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

SUMMARY RECORD OF THE EIGHTH MEETING

held on 22 April at 4 p.m.

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CHAIRMAN: Mr. SUNNANAA (Norway)

55-21574

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1. PRINCIPAL SPECIFIC INTERNATIONAL FISHERY CONSERVATION PROBLEMS OF THE WORLD AND MEASURES AND PROCEDURES APPLICABLE AND BEING APPLIED FOR THEIR SOLUTION (A/CONF.10/L.4 and L.4 (Summary), L.5 and L.5 (Summary), L.8 and L.8 (Summary), L.11 and L.11 (Summary), L.12, L.13 and L.13 (Summary)) (Item 12a of the Agenda) (continued)

Mr. RUIZ (Chile), speaking as Secretary-General of the Commission for the Conservation and Exploitation of Maritime Resources of the South Pacific, explained that the Commission had been formed under a convention drawn up in 1952 between Chile, Ecuador, and Peru. As, however, the Convention had not been ratified until the end of 1954, the Commission had not yet achieved any work of importance. It was composed of representatives of Chile, Ecuador and Peru in equal numbers and met ordinarily at least once a year. Its principal aim was to initiate investigations and formulate resolutions "for the conservation and better exploitation of maritime fauna and resources, taking the interests of the respective countries into account".

To that end it proposed (a) to unify the rules governing fisheries in the three countries; (b) to promote scientific and technical enquiries and investigations on the biological phenomena of the South Pacific; (c) to draw up statistics of the exploitation by the three countries of their maritime resources and exchange information with other national or foreign organizations, and (d) to co-ordinate the work of the three countries on all matters appertaining to the conservation of the living resources of the sea.

The Permanent Commission had drawn up a number of regulations, some of which were already in force, and had decided to use the first funds accruing to it for the establishment of an Institute of Oceanography and Maritime Biology in the Galápagos Islands. At its next meeting, to take place in Quito during the current year, a study would be undertaken of the existing fisheries laws in the three countries and any measures, not of a strictly technical nature, approved by the present Conference, would be discussed with a view to their immediate application.

The Governments parties to the 1952 Convention regarded the living resources of the waters of Chile, Ecuador and Peru as a vital and integral part of the unit which those countries already composed by reason of their soil and environment. That was why other countries had not been invited to sign. He endorsed the remarks made by Mr. Dunlop in his paper (A/CONF.10/L.13) on collaboration between adjacent countries, and was certain that close and friendly collaboration between the three countries would lead the Commission to success.

Mr. BELLOC (Monaco), commenting on his paper on the conservation of biological resources in coastal waters (A/CONF.10/L.12), said that his country, although the smallest represented at the Conference, the one with the shortest stretch of seaboard and continental shelf and the smallest fishing fleet, had long experience of the question under consideration by this Conference. Already in 1921 Prince Albert I of Monaco, whose remarkable work and achievements in physical and biological oceanography were well known, had drawn attention in a study, not published until 1952, to the urgent need for an international technical conference such as that now meeting.

In that study, he had condemned the massive destruction of immature fish along the Mediterranean coast, had emphasized the importance of plankton as being the basic food of marine life, and had advocated research on the subject. Thus, samples of plankton were taken periodically from the seas off the coast of Monaco and studied as to density and distribution, such data being indispensable to a knowledge of the biology of migrant fish.

The attention of fishermen, dissatisfied at the progressive deterioration of their trade, was drawn to the close connexion between that deterioration and their own destructive practices. The need for agreed measures for the eradication of those practices was one reason why an international convention was needed. Such a convention should prohibit the catching of commercially immature fish. The prohibition could be made effective through supervision of fishing grounds or control of tackle, through the delimitation of zones in which fishing would be prohibited, or at the sale stage. The minimum size should correspond to that attained when the fish had spawned once. As a result of observations made off the coasts of Monaco, France, the Gulf of Genoa, Greece, Turkey and North Africa, it was expected that it would soon be possible to indicate what that size should be for the principal edible Mediterranean species. With the exception of tuna, skate and a few other species growth was very much slower in the Mediterranean than in the Atlantic. If the sale of fish under the specified market size were strictly forbidden, then fishermen, knowing there was no market, would at once throw the fish back into the sea, or, better still, stop fishing in areas where the catch was under the legal size. Obviously the market size would not be the same for the fish of all seas.

