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UN CONFERENCE ON STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS: YEAR-END UPDATE

In August 1995, the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10th December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks was adopted. The Agreement includes ground-breaking provisions to ensure compatible conservation and management measures between high-seas areas and coastal zones under national jurisdiction. A major feature of the Agreement is its "precautionary approach" by which States are obligated to act conservatively when there is doubt about the viability of stocks.

This special year-end issue of the *Earth Negotiations Bulletin* will review relevant activities that have taken place since the adoption of the Agreement, including the signing ceremony in New York on 4 December 1995, summarize the results of the General Assembly's consideration of the Conference and highlight upcoming events. This issue of the *Earth Negotiations Bulletin* is published as part of a series of year-end issues intended to summarize the current state of play in the various sustainable development conferences and negotiations reported on by the *Bulletin* in 1995.

A BRIEF HISTORY OF THE CONFERENCE

Conservation and management problems of high seas fisheries are not new to the UN system. During recent years the pressures on high seas fisheries brought about by relentless and sustained over-fishing practices have grown considerably. Delegates at the Third UN Conference on the Law of the Sea (UNCLOS) agreed upon a legal framework for the management of high seas fisheries, but the regime proved unworkable because the negotiators left conservation and management problems to be resolved between States at the regional and subregional level. As pressure on fish stocks grew in the late 1980s and early 1990s, bringing about the collapse of some valuable and important commercial species, the international community was forced to confront the problem of global over-fishing.

One forum that focused on the issue of global overfishing was the UN Conference on Environment and Development (UNCED). After long and difficult negotiations, delegates agreed to "convene an intergovernmental conference under UN auspices with a view to

promoting effective implementation of the provisions of the Law of the Sea on straddling and highly migratory fish stocks."

The resolution establishing the Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks (47/192) was adopted by the UN General Assembly on 22 December 1992. The resolution states that the Conference, drawing on scientific and technical studies by the Food and Agriculture Organization (FAO), should: identify and assess existing problems related to the conservation and management of straddling fish stocks (SFS) and highly migratory fish stocks (HMFS); consider means of improving fisheries cooperation among States; and formulate appropriate recommendations.

ORGANIZATIONAL SESSION

The organizational session for the Conference was held at UN Headquarters in New York from 19-23 April 1993. The participants adopted the rules of procedure and agenda, appointed a Credentials Committee, and agreed on how its substantive work would be carried out. Amb. Satya N. Nandan (Fiji) was elected Chair of the Conference. Nandan was asked to prepare a paper containing a list of substantive subjects and issues as a guide for the Conference, and delegations were requested to submit their proposals to the Secretariat.

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SECOND SESSION

The second session of the Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks met from 12-30 July 1993 at UN Headquarters in New York. The Plenary addressed the major issues before it, guided by the Chair's summary. The Plenary held formal sessions on each of the issues outlined and then adjourned to allow informal consultations to continue. At each of these informal meetings, Nandan presented the group with a working paper that summarized the issues raised in the Plenary and in papers submitted by interested delegations.

The major issues discussed at the first session were: the nature of conservation and management measures to be established through cooperation; the mechanisms for international cooperation; regional fisheries management organizations or arrangements; flag State responsibilities; compliance and enforcement of high seas fisheries management measures; responsibilities of port States; non-Parties to a subregional or regional agreement or arrangement; dispute settlement; compatibility and coherence between national and international conservation measures for the same stocks; special requirements of developing countries; review of the implementation of conservation and management measures; and minimum data requirements for the conservation and management of these stocks. At the conclusion of the session, the Chair tabled a draft negotiating text contained in document A/CONF.164/13.

THIRD SESSION

The third session of the Conference met from 14-31 March 1994 at UN Headquarters in New York. The delegates continued debate left unresolved at the end of the previous session and their review of the Chair's negotiating text contained in document A/CONF.164/13*.

The first day of the session consisted of general statements and the Conference then convened in informals until the end of the second week when informal-informals were held in an attempt to prepare a new "clean" version of the text. These sessions, which were closed to NGOs, were held until the middle of the third week. Consequently, five out of fourteen days of negotiation were carried out behind closed doors. On the final day of the Conference, the Chair issued his Revised Negotiating Text (RNT) contained in document A/CONF.164/13/Rev.1.

