

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 SEAREPORT OF THE GENERAL COMMITTEE ON THE CONSENSUS
OF THE CONFERENCE ON ITEMS 12 (b) and (c) OF THE AGENDA

Principal specific international fishery conservation problems
and applicability of existing types of international conservation
measures and procedures to these 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 fishery 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 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 dependant 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. 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.

Existing procedures

5. 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.

II. PROBLEMS RELATING TO OPERATION OF CONVENTIONS INCLUDING PROCEDURES OF OPERATION

6. 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.

7. 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.

Existing procedures

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

9. 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.

III BIOLOGICAL OR GEOGRAPHIC COVERAGE OF CONVENTIONS

10. 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

11. 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.

IV PROBLEMS INVOLVED IN REACHING AGREEMENT ON CONSERVATION MEASURES AND PROCEDURE

12. 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.

13. 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

14. 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.

15. 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.

V PROBLEMS CREATED BY NEW ENTRANTS INTO A FISHERY UNDER CONSERVATION MANAGEMENT

16. 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.

17. 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.

18. 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.

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.

19. A somewhat different case was discussed, involving new entrants into a fish which a single coastal State was heavily fishing and regulating for conservation purposes, and where scientific studies, as recommended by this Conference, showed that increased fishing was very unlikely to increase the maximum sustainable yield.

Existing procedures.

20. 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.

21. 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 measures and procedures

22. 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.

VI PROBLEMS OF EFFECTIVE ENFORCEMENT

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

24. 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.

VII AREAS AND SPECIES NOT COVERED BY PRESENT CONSERVATION CONVENTIONS

25. 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.

26. 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.

27. 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.

28. 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 (as for example, in some parts of the Mediterranean and the Baltic). Closed seas, small gulfs, as well as other areas, may present conservation problems of vital interest to the countries in the immediate neighbourhood.

29. 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>
<u>North-West Pacific</u>	Fur Seal (Callorhinus ursinus) Pacific Salmon (Genus Onchorhynchus) Herring (Clupea pallasii) Sardine (Sardinops melanosticta) Flat Fishes (Several genera and many species)
<u>South-Eastern Pacific</u>	Anchovies (Engraulis ringens)
<u>Mediterranean</u>	Trawl fisheries
<u>North-East Atlantic</u>	Herring (Clupea harengus)
<u>Baltic Sea</u>	Plaice (Pleuronectes platessa) Flounder (Pleuronectes flesus) Salmon (Salmo salar) Cód (Gadus callarius)
<u>Arctic Seas</u>	Seals and other aquatic mammals: (Phoca groenlandica) (Phoca foedita) (Erignathus barbatus) (Rosmarus marinus) (and others)
<u>Various Seas</u>	Shrimp resources developed in recent years

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