A certain number of practices ought to be strictly forbidden - the use of certain plants, chalk, sulphate of copper, dynamite, saw-tooth nets, etc. The use of very fine mesh nets should not be allowed except for certain mature fish, e.g. "aphya" whose adult was always extremely small. It had been observed that full grown sardines or anchovies were no longer caught in regions where "pouture blanche" fishing was carried on, and most sardines sold on the Monaco market came from neighbouring regions where that practice was forbidden. The question of the meshes in dragnets was also very important. Photography and submarine cinematography were beginning to prove that large numbers of fish escaped the dragnets, and it could no longer be maintained that any fish which got through had been too badly damaged to survive. There was need too for certain preserved areas. Most fish did not lay their eggs on the oceanbed but near the shore. Once laid, the eggs rose and hatched near the surface. There was therefore no need to exaggerate the danger of the destruction of eggs through the use of dragnets. The English expression "nursery area" could very well be applied to grounds where the young fish gathered on the nearshore seabed. Such grounds, like nurseries, ought to enjoy protection. The aims of the Conference obviously implied regulation, and fishermen would the more gladly accept regulations and respect them better if they were helped to see their usefulness.

Collaboration between technicians and practitioners could only be fruitful. It increased the sources of information; it had enabled the Monegasque authorities in the preceding year to do three things: (1) prepare monthly charts showing the distribution of fish, particularly the red and the white tuna, in an

area stretching from the Lerins Islands and the French and Italian coasts as far as Santa Margherita Ligure and Corsica; (2) undertake study of the food of the tunny fish in that region; (3) gather material for the study of their sexual development.

The fishermen of the region, along with the fishing members of the Monaco Yacht Club, had realized the value of those studies and were bringing forward the most useful information concerning, specifically, the stomachal content and genital organs of the tuna caught, with an indication of the place and date of capture. Information of that kind could help in the formulation of any protective measures which might be called for.

The results of the biological oceanographic research bearing upon fishing conducted by Monaco would be communicated to the General Fisheries Council for the Mediterranean and to the International Commission for the Scientific Exploration of the Mediterranean Sea.

Mr. DIAZ DE ESPADA (Spain) made a number of technical comments and recommendations on items ten, eleven and twelve as a whole. The papers submitted to the Conference represented a considerable effort and would without doubt prove useful to experts in their further research, but certain points of particular importance to the United Nations International Law Commission had not been covered. The Conference's principal aim was to aid the International Law Commission and in that respect it had been remarkably successful in defining the objectives of fishery conservation. One important and generally accepted definition was that conservation of the living resources of the sea meant that they should be used in such a way that the total amount of fish caught during, for example, one year, should represent the maximum average that could constantly be obtained over a period of several years. In other words, the question of importance was not how much could be fished by one boat or even by the fleet of one country, but the amount that could be fished by all vessels without causing a reduction of the capital represented by the living resources of the sea.

The Conference must look at the position from the International Law Commission's point of view. The Commission had prepared and presented a report to the United Nations (A/2456) containing a project on fisheries. Various Governments had submitted comments on that project, and in so doing had laid stress on the conservation of the living resources of the sea. But their opinions differed, thus giving rise to problems which by reason of their technical nature the present Conference had been called to help the Commission to solve.

He hoped there would be no objection to his commenting on the Law Commission's report embodying the Government's comments, within the limits laid down by the Conference. In examining the salient problems it contained, he would welcome criticism from any of the experts present. There would have been no need for the United Nations to summon so many delegations from distant parts, wasting time and money merely to submit or read out a few papers which could have been dealt with by post. He considered that countries which had voted at the General Assembly for the holding of the Conference were under a special obligation to contribute their criticisms.