FOURTH SESSION

The fourth session of the Conference was held at UN Headquarters in New York from 15-26 August 1994. During the first week delegates reviewed the Chair's RNT. General comments were delivered in the Plenary and consultations were carried out in informal-informals. During the second week, the Chair issued a Draft Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the "Draft Agreement"), based on the comments that delegates had made on the RNT. Informal consultations on the most difficult issues were then carried out between the Chair and interested delegations. Delegates reacted to the text and the last version of the Draft Agreement was issued in document A/CONF.164/22 before the session adjourned.

FIFTH SESSION

The fifth session of the Conference was held at UN Headquarters in New York from 27 March - 12 April 1995. General statements were delivered in the Plenary followed by informal Plenary negotiations on the Chair's Draft Agreement, A/CONF.164/22. Two contentious issues dealing with high seas "enclaves" and compliance and enforcement were discussed in informal consultations, but considerable disagreement on changes to the text remained. The Chair circulated a revised text of his Draft

Agreement contained in two conference room papers A/CONF.164/CRP.6 and A/CONF.164/CRP.6/Add.1 to a reconvened Plenary during the second week of negotiations. Delegates stalled a composite and speedy review of the Chair's revised text at the end of the second week. Further discussion in Plenary was canceled and the Chair suspended all other informal consultations. Plenary reconvened on the final morning when delegates collected the Chair's composite Revised Draft Agreement contained in document A/CONF.164/22/Rev.1, which was available in all languages. General statements were made on the Revised Draft Agreement immediately prior to the closure of the session.

SIXTH SESSION

During the final session of the Conference, which took place at UN Headquarters in New York from 24 July - 4 August 1995, delegates based their negotiations on a conference room paper contained in document A/CONF.164/CRP.7, dated 19 July 1995. This paper represented the first attempt at harmonizing the Chair's Revised Draft Agreement, contained in document A/CONF.164/22/Rev.1, by the Secretariat and other UN editorial advisors.

Delegates desired not only to reopen issues of substance when considering the harmonized text, but they also conceded that editorial changes had altered the substance. Informal Plenary successfully dealt with the many stylistic changes, but issues of substance were negotiated in informal consultations throughout the two-week period. Contentious issues included compliance and enforcement, high seas "enclaves," and settlement of disputes. Three days of pre-session negotiation over Article 21, dealing with subregional and regional compliance and enforcement, remained unresolved despite a series of papers tabled by the EU, Japan and the US. Informal consultations consumed much of the second week with the Chair working exceptionally long hours endeavoring to develop consensual text. "Friends of the Chair" continued to support Amb. Nandan's efforts. Late night informal consultations eventually resulted in agreed revisions.

The closing Plenary adopted the Draft Agreement, which provides for the "Implementation of the Provisions of UNCLOS Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks." The Agreement will enter into force 30 days after its ratification by 30 signatories — a process expected to take about two years.

SIGNING CEREMONY IN NEW YORK

The resumed sixth session of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks was convened on 4 December 1995 at UN Headquarters in New York for the signing the Final Act of the Conference and the opening for signature of the Conference's outcome: the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10th December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. The following summarizes highlights of the signing ceremony.

In his opening statement, **Conference Chair Amb. Satya Nandan (Fiji)**, noted several reasons for which delegates were justifiably pleased with the Agreement adopted on 4 August 1995: it was detailed, precise, and provided a blueprint for fisheries conservation and management with a view to sustainable use; it responded to environmental concerns expressed at the 1992 United Nations Conference on the Environment and Development; it established an ecosystem approach based on the best available scientific data and a precautionary approach; it contained clear provisions on conservation and management measures and procedures for the compulsory settlement of fisheries disputes; it emphasized the pivotal role of regional and subregional

organizations and arrangements; and, it was firmly based on the 1982 UN Convention on the Law of the Sea.

