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

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

REPORT OF DRAFTING SUB-COMMITTEE III TO THE GENERAL
COMMITTEE ON THE CONSENSUS OF THE CONFERENCE ON ITEM 12(a)
OF THE AGENDA

Principal specific international fishery conservation problems of the world
for the resolution of which international measures and procedures have been
instituted

a. Problems for the resolution of which agreed international measures
and procedures have been instituted in the following areas:

- (1) North Atlantic
- (2) South Atlantic
- (3) Mediterranean
- (4) Indo-Pacific
- (5) North Pacific
- (6) South Pacific
- (7) Antarctic and other Whaling Areas

1. The background paper A/CONF.10/L.4 and others, outline the principal conventions and agreements so far instituted. These divide into three categories:

- a. Those providing solely for research;
- b. Those providing solely for regulation;
- c. Those providing for research and regulation or recommendations for regulations.

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2. The existing bodies coming within the first category are the International Council for the Exploration of the Sea, the Indo-Pacific Fisheries Council and the General Fisheries Council for the Mediterranean; in the second category comes the Permanent Commission set up under the 1946 Convention for the Regulation of the Meshes of Fishing Nets and the Size Limits of Fish (which applies to the North Sea and adjacent waters); in the third category come the International Pacific Halibut Commission, the International Pacific Salmon Fisheries Commission, the Inter-American Tropical Tuna Commission, all of which have their own research organizations; and the International Whaling Commission, the International Commission for the North-West Atlantic Fisheries, the International North Pacific Fisheries Commission and the Permanent Commission on the Exploitation and Conservation of the Maritime Resources of the South Pacific, which depend on research done by member countries. The total membership of these conventions and agreements is 78, involving 42 different countries.

3. The problems of scientific research faced by the Commissions operating under the conventions included under the second and third categories are very similar to those faced by research bodies operating on national problems. These problems are covered under Items 10 and 11 of the Agenda. However, in addition to these problems, the International Commissions face additional technical problems which have led to the development and application of varied solutions. The nine principal problems of this type and methods by which they have been handled follow:

A. Development of agreement between countries on the need for conservation measures and on the kind of measures to be used.

4. This problem stems largely from limited precise scientific knowledge and failure to obtain the understanding and support of the interested public. Some of the more successful conventions have met the first problem by giving their commissions authority to regulate only after an adequate research period and requiring the continuation of adequate research programs to observe, evaluate and improve these regulations. The second has been minimized by providing an advisory committee drawn from the interested public to advise the commission regarding applicability and practicability of programs and assist in developing public understanding of the work of the commission.

B. Resolving disagreements regarding conclusions drawn from a given set of data.

5. Failure to reach agreement in some instances jeopardizes the success of a conservation system. To avoid this possibility, the International North Pacific Fisheries Convention includes a procedure which provides that in the event the commission fails to reach agreement in a reasonable period of time, the question shall be referred to a committee of competent and neutral scientists selected by the contracting parties. The majority decision of the committee determines the recommendations of the commission.

C. Complexity of problems arising from many stocks of fish and number of countries fishing the same area

6. Two recent conventions include provisions designed to minimize this problem. The International Commission for the North Atlantic Fisheries provides a separate panel for each sub-area with panel boundaries based roughly on natural divisions between stocks of fish. Only those countries fishing in a sub-area or adjacent to that sub-area may be members. Thus, those countries having a direct interest in the fisheries in this sub-area, and presumably having the most knowledge of the problems, have the responsibility for determining regulations. The International Convention for the North Pacific Fisheries provides that studies, decisions, and recommendations respecting the regulation of any stock of fish are carried out by those countries engaged in substantial exploitation of such stock.

D. Danger to established and necessary conservation programs from new entrants. There are two distinct aspects to this problem.

7. The first involves the situation where one or more countries are engaged in a research and regulatory program covering one or more stocks of fish which are incompletely utilized. This problem was met in the International Convention for the North-West Atlantic Fisheries by providing that when the members of the Panel concerned with this stock of fish have approved the regulatory measures recommended by the Commission, then the nationals of all other Member Parties are bound to observe the regulations when they enter this fishery.

8. The second of these problems applies to situations where the stock is being fully utilized and has been restored or maintained and is dependent upon continued research and regulation by the States engaged in fishing this stock. In the International Convention for the North Pacific Fisheries it was recognized that new entrants in such fisheries threatened to reduce the shares of the participating States, to whose long continued efforts and restraints the resource owed its productivity, to the extent that the continuation of such efforts would not be justified. Under these conditions the States with no recent history of participation in exploitation of the stock, agreed to abstain from entering the fishery and the States engaged in such exploitation, agreed to continue to carry out necessary conservation measures. Meanwhile the abstaining States participated in fishing other stocks of fish in the same area.

E. Position of the Adjacent Coastal States

9. Two recent conventions have recognized the concern of the Coastal States in the fishery resources in waters adjacent to their territorial waters.
10. The International Convention for the Northwest Atlantic Fisheries provides that each Contracting Party with coastline adjacent to a sub-area has a right to representation on the panel for that sub-area, whether or not it fishes in that sub-area. Thereby it has a voice in decisions and recommendations concerning conservation measures.
11. The Inter-American Tropical Tuna Convention is open to adherence by any State whose nationals participate in the fisheries covered by the Convention. Thus, any nation along the Pacific coast from the United States of America south, may adhere to the convention and have an equal voice in its activities and conclusions.

F. The problem of enforcement

12. Effective enforcement is as necessary as adequate research and agreement. Such enforcement has been greatly facilitated in several conventions including the International Pacific Halibut Convention, the International North Pacific Fisheries Convention and the International Pacific Salmon Convention, by providing for enforcement with respect to the nationals of any Contracting Party by authorized officers of any Contracting Party. Any person or vessel seized for violation of the Convention provisions is delivered to officials of his own government for the adjudication of the purported violation.

G. Sharing the cost of international conventions

13. This is not a difficult problem. Recent conventions generally have provided that costs be shared in relation to the relative benefits received from the fishery by each of the several Contracting Parties.

H. Flexibility

14. Conventions should be capable of adjustment to meet changing conditions in the fishery and take advantage of advancing technical and scientific knowledge. The International Convention for the North Pacific Fisheries requires a review of some of its important provisions by providing that during the sixth year of operation of the Convention, the Contracting Parties shall meet to review its enforcement provisions. Actual experience under the oldest existing regulating convention, the International Pacific Halibut Convention, is that it has been re-negotiated about every ten years. This has enabled it to work more effectively toward its objectives.

I. The effect of fishing activities of nationals of non-member Governments

15. In the International Convention for the Northwest Atlantic Fisheries, provision is made for this contingency. If the fishing activities in the convention area of nationals or vessels of non-member governments, affect adversely the operations of the Commission or the carrying out of its objectives, all Contracting Parties agree to invite the attention of such governments to this matter.

16. Substantially similar provisions are included in the International Convention for the North Pacific Fisheries.

17. This is a brief review of some of the more important problems which nations have faced in developing and operating formal conservation agreements and the solutions which have been developed to handle these problems. It indicates that the various nations have developed means of handling a considerable number of problems involved in international cooperation in conservation of fishery resources.