures in areas near its coast, with no necessary limitation except that the measures should be in accord with the general principles of a technical character adopted at the Conference, and should be based on the maintenance of the existing ecological system in a given maritime zone. The view was also expressed that, in considering the application of conservation measures, the people nearest to and dependent on the resources for food should be given first consideration. These views result from the argument that the coastal State has a special interest and responsibility for the conservation of the biological wealth near its shores and that it is in consequence the best qualified to be entrusted with the task of conservation.

3. It was also emphasized in the discussions in this connection that the special interests of the coastal State should be regarded as related to the resources or stocks which the States concerned aim to conserve through efforts which they make or through the various measures which they may take, as for example the development of fisheries by artificial means, acclimatization, the improvement of the natural environment of the fishery, etc.

4. The second point of view is that the coastal State should refrain from adopting any conservation measures for high seas fisheries applicable to the nationals of other countries, without the agreement of the other States concerned.

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<sup>1/</sup> By a vote of 18 against 17, with 8 abstentions.

This view proceeds from the consideration that conservation measures should be based on scientific and technical evidence, that the coastal State is not necessarily better qualified than other States concerned to assess scientific truth, and that all States concerned should be entitled to supply pertinent scientific evidence and to have it considered on an equal footing, with a view to formulating adequate conservation measures.

5. In the plenary meeting of 7 May a proposal concerning the situation of the coastal State was presented by the delegations of Cuba and Mexico.<sup>1/</sup> The Conference on this occasion declared itself (by a vote of 21 against 20 with 3 abstentions) not competent to deal with this proposal. The vote was taken on the motion by the delegation of Norway that the Cuban-Mexican proposal was outside the scope of the Conference.<sup>2/</sup>

#### Existing procedures

6. Many of the present fishery conservation conventions may be adhered to by any interested State. This provides an opportunity for the coastal State to participate in the work and decisions of the Commission operating under the Convention. The International Convention for the Northwest Atlantic Fisheries particularly, provides that each contracting party with coastline adjacent to a sub-area may be represented on the panel for that sub-area, whether or not it fishes in that sub-area.

#### B. PROBLEMS RELATING TO OPERATION OF CONVENTIONS INCLUDING PROCEDURES OF OPERATION

7. Failure of all States concerned to participate in the preparation, negotiation and establishment of international fishery conservation conventions impedes or limits progress in achieving the objective of conservation. Furthermore commissions functioning under such conventions are handicapped in their operation when all States concerned do not participate in the scientific research and investigation undertaken with a view to achieving the objectives of the convention.

8. The Commissions are also handicapped if the conventions do not clearly and fully define the rights and duties of the member countries and do not contain precise stipulations both as to the procedures and the conservation measures to be recommended and applied. This includes definition of the duties and authority of the Commissions with respect to the kind and application of conservation measures or with respect to the recommendation of such measures. It was also considered that the Commissions cannot be most effective and expeditious in progressing towards their objectives unless they are given considerable latitude as to the specific conservation measures which they may apply or recommend for application. Too severe a limitation of their authority can result in a reduction in their effectiveness and delay in achieving results.

<sup>1/</sup> See Document A/CONF.10/GC.1/Rev.1

<sup>2/</sup> See Summary Record of 21st Meeting of Plenary Session, Document A/CONF.10/SR.21.

Existing procedures

9. Some present conventions are so framed that new measures can be included any time when necessary for achieving the desired objectives.

10. Some are open ended so that any concerned State may adhere; other conventions include all of the countries engaged in the exploitation of the fish stock or stocks covered by the conventions. These conventions in addition generally specify clearly the competence of the Commissions for which they provide, and include rules for their operation. The majority of the conventions give their Commission considerable latitude with respect to determination of the specific conservation measures which they may use.

C. BIOLOGICAL OR GEOGRAPHIC COVERAGE OF CONVENTIONS

11. Lack of cooperation by any State participating in fishing on the stocks of fish or in the areas covered by the conventions may result in the convention becoming ineffective. Scientific evidence clearly demonstrates that effective conservation management of a stock of fish cannot be achieved unless all States engaged in substantial exploitation of that stock come within the management system.

Existing procedures

12. Present conventions generally cover:

- (a) one or more stocks of marine species, which can be separately identified and suitably regulated; or
- (b) a specified area, in cases where the identification of stocks mentioned in the preceding paragraph is impossible in practice, because of the interdependence of several species or for any other reason.