He stated that developments since the adoption of the Agreement revealed the importance of the achievement and that the Agreement's principles apply to all fisheries, particularly the environmental provisions. He noted that the Code of Conduct for Responsible Fisheries, adopted by the FAO, incorporates the Agreement's conservation and management principles. The Agreement has also been used in recent bilateral negotiations on fisheries management. He said nations could now foresee the time when no area of the world's seas and oceans will lack an effective fisheries management system. He stated that several delegations could not sign today for technical and other reasons, but their delay should not be construed as a lack of support. He noted the impressive number of signatories, which represented all regions of the world and the different interests in fisheries.

Hans Corell, United Nations Legal Counsel, on behalf of Secretary-General Boutros Boutros-Ghali, expressed elation that States were united in their determination to build on the foundation of the UN Charter by signing a treaty that should better preserve living marine resources for future generations. The signing also demonstrates a commitment to the progressive development and codification of international law, as well as the maintenance of international security and the peaceful economic development of all nations. He noted the irony that those who choose to dwell on areas where the UN has yet to achieve its full potential may overlook major achievements such as today's signing. UNCLOS has brought stability to an area often rife with disputes and places a binding obligation on all Parties to cooperate in conserving the living resources of the high seas. The Agreement will have an impact upon the livelihood of many, as well as on a main source of nutrition for a great portion of the world. He also stressed that the Agreement touches the cornerstones of international stability: prevention of conflict, development of international law, and economic development and cooperation among all States.

UNITED STATES: Amb. Madeline K. Albright stated that the US, as both a coastal State and a high seas fishing State, was keenly aware of the need for a balanced approach in the Agreement. She said the Agreement strikes a reasonable balance between conservation and fishing concerns, establishes new and effective rules for management and conservation and provides for States to resolve their disputes through compulsory and binding dispute settlement procedures. The Agreement is particularly noteworthy because it directly contributes to a broader global effort to promote international cooperation, reduce conflict and achieve more effectively the sustainable use of living marine resources. She urged those States unable to sign today to do so as soon as possible, and stated that the status of the world's fish stocks demands that implementation begin immediately.

Senator Ted Stevens of Alaska emphasized the Agreement's adoption of the principle that non-flag States can enforce regional fishery agreements against the vessels of both Parties and non-Parties to regional agreements if a flag State will not control its vessels. He highlighted the requirements to minimize waste and bycatch and prevent overfishing. He will also work within the US Senate to obtain ratification.

EUROPEAN COMMUNITY: Angel Vinas said the European Community and its Member States had actively participated in the Conference, but at present could not sign the Agreement because the required internal procedures have not yet been completed. Once these procedures have been concluded, their continued participation and engagement in this important process will be assured. He said this active participation is based on their firm commitment in favor of responsible fishing and international cooperation in the management and conservation of living marine resources.

ECUADOR: Luis Valencia Rodriguez said Ecuador had participated actively in the development of UNCLOS, but had not acceded to it, for reasons previously stated. He emphasized that

Ecuador was not bound by the Agreement and would not enforce it provisionally, but would continue an internal review process of analysis of the matter.

PERU: Fernando Guillen affirmed Peru's view that the oceans must be managed by all States in conformity with international legal instruments.

The Agreement was signed by the following 26 countries: Argentina, Australia, Bangladesh, Belize, Brazil, Canada, Federated States of Micronesia, Fiji, Guinea-Bissau, Iceland, Indonesia, Israel, Jamaica, Marshall Islands, Morocco, New Zealand, Niue, Norway, Papua New Guinea, Russian Federation, Samoa, Senegal, Tonga, Ukraine, the UK (on behalf of ten territories) and the US.

The Final Act was signed by the following 45 countries: Antigua and Barbuda, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Canada, Chile, Cuba, Ecuador, European Community, Federated States of Micronesia, Fiji, Finland, Grenada, Guinea-Bissau, Iceland, India, Indonesia, Israel, Italy, Jamaica, Japan, Marshall Islands, Morocco, Namibia, the Netherlands, New Zealand, Niue, Norway, Papua New Guinea, Peru, Poland, Portugal, the Republic of Korea, Russian Federation, Samoa, Senegal, Spain, Tonga, Ukraine, the UK, the US and Uruguay.

The Agreement will remain open for signature for one year — until 4 December 1996.

