FISH CONFERENCE HIGHLIGHTS
TUESDAY, 1 AUGUST 1995

Conference Chair, Satya Nandan, reconvened informal consultations in Conference Room 5 at 10:00 am on Tuesday. Three hours were given to informal consultations. Plenary reconvened at 3:30 pm, when the Chair outlined his informal consultation work programme. Statements were made by Brazil and Sri Lanka, and one NGO. Informal consultations, reconvened later in Conference Room 5.

PLENARY

Before opening the floor to delegations who were unable to make general statements earlier in the session, the Chair said informal consultations would continue over many unresolved issues. Revised text copy would be made available in due course. He said informal consultations during the morning had focused on Articles 21 and 22, and some further “tinkering” was required. He did not expect any substantial departure from the text and said he would inform delegates of the progress as it is made.

BRAZIL: Ambassador Henrique R. Valle stated that voluntary acceptance of compliance through inspection and boarding by all parties is essential for building confidence and achieving conservation and management goals. He claimed these aims were attainable within the scope of Article 21 without the limitations of paragraph (13), which are addressed in Article 43(2). He welcomed provisions concerning regional organizations, special requirements for developing countries and coastal subsistence communities.

SRI LANKA: Anton Attapattu emphasized the need for better conservation and management of SFSs and HMFSs and stated that Article 21 is of “paramount importance” in achieving these goals. He said his country is actively seeking to improve the management of these species and has drafted new domestic legislation for fisheries and