D. PROBLEMS INVOLVED IN REACHING AGREEMENT ON CONSERVATION MEASURES AND PROCEDURE

13. Failure to reach agreement on the conclusion to be drawn from a given set of data has sometimes resulted in conservation programmes being inadequate or ineffective.

14. In most instances, such disputes can, of course, be settled by the bodies set up by the convention to co-ordinate and direct the conservation measures to be adopted. The utility of such bodies is beyond question, but their role is necessarily limited to the purposes for which they were set up. There may be occasional disagreements in such bodies which prevent or impede the development and implementation of an effective conservation system. Such disagreements might be roughly grouped into three general categories:

- (a) concerning questions of a legal or juridical nature;
- (b) concerning questions of a scientific and technical character;
- (c) concerning other questions.

Existing procedures

15. Problems covered in category (a) can be handled in the first instance through diplomatic channels and then if necessary by recourse to existing international juridical procedures.

16. One method of handling a problem in category (b) was included in the North Pacific Fisheries Convention. This Convention provides that in the event the Commission operating under the Convention fails in a reasonable period of time to reach agreement on the conclusion from certain research work, bearing upon a problem of special importance, the question shall be referred to a committee of competent and neutral (impartial) scientists selected by the contracting parties. The majority decision of the committee determines the recommendations to be made by the Commission.

E. PROBLEMS CREATED BY NEW ENTRANTS INTO A FISHERY UNDER CONSERVATION MANAGEMENT

17. An established conservation programme can be made ineffective by the participation of nationals of a State newly entering into the exploitation of the stock of fish, with no commitment to observe the regulations. Three aspects of this problem are considered.

18. Case 1  
A special case exists where countries, through research, regulation of their own fishermen and other activities, have restored or developed or maintained stocks of fish so that their productivity is being maintained and utilized at levels reasonably approximating their maximum sustainable productivity, and where the continuance of this level of productivity is dependent upon such continued research and regulation. Under these conditions the participation of additional States in the exploitation of the resource will yield no increase in food to mankind but will threaten the success of the conservation programme. Where opportunities exist for a country or countries to develop or restore the productivity of resources and where such development or restoration by the harvesting State or States is necessary to maintain the productivity of resources, conditions should be made favourable for such action.

Existing procedures.

The International North Pacific Fishery Commission provides a method for handling the special case mentioned above. It was recognized that new entrants in such fisheries threatened the continued success of the conservation programmes. Under these circumstances the State or States not participating in fishing such stocks agreed to abstain from such fishing when the Commission determines that the stock reasonably satisfies all the following conditions:

- (a) evidence based upon scientific research indicates that more extensive exploitation of the stock will not provide a substantial increase in yield;
- (b) the exploitation of the stock is limited or otherwise regulated for conservation purposes by each party substantially engaging in its exploitation; and

- (c) the stock is the subject of extensive scientific study designed to discover whether it is being fully utilized, and what conditions are necessary for maintaining its maximum sustained productivity.

The Convention provides that when these conditions are satisfied, the States which have not engaged in substantial exploitation of the stock will be recommended to abstain from fishing such stock, while the States engaged in substantial exploitation will continue to carry out necessary conservation measures. Meanwhile the abstaining States may participate in fishing other stocks of fish in the same area.

Case 2

A somewhat different case was discussed, involving new entrants into a fishery which a coastal State is regulating for conservation purposes, and when existing scientific evidence indicates the necessity of continuing such regulations for conservation purposes.

Existing procedures.

21. In general this conservation problem can be handled if the new entrant should declare itself ready to observe the conservation regulations in force and undertake to co-operate with the other States concerned in carrying out the relevant programme of research and management.

Case 3

22. A variation of this problem exists where the intensive exploitation of offshore waters adjoining heavily fished inshore waters, by a new fishing operation initiated either by the coastal States or by another State, considerably affects the abundance of fish in the inshore waters.

Existing procedures

23. The conservation aspect of the problem is taken care of if this entire area in which the stocks are fished, including both the inshore and offshore portions, is included within a single conservation convention and subjected to conservation regulations adequate to maintain the maximum sustainable yield.

F. PROBLEMS OF EFFECTIVE ENFORCEMENT

24. Some conventions provide that joint regulations shall be enforced on fishermen only by officials of their own government.