GENERAL ASSEMBLY HIGHLIGHTS

The General Assembly considered Agenda Item 39, the UN Convention on the Law of the Sea (UNCLOS), and Agenda Item 96(c), the sustainable use and conservation of living marine resources on the high seas, on 5 December 1995. Under Agenda Item 39, delegates had before them the Report of the Secretary-General (A/50/713) and a draft resolution regarding UNCLOS (A/50/L.34). Document A/50/713 states that since the entry into force of UNCLOS in November 1994, 13 more States had deposited their instruments of ratification, accession or succession, bringing the total number of States parties to 81.

Under Agenda Item 96(c), the delegates considered the reports of the Secretary-General on unauthorized fishing (A/50/549), on the work of the Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks (A/50/550), on the implementation of the moratorium on large-scale pelagic drift-net fishing (A/50/553), and a report of the FAO on fisheries bycatch and discards (A/50/552), along with a draft resolution concerning the Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks (A/50/L.35) and a draft resolution on large-scale pelagic drift-net fishing and unauthorized fishing in zones under national jurisdiction (A/50/L.36).

During the day-long debate, most delegates that discussed the Agreement at length — typically those that also signed — offered praise for its achievement and support for the enforcement provisions. Several delegations, most notably members of the EU, the Republic of Korea and Japan, noted that their failure to sign the Agreement was based on technical delays and stated their commitment to the Agreement's principles and intent to continue participating in the process.

The following is a summary of the debate relevant to the Agreement of the Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks.

Amb. Satya Nandan (Fiji) made opening remarks in his capacity as President of the Meeting of States Parties to the 1982 UN Convention on the Law of the Sea (UNCLOS) and then introduced the three draft resolutions for consideration. He stated that the entry into force of UNCLOS on 16 November 1994 was particularly significant, given the controversy that was attached to it for more than a decade. UNCLOS's entry into force and healthy support for it must now be translated into its full implementation,

and much remains to be done at national, regional and global levels. He stated that the process of organizing the new institutions created by the Convention has already begun, praised the report of the Secretary-General as an important vehicle for promoting uniform application of UNCLOS, and reported that the Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks had concluded its work by opening for signature an Agreement adopted by consensus in August.

CANADA: Brian Tobin, Minister of Fisheries and Oceans, stated that the threat of depletion to straddling stocks had been the greatest on the Grand Banks of Newfoundland, which made the Conference a national priority for Canada. He said that regional fisheries organizations making sound conservation decisions that are adhered to in practice will become the global norm only when the new Agreement is implemented. Full implementation requires not only entry into force, but also ratification by all major fishing nations and conformity by all regional fisheries management organizations. He noted the emergence of a new conservation ethic internationally, citing the newly approved control measures by NAFO, the recent meeting of North Atlantic Fisheries Ministers in Newfoundland, the remarks of US Senator Ted Stevens at the signing ceremony, and the Agreement's inclusion of the precautionary approach.

SRI LANKA: Amb. Herman L. De Silva stated that UNCLOS and the Agreement are evidence of revolutionary changes in international cooperation toward the rational management of marine resources. Sri Lanka is establishing a domestic legal framework that supports UNCLOS, with special emphasis on regional cooperation, and is finalizing the necessary internal procedures to become a party to the Agreement. Sri Lanka also chaired the latest meeting of the Indian Ocean Tuna Commission and offered to host its next conference.

AUSTRALIA: MP David Jull welcomed the Agreement's legally-binding form and detailed prescription on flag State responsibility. The Conference grappled with difficult issues relating to enforcement, but produced balanced provisions that confirm the primary responsibility of the flag State and provide for development of cooperative mechanisms for monitoring, control and surveillance. He said the Agreement will make a major contribution to resource security and Australia's signature of the Agreement signals its full support for the regime the Agreement creates and to the principles it embodies.

UKRAINE: Mikhala Shevedenko, Minister for Fisheries, stated that the Ukrainian Parliament has undertaken efforts to bring national legislation into accordance with the Agreement, and noted laws adopted in 1995 regarding exclusive economic zones and mercantile navigation. The Parliament intends to call upon States bordering the Black Sea to take steps toward improving regional cooperation and conservation of the Sea's resources.