The first outstanding problem in the document was the diversity of the points of view of Governments regarding the number of countries and therefore the number of experts who should collect facts and assess their significance for the establishment of a scientific basis for the conservation use of fishing grounds. The decision on the number of countries to intervene in the regulation of fisheries had legal aspects on which he did not propose to dwell, but it presented another aspect, as to the best way of arriving at the truth, and that was purely a question of technique. From this point of view, he recommended the greatest possible number of experts, drawn from as wide a field as possible, in order that a more complete and objective picture could be achieved.

The comments made by the Icelandic representative on the resolution of maritime resources also constituted an important problem for the International Law Commission.

In the first place, Iceland was a small country (although it has a high standard of living) and it based its economy on those resources. The Icelandic complaint that they were becoming exhausted could not fail to impress the Law Commission.

Secondly, most Governments had avoided committing themselves on the complicated technical question of the resources of the sea. On the other hand, the Government of Iceland had not hesitated to draw up certain very definite laws which it has presented to the Commission.

Thirdly, through its spokesman, Mr. Andersen, in the Sixth Commission of the General Assembly, it had given an account of the failing resources in the neighbourhood, pointing out that in 1919 British trawlers were catching 1370 kilos of fish a day, whereas in 1937 they were landing barely 600 (A/C.6/SR.436).

The Sixth Commission would receive a mistaken impression of the position if presented merely with the facts about the catches of British boats.

Fourthly, on the same occasion Mr. Andersen had stated that the Icelandic regulations of 19 May 1952 "absolutely prohibited all fishing" in the regulated areas. One glance at the regulations would show that that statement was quite incorrect. The prohibition merely referred to "all trawling and Danish seine-netting". Fishing with other gear was not forbidden (A/2456, Annex III, Article 1, page 58).

Fifthly, one method which had not been prohibited but was still being used in Iceland was that of fixed nets, placed vertically. In certain seasons many boats equipped with those nets set them up daily in Faxafloi and at other points within the area under cover by the Icelandic regulations. The boats were small, but the nets, of nylon, were very long, each one measuring several kilometres. The fish remained caught in their meshes. It was important that the Law Commission should obtain reliable information on the enormous dimensions of those nets, and their interference with fishing by other methods. Such knowledge

would be useful not only in the case of Iceland, but also in that of other sovereign States which sought to use the same or similar fixed gear (in a monopolizing way).

Sixthly, in fact, therefore, the Icelandic Government's regulations had merely selected the system of fishing to be used within the area it regulated. That selection could not be justified technically or scientifically as a measure for the conservation of the resources of the sea. The notion that the trawl net destroyed spawn and ruined pastures was outmoded. The same could be said for Danish seine-netting. Those systems were no worse than any others, provided the mesh was of adequate size.

Seventhly, Mr. Andersen, at the meeting of the Sixth Commission already mentioned, had said "excellent results had been obtained; greater catches were being made as a direct result of rapidly increasing fish stocks" (A/C.6/SR.436, page 4). The regulations, however, had been issued on 19 March 1952 and had not been in force until 15 May 1952, whereas Mr. Andersen had spoken before the Sixth Commission on 4 December 1954. The time that had elapsed before the selection of fishing methods laid down in the regulations appeared extremely short for such appreciably beneficial results in the conservation of resources.

Eighthly, it might be that the Icelandic measures, instead of promoting a maximum yield of the resources affected, had led to ineffective exploitation, to the detriment of the populations that had been deprived of previously available stocks. For even when the total quantity of fish landed by the Icelandic boats had increased, it might still be less than that landed during the same period by the boats of all the different countries. The situation was rather like that of a miser who lived on part of his capital but kept the remainder locked up without profit to himself or anyone else.

Ninthly, supposing the methods of selecting fishing systems applied by Iceland in the area under consideration had really produced the excellent results quoted by that country's representative before the Sixth Commission, the Icelandic Government's representative would be in a position to show its willingness to co-operate by explaining the phenomenon, in order that such profitable measures might be studied and applied in other areas. That subject was entirely within the terms of item 10 (d) of the agenda.

In conclusion, he requested the Icelandic representative to explain to the Conference on what principles the regulations referred to had been based.