25. Other conventions have special provision for the enforcement of regulations. The North Pacific Halibut Convention, the Pacific Sockeye Salmon Convention and the North Pacific Fishery Convention provide that authorized officers of any Contracting Party may enforce on the high seas the regulations promulgated by the Commission, with respect to the nationals of any Contracting Party, such nationals being then dealt with in their own country.

## G. AREAS AND SPECIES NOT COVERED BY PRESENT CONSERVATION CONVENTIONS

26. Apart from those fisheries discussed in the section under agenda item 12(a), sea fisheries are at present not subject to international measures of conservation. Examples of such fisheries range from newly discovered resources in the initial phase of exploitation to continually worked fisheries which have begun to show signs of depletion. According to the nature of the problems associated with them, these fisheries could be grouped in four categories. Examples are here suggested which would probably fall within each category:

- (a) Fisheries which have been newly or partially developed and which are capable of substantial expansion, e.g.: Mid-Pacific tunas.
- (b) Old established fisheries which are apparently being fully exploited but scientific information is inadequate to suggest the need for conservation measures, e.g.: Rastrelliger (Indo-Pacific mackerel).
- (c) Fisheries in separated or contiguous areas depending upon the same species, where further expansion of a particular fishery may result in depletion of others, e.g.: Sciaenid and Polynemid fisheries of the Arabian sea; Hilsa of the Bay of Bengal.
- (d) Fisheries which are already showing signs of overfishing, requiring conservation measures at national and international levels, e.g.: in particular, North-West Pacific sockeye salmon.

27. The Inter-American Tropical Tuna Commission already referred to, is an instance where an international conservation policy has already been formulated for the exploitation of a fishery of comparatively recent origin. Such early action has, however, been exceptional. In many seas several fisheries have been exploited for centuries but the absence or inadequacy of statistics and other scientific data makes it difficult to suggest conservation measures (e.g. several Indo-Pacific fisheries). In these fisheries, and this especially applies to countries where the fishing industry is not sufficiently advanced, it would be very useful if the scientific facts listed under item 10 of the agenda could be gathered on a continuing basis both at national levels and by cooperative research projects at international levels, wherever that is necessary.

28. Fisheries under category (c) present special problems of conservation: firstly, in areas where two or more nations are engaged in fishing on what is basically the same resource but by different methods, in different areas, in different environments, or on different age groups of the same species, management programmes can be worked out by agreement between the nations concerned; secondly, where inshore fishing has been traditional, new problems are introduced by intensive offshore fishing either by new enterprises in the same country or by other countries having superior experience and equipment.

29. Category (d) includes fisheries of certain areas where intensive fishing has been taking place for many years. Conservation measures have been enforced by certain countries bordering these areas but there is no agreed policy of conservation or uniform method of enforcement by all countries concerned, to keep

the yield from these waters at the highest sustainable level. Closed seas, small gulfs, as well as other areas, may present conservation problems of vital interest to the countries in the immediate neighbourhood.

30. Many areas of the oceans, although exploited by several countries, are still without any agencies for the study of conservation problems and the development of conservation measures by agreement. The material presented at the Conference does not appear to be adequate to make a full appraisal of these, but some of the areas requiring attention, and the fisheries concerned, are summarized in the following list :

<u>AREA</u>	<u>FISHERIES</u> 1/
<u>North-West Pacific</u>	Fur Seal ( <u>Callorhinus ursinus</u> ) Pacific Salmon ( <u>Genus Onchorhynchus</u> ) Herring ( <u>Clupea pallasii</u> ) Sardine ( <u>Sardinops melanosticta</u> ) Flat Fishes ( <u>Several genera and many species</u> )
<u>South-Eastern Pacific</u>	Anchovies ( <u>Engraulis ringens</u> )
<u>Mediterranean</u>	Trawl fisheries
<u>North-East Atlantic</u>	Herring ( <u>Clupea harengus</u> )
<u>Baltic Sea</u>	Plaice ( <u>Pleuronectes platessa</u> ) Flounder ( <u>Pleuronectes flesus</u> ) Salmon ( <u>Salmo salar</u> ) Cod ( <u>Gadus callarius</u> )
<u>Arctic Seas</u>	Seals and other aquatic mammals: ( <u>Phoca groenlandica</u> ) ( <u>Phoca foedita</u> ) ( <u>Erignathus barbatus</u> ) ( <u>Rosmarus marinus</u> ) (and others)
<u>Various Seas</u>	Shrimp resources developed in recent years

1/. This list covers only species mentioned in the Conference and is not to be considered as complete.