MALAYSIA: Amb. Razali Ismail characterized the Agreement as an important vehicle for global cooperation and urged States to apply the precautionary approach widely in the conservation, management and exploitation of SFS and HMFS. He noted that the international community has labored to develop a legal regime that governs sea matters, and States share a common responsibility to ensure that unilateral and arbitrary actions do not wreck it. He also expressed grave concern over recent nuclear tests undertaken in the South Pacific and the consequential detrimental effects they will have on the marine environment.

MARSHALL ISLANDS: Guy E.C. Maitland, Senior Deputy Commissioner of Maritime Affairs, assured the General Assembly that the Marshall Islands would work with its Pacific neighbors and improve existing partnerships to the extent possible. He also said the Agreement will be presented to Parliament in January 1996.

INDONESIA: Islamet Poernomo stated that the Agreement constitutes a milestone in the endeavors of the international community toward the common goal of long-term stable and

sustainable living resources of the oceans. He noted its provision for strengthening cooperation, including technical cooperation, to ensure responsible fishing and assistance to developing countries. To strengthen regional cooperation, Indonesia has hosted a series of workshops on managing potential conflict in the South China Sea.

NORWAY: Jan Henry T. Olsen, Minister of Fisheries, stated that Norway has initiated preparations for ratification and intends to submit the Agreement for the consent of its National Assembly early next year. The Agreement strikes a careful balance between the various national interests involved, and every State has had to make compromises in order to make the Agreement possible. He also noted that Norway is ready to join other nations in constructive discussions on the establishment of procedures for enforcement.

SPAIN: Amb. Juan Antonio Yáñez-Barnuevo, on behalf of the European Union, stated that the EU has participated in the Conference, but it is not possible for it to sign the Agreement, as the required internal procedures have not yet been completed. Once these procedures have been concluded, the EU will assure their continued participation and engagement in this process. He said that the EU is firmly committed to responsible fishing and international cooperation in conservation and is aware of the importance of the new stage that has opened for the Law of the Sea.

SWEDEN: Hans Linton expressed regret that Sweden could not yet sign the Agreement because the internal procedures within the EU had not been completed. He noted the urgent need to strengthen the regional organizations in order to implement the Agreement, and said Sweden has proposed that the FAO should prepare for assisting them, particularly in developing country regions. Sweden has also proposed that the FAO carry out a comprehensive study on possible options for mobilizing the necessary resources for financing fixed and operating costs.

UNITED STATES: Alfred DeCotiis stated that the US intends to apply the Agreement provisionally pending ratification, and is proceeding with domestic procedures for accession to UNCLOS and ratification of the Agreement. The US supports the Agreement because its general principles and specific provisions on the use of a precautionary approach, compatibility, regional and subregional organizations, enforcement and the peaceful settlement of disputes strike a reasonable balance between conservation and fishing concerns. He also expressed hope that all nations that signed the Agreement will soon deposit their instruments of ratification, and urged all nations unable to sign the previous day to do so soon.

PAPUA NEW GUINEA: Amb. Utula U. Samana, on behalf of the members of the South Pacific Forum Fisheries Agency, said that the support of South Pacific nations was demonstrated by the number of States that signed the Agreement. Because of the magnitude of their tuna resources, the South Pacific nations expressed constant support throughout the negotiating process, and were particularly pleased to see that the needs of small island States are acknowledged. He said the challenge now lies in implementation, and expressed deep regret that while this process is working toward establishing legal regimes, some countries' actions undermine it. He said nuclear testing in the area undermines the efforts of the international community and threatens the ecosystem.

CHINA: Amb. Wang Xuexian expressed concern that some provisions of the Agreement exceed the scope of the corresponding provisions of UNCLOS and are contradictory to some basic principles of the Law of the Sea. Because of insufficient consultations and negotiations at the Conference, some reasonable views and opinions of some States that have a major interest in marine fisheries failed to be duly reflected in relevant provisions. He said that the implementation of these articles might encounter difficulties and might increase disputes among States with different interests, particularly those related to exclusive jurisdiction of flag States over their own ships, use of force by inspectors and law enforcement actions.