Rear-Admiral LLOSA (Peru) said that Mr. Schaefer's paper on the scientific investigation of the tropical tuna resources of the Eastern Pacific (A/CONF.10/L.11), was of great interest to his delegation. Paragraphs 5 and 6 accurately described the development of the fishery for tropical tuna in the Eastern Pacific. However, the variation in the albacore supply, which the paper stated to have been due to some oceanographic variation, was more likely to have been caused by over-fishing, as there would otherwise have been no reason to extend the operations of the large tuna clippers successively to the coasts of Mexico, Costa Rica, Panama, Ecuador and Peru. The resulting fall in the catch

per unit effort of the clippers would cause his country no concern, but if the statement, in paragraph 44, that the fishery appeared to be stabilizing as "the inevitable result of effective exploitation of a fish population" were confirmed, it would be necessary to contemplate conservation measures in that area, in spite of the reassurance that the result in question told "nothing about the relation of present level of exploitation to level of maximum sustainable yield".

The yellowfin tuna and the skipjack should not be looked upon as creatures of the high seas to the extent implied in the paper, but considered in conjunction with other species belonging to the same habitat, upon which they exerted an influence and with which they formed a biological whole. The paper tended both to confirm the need for research with a view to conservation measures in the area concerned, where the prosperous local fisheries might be adversely affected, and to justify the Peruvian Government's concern in that matter.

Mr. KIMOTO (Japan) had been much impressed by Messrs. Herrington and Kask's paper on international fishery conservation problems in existing conventions (A/CONF.10/L.4) and had given particularly careful study to paragraphs 75-85 on the International North Pacific Fisheries Convention. Under the Convention, each Contracting Party was at liberty to exploit the fishery resources of the high seas under the principles of international law and custom. Conservation measures were carried out, on the basis of scientific research, only by agreement among the Contracting Parties. Unilateral exercise of exclusive jurisdiction by a country over the high seas and the consequent fencing off of the waters concerned and monopoly of the fishing resources in such waters were denied. Thus no country had exclusive jurisdiction over the high seas.

The idea of "abstention" introduced by the Convention was one of its most important characteristics. But it should be noted that the Contracting Party or Parties abstained only from fishing a stock of fish which qualified for abstention in the waters specified for that stock, and were free to exploit other stocks there, and that such abstention should be recommended only to the Contracting Party or Parties which had not been engaged in substantial fishing of the stock. A Commission representing the three Contracting Parties determined whether a stock of fish fulfilled the conditions for abstention. Decisions were taken (a) on the request of a Contracting Party, (b) on the basis of scientific evidence and (c) only by a unanimous vote of the Commission. A Contracting Party not engaged in the substantial exploitation of a stock of fish was not recommended to abstain from fishing it without provision being made for restraint on the fishing activities of the Contracting Parties substantially exploiting that stock. Decisions involving abstention could be reversed as soon as they became unnecessary. The question of "coastal state" was not a factor in making the recommendation for abstention and a country with a record of substantial exploitation of a stock of fish would not be recommended to abstain, even if were not a coastal state. Thus, Japanese fishermen were free to harvest king crabs and flat fish off the coasts of Alaska and the Aleutian Islands.

The idea of "abstention" was one phase of the necessary conservation measures when a stock of fish would not sustain maximum productivity under more intensive exploitation; the countries primarily interested in the stock would

carry out the conservation measures, while others would abstain from fishing the stock. Examples of the manner in which the Convention had operated were provided by the action taken with regard to certain stocks of halibut, herring and salmon. In the case of salmon, consideration had been given to the fact that the habitats of North American salmon, which was not the object of abstention, overlapped. In view of the fact that there had not been sufficient scientific research on the distributional pattern of salmon in these waters, a provisional line of division in the North Pacific Ocean (the line of the Meridian 175° West Longitude) had therefore been adopted temporarily, subject to later confirmation or change upon the recommendation of the Commission on the basis of scientific research.