ISRAEL: Shabtai Rosenne stated that the problems of oceans are closely related and expressed appreciation that this session of the General Assembly was considering all ocean issues together, as evidenced by the Secretary-General's report. He said the Rio Conference rightly concluded that the Agreement should be contained within UNCLOS and expressed hope this model would be followed. He said that Israel hopes to ratify the Agreement soon and hopes that each resolution before this Assembly could be adopted by consensus.

MEXICO: Socorro Flores noted that only a year after UNCLOS entered into force the number of accessions has increased rapidly. She stressed the need for technical and legal support to developing countries to help implement UNCLOS on the national level.

ITALY: Amb. F. Paolo Fulci stated that Italy deposited its instrument of ratification for UNCLOS on 13 January 1995 and its domestic legal system has been modified accordingly. These new rules will also guide Italy's relevant foreign policy, as evidenced by its contribution to the drafting of the new Barcelona Convention and protocols on the protection of the Mediterranean.

MALTA: Walter Balzan said that the Agreement calls for more effective enforcement by coastal, port and flag States in the implementation of conservation and management of fish stocks, but noted that all claims to rights must be accompanied by the willingness to shoulder the corresponding obligations and responsibilities. States must ensure that they will exercise discipline and responsibility on the high seas.

REPUBLIC OF KOREA: Amb. Park Soo Gil stated that the General Assembly of the Republic of Korea has approved the ratification of UNCLOS and will soon deposit its instrument of ratification and modify its domestic laws. He recalled his government's active participation in the adoption of the Agreement, and noted its intent to sign the Agreement as soon as the internal procedures have been completed. The Republic of Korea has also pursued necessary measures to ensure that all unauthorized activities of fishing vessels are subject to stern punishment, including the revocation of fishing licenses.

UNITED KINGDOM: David Anderson reported on a recent workshop on Environmental Science, Comprehensiveness and Consistency in Global Decision-making on the Oceans, organized and co-chaired by the UK and Brazil. The UK, in order to mark the adoption of the Agreement, will make a contribution to its Fellowship Programme, which will enable the Fellow to study the Law of the Sea at a British academic institution.

SINGAPORE: Michelle Teo-Jacob stated that Singapore, as a small island State situated at a major maritime crossroads linking the Indian and Pacific Oceans, placed primary importance on the freedom of navigation and other passage rights. She called upon all States to ratify UNCLOS as the most effective means of conducting international maritime relations.

PHILIPPINES: Prof. Haydee B. Yorac supported all three draft resolutions and noted that the Philippines had ratified UNCLOS in May 1984. He noted a clear balance in the Agreement between conservation and sustainable use and expressed his government's full support for the principles it espouses. The Philippines intends to sign the Agreement after internal and technical procedures have been completed.

NEW ZEALAND: Felicity Wong stated that the Agreement was an important milestone at a time when many key fish stocks around the world have either completely collapsed or are under serious threat. She emphasized that while the enforcement provisions break significant new ground, the Agreement remains fully consistent with UNCLOS. Article 92 envisages that exceptions to the general principle of flag State responsibility can be made in the context of international agreements providing for exceptional circumstances, such as when a flag State completely disregards its responsibilities.

JAPAN: Matsushiro Horiguchi highlighted the Agreement's provisions to ensure the compatibility of measures in the high seas and waters under national jurisdiction, noting that the only workable solution is close cooperation among the countries concerned. He said that coastal countries and distant-water fishing countries do not always have the same interests, but the common desire for sustainable utilization may unite all nations. Japan was unable to sign the Agreement yesterday, as internal procedures have not yet been completed, but is considering the possibility of doing so at a later date.

ICELAND: Amb. Gunnar Pálsson said that the Agreement will be an important tool for achieving better fisheries management and welcomed the initiative of Japan in hosting an International Conference on the Sustainable Contribution of Fisheries to Food Security in Kyoto. He also expressed confidence that the number of signatories to the Agreement will increase soon.

BELIZE: Amb. Edward A. Laing stated that the Agreement represented a further giant step toward protecting the world's living marine resources. He said that international agencies should be prepared to contribute to the effort to improve the environment and governments should provide them with resources.

GERMANY: Amb. Tono Eitel said that Germany will serve as host for the UNCLOS International Tribunal and was taking practical steps in preparation.

RUSSIAN FEDERATION: Yakov Ostrovski expressed support for the resolutions regarding fisheries and congratulated States that were bold enough to pursue the compromises that fostered success. He said the most urgent task was to put the Agreement into practice.

FRANCE: In a right of reply, Jean-Michel Gaussot noted that two delegations had taken this meeting as an excuse to challenge nuclear testing without proof that it affects their environment. The harmlessness of French nuclear testing has been proven by scientists and there is no risk to the health of populations.

GENERAL ASSEMBLY RESOLUTIONS

Following the debate, delegates considered the three draft resolutions before the Assembly. Under Agenda Item 96(c), the draft resolution contained in document A/50/L.35 addresses the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10th December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. The resolution emphasizes the importance of early entry into force and effective implementation of the Agreement, and calls upon all States and all entities entitled to become parties to sign and ratify or accede to the Agreement and consider applying it provisionally. It requests the Secretary-General to report to the 51st session of the General Assembly on developments relating to the conservation and management of SFS and HMS, and to ensure that reporting on all major fishing activities and instruments is effectively coordinated and duplication of activities and reporting minimized.

The draft resolution was co-sponsored by Argentina, Australia, Belize, Brazil, Canada, Cape Verde, Fiji, Gabon, Guinea-Bissau, Iceland, Indonesia, Israel, Malaysia, Marshall Islands, Mauritania, Namibia, New Zealand, Norway, Samoa, Senegal, Singapore, Trinidad and Tobago, Ukraine, the US and Uruguay.

Two other resolutions were also adopted. The first (A/50/L.34) deals with implementation of UNCLOS and was adopted by a vote of 132 in favor to 1 against (Turkey), with 3 abstentions (Ecuador, Peru and Venezuela). Turkey stated its opposition to the draft resolution pertaining to UNCLOS, because it contains no provision recognizing special geographic situations and no reservation clauses.

The resolution emphasizes the universal character of UNCLOS and its fundamental importance for the maintenance and strengthening of international peace and security, as well as for the

sustainable use and development of the seas and oceans and their resources. The resolution calls upon all States that have not done so to become parties to UNCLOS and to harmonize their national legislation with its provisions and ensure its consistent application. It also requests the Secretary-General to convene three meetings of States Parties to UNCLOS during 1996 for the purpose of organizing the International Tribunal on the Law of the Sea and the Commission on the Limits of the Continental Shelf, and to report to the 51st session of the General Assembly on the implementation of the resolution in connection with the annual report on the Law of the Sea.

The resolution was co-sponsored by Argentina, Australia, Austria, Brazil, Belize, Cameroon, Canada, Cape Verde, Chile, China, Congo, Croatia, Cyprus, Denmark, Egypt, France, Fiji, Finland, Gabon, Germany, Guinea-Bissau, Guyana, Iceland, Indonesia, Israel, Italy, Jamaica, Kenya, Lebanon, Malaysia, Malta, Marshall Islands, Mauritania, Mexico, Myanmar, Namibia, the Netherlands, New Zealand, Norway, Portugal, the Republic of Korea, Samoa, Senegal, Singapore, Sri Lanka, Sweden, Trinidad and Tobago, Tunisia, Ukraine, the UK, the US and Uruguay.

The other resolution (A/50/L.36) addresses large-scale pelagic drift-net fishing, unauthorized fishing in areas under national jurisdiction, and fisheries bycatch and discards. The resolution recognizes that efforts have been made to reduce bycatch and discards in fishing operations and that further work needs to be done in this area. It expresses concern about the detrimental impact of unauthorized fishing on sustainable development of the world's fisheries resources and on the food security and economies of many States, particularly developing States. It acknowledges the measures taken by the international community to implement and support the objectives of resolution 46/215 on large-scale pelagic drift-net fishing, but expressed deep concern regarding continuing reports of activities inconsistent with the terms of that resolution. The resolution calls upon States to take measures to ensure that no fishing vessels entitled to fly their national flags fish in areas under national jurisdiction of States unless duly authorized by competent authorities of the coastal State or States concerned.