Mr. HERRINGTON (United States of America) substantially agreed with the Japanese representative regarding the explanation of the International North Pacific Fisheries Convention. The abstention principle was applied since it was due to the restraints exercised by the United States and Canada for many years that resources now existed in a healthy condition. As a result of great expenditure of time, talent and money over the past thirty-two years and the strict enforcement of regulations, the decline in the yield of North Pacific halibut had been halted and, in 1954, the catch had been the largest ever recorded. Similar results had been achieved in increasing the yield of sockeye salmon. Japan, Canada and the United States were also co-operating in a number of other projects to help develop the maximum sustainable yield.

Mr. D'ANCONA (Italy) congratulated Mr. Herrington and Mr. Kask on their valuable paper (A/CONF.10/L.4). There were, however, one or two points concerning the Mediterranean area which required some correction. The statement in paragraph 7 that: "In 1919 a similar Council was formed by countries bordering the Mediterranean Sea, for the study of the fisheries in that body of water..." was not strictly accurate, because the organization set up in 1919 had been called the International Commission for the Scientific Exploration of the Mediterranean Sea and had been designed to deal with oceanography in general and not principally with fisheries.

Paragraph 17 also was not quite accurate in saying that the International Commission for the Scientific Exploration of the Mediterranean Sea, organized in 1919, had been modelled on the International Council for the Exploration of the Sea (Copenhagen) and that it had functioned with moderate success until the beginning of the second World War, when its activities had ceased. According to the Herrington-Kask paper, the Commission had been revived in 1950 with broader terms of reference as the FAO sponsored General Fisheries Council for the Mediterranean. It would be more accurate to say that the Commission created in 1919 had continued work, which was interesting in many respects, until the outbreak of the second World War. That work was well-documented in the Annual Reports, which included a very beautiful series of fauna illustrations.

In 1950, when the Commission had been obliged by the war and its after-effects to interrupt its work, FAO had organized the General Fisheries Council for the Mediterranean. However, the Commission had resumed its activities in 1951, when an Assembly had been convened in Monaco. In 1954 the two organizations had met again in Monaco, where their respective fields of work had been agreed



upon. It had been decided that the Commission should deal with problems not directly related to fisheries (such as hydrography, chemical analysis of water, biology of sea flora, inedible invertebrates, etc.), and that the Council should concern itself exclusively with problems directly related to fisheries (biology of fish and edible invertebrates, technical, economic, social and other problems). That correction also applied to paragraph 25, which should also mention two additional technical committees, one on fresh and brackish water and one on statistics.

Mr. TSURUOKA (Japan), commenting on paragraphs 28 to 33 of document A/CONF.10/L.4, said that the seal population had been reduced to a very dangerous state due to the unrestricted killing which was practised not only in the seas but also and especially on land, and that the Fur Seal Treaty of 1911 had prohibited sealing on the high seas and had introduced serious restrictions to sealing on land. As a result, there had been a progressive increase in the seal population, an increase which had eventually come to a standstill on the Pribilof Islands in about 1930 and on Robben Island about ten years later. There was no precise information about the situation on the Commander Islands, but it would be more correct to refer to the situation in the North Pacific as one of under-fishing rather than to state that the increase in the seal population had come to a standstill. Only extensive research and practical experience could show what would be the optimum catch in the area, but care must be taken not to repeat past mistakes and to run the risk of a serious decline in the population by permitting unlimited sealing. He sincerely hoped that the countries interested in the question would soon meet in order to study measures to ensure a more rational utilization of resources.

Mr. HERRINGTON (United States of America) said that he and Mr. Kask were grateful for the corrections made to their paper. They had attempted to assemble as much significant information as possible in the short time available and he hoped that he would be notified of any other corrections which might prove necessary.

He fully agreed with the Japanese representative's remarks on the desirability of reaching a new understanding on fur seals and hoped that a meeting would soon be held with a view to working out a new seal treaty.

On the proposal of the CHAIRMAN it was agreed to defer further discussion on item 12(a) to a later meeting.

## 2. ELECTION OF VICE-CHAIRMEN (item 8 of the Agenda) (concluded).

Mr. KASK (Canada), Chairman of the Nominations Committee, said that the Committee had met with the representatives of the Western European and Latin American countries in order to receive proposals for the two extra Vice-Chairmen. The two new nominees had received the support of the majority of the representatives in the area concerned. They were, for the Latin American region, Mr. Alvarez del Villar of Mexico and, for the Western European region, Mr. Diaz de Espada of Spain.

Mr. OLAFSSON (Iceland) felt that, as the Indian representative had remarked at the previous meeting, the Far Eastern region would now be under-represented on the General Committee. He therefore proposed that Mr. Fujinaga of Japan be elected as an additional Vice-Chairman in view of the great importance of Japan as a fishing nation.

Mr. WEI (China) pointed out that the Conference had already decided to increase the membership of the General Committee by two.

It should adhere to that decision, since otherwise there might be no end to the proposals for additional vice-chairmen.

Mr. HAN (Korea) agreed with the Chinese representative.

Mr. CHOPRA (India), Mr. WALL (United Kingdom), Mr. BABAIAN (Union of Soviet Socialist Republics), Mr. KASK (Canada) and Mr. BILINSKI (Poland) supported the Icelandic proposal.

Mr. WEI (China) suggested that, as there seemed to be strong support for the appointment of an extra Vice-Chairman from the Far Eastern region, the representatives of countries in that region should meet to review the new position and to select their three nominees.

Mr. HAN (Korea) supported that proposal.

Mr. VILLA (Argentina), seconded by Mr. HAN (Korea), moved that further discussion on item 8 be postponed to the next meeting.

Mr. CHOPRA (India) pointed out that the original seven Vice-Chairmen, including two from the Far Eastern region, had already been duly elected by the Conference. There could not therefore be any question of selecting three new vice-chairmen from the Far Eastern region. He urged that the proposals for an additional vice-chairman should be put to the vote without further discussion.

Mr. VILLA (Argentina) then withdrew his motion.

The CHAIRMAN called for a vote on the proposal of the Nominations Committee that Mr. Alvarez del Villar of Mexico and Mr. Diaz de Espada of Spain be elected Vice-Chairmen.

The Nominations Committee's proposal was adopted by 35 votes to none, with 5 abstentions.

Mr. PEDROSA (Spain) thanked the Conference for its decision, which had conferred an honour upon his country, and would enable it to make a greater contribution to the work of the Conference. He outlined the Spanish Government's fishing policy, described the measures adopted by it and the development of research on fisheries in Spain. His country was very much concerned with these problems and would take part in any recommendations made for the purpose of conserving the resources of the sea by means of a more rational and appropriate exploitation.

He thanked the Latin American representatives for their support, and the countries of Western Europe for the interest with which they had heard the views of the Spanish Government.

Finally, he welcomed the Nominations Committee's decision in favour of the Spanish proposal, because his Government's representative, Sr. Diaz Espada, was technically qualified and had a wide experience of the matter to be dealt with by the Conference.

Mr. ALVAREZ DEL VILLAR (Mexico) thanked the Conference for the honour it had done both to him and to his country in electing him Vice-Chairman.

The CHAIRMAN called for a vote on the Icelandic proposal that Mr. Fujinaga of Japan be elected as an additional Vice-Chairman.

Mr. HAN (Republic of Korea) requested a vote by roll-call.

A vote was taken by roll-call as follows:

In favour: Argentina, Brazil, Canada, Colombia, Costa Rica, Cuba, Ecuador, Egypt, France, Germany, Greece, Guatemala, Honduras, Iceland, India, Israel, Italy, Mexico, Monaco, Netherlands, Norway, Panama, Paraguay, Poland, Portugal, Salvador, Spain, Sweden, Turkey, Union of Soviet Socialist Republics, United Kingdom, United States of America, Uruguay.

Against: Chile, Korea, Peru.

Abstentions: Australia, China, Indonesia, Japan, Union of South Africa, Yugoslavia.

The proposal was adopted by 33 votes to 3, with 6 abstentions.

Mr. TSURUOKA (Japan) thanked the Conference for the great honour done his delegation in electing one of its members to the post of Vice-Chairman.

The CHAIRMAN said that the General Committee would accordingly be composed of himself, the Deputy-Chairman and the ten Vice-Chairmen.

It was so agreed.

The meeting rose at 6.40 p.m.