The resolution was co-sponsored by Argentina, Australia, Belize, Canada, Chile, Fiji, Grenada, Indonesia, Israel, Malaysia, Marshall Islands, Mauritania, New Zealand, Peru, Samoa, Singapore, Trinidad and Tobago, the US and Uruguay.

FAO CODE OF CONDUCT FOR RESPONSIBLE FISHERIES

Delegates from 70 countries, various international organizations and NGOs attended the second session of the Technical Committee on the Code of Conduct for Responsible Fisheries at FAO Headquarters in Rome from 25-29 September 1995.

The Code of Conduct derived its beginnings from instructions of the FAO governing bodies. The Code has been formulated to be consistent with the 1982 UN Convention on the Law of the Sea. It takes into account: the 1992 Declaration of Cancun; the 1992 Rio Declaration and the provisions of Agenda 21 of UNCED; the conclusions and recommendations of the 1992 FAO Technical Consultation on High Seas Fishing; the strategy endorsed by the 1984 FAO World Conference on Fisheries Management and Development, and other relevant instruments. The Code also takes into account the outcome of the UN Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks.

Although application of the Code is voluntary, certain parts of it are based on relevant rules of international law. In this regard, certain provisions of the Code have been given binding effect by other obligatory legal instruments among Parties, such as the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas. The Flagging Agreement, according to FAO Conference resolution 15/93, forms an integral part of the Code.

The Code of Conduct contains 12 articles. Article 1 deals with the nature and scope of the Code. The Code is global in scope and is directed towards members and non-members of the FAO, fishing entities, governmental and non-governmental organizations and all persons concerned with the conservation, management and development of fisheries, especially fishworkers and those engaged in the processing and marketing of fish and fishery products.

Article 2 deals with the objectives of the Code and covers matters relating to the relevant rules of international law, the contribution of fisheries to food security, the protection of living aquatic resources and their environments and coastal areas.

Article 3 deals with the Code's relationship with other international instruments and how the Code is to be interpreted and applied. Article 4 deals with implementation, monitoring and updating of the Code. The FAO, through its competent bodies, may revise the Code, taking into account developments in fisheries. States and international organizations are urged to promote the understanding of the Code, which would promote its voluntary acceptance and effective application.

Article 5 provides for the special requirements of developing countries, especially in areas of financial and technical assistance and technology transfer. Article 6 covers the general principles of the Code, underscoring that the right to fish carries with it the obligation to do so in a responsible manner. States are to promote the prevention of overfishing and reduction of excess fishing capacity.

Article 7 deals with fisheries management and gives focus to management objectives, data gathering and the application of the precautionary approach. Article 8 deals with fishing operations. The duties of flag States and port States are covered in this article, which also deals with harbors and landing places for fishing vessels, protection of the environment, the abandonment of structures and artificial reefs.

Article 9 deals with aquaculture development and covers aspects of responsible development under national jurisdiction and within transboundary aquatic ecosystems as well as the uses of aquatic genetic resources. Article 10 deals with the integration of fisheries into coastal area management and covers institutional frameworks, policy measures, regional cooperation and the implementation of coastal area management.

Article 11 covers post-harvest practices and trade and deals specifically with responsible fish utilization, responsible international trade and laws and regulations relating to fish trade. Article 12 deals with fisheries research and requires States to recognize that responsible fisheries requires the availability of a sound scientific basis to assist fisheries management and other interested parties in making decisions.

The Code of Conduct for Responsible Fisheries was adopted by the 28th session of the FAO Conference.

THINGS TO LOOK FOR IN 1996

MEETINGS OF STATES PARTIES TO UNCLOS: The first meeting of the Parties to the UN Convention on the Law of the Sea will take place in New York from 4-8 March. Parties will consider and adopt the draft initial budget of the Tribunal. The next meeting of the Parties, which will take place in New York from 29 April - 10 May 1996, will deal with organizational matters of the Tribunal and election of the members of the Commission on the Limits of the Continental Shelf. The Parties will elect the judges of the Tribunal when they meet in New York from 29 July - 2 August 1996.

INTERNATIONAL SEABED AUTHORITY: The Assembly will meet in Kingston, Jamaica, from 11-22 March 1996 and again from 5-16 August 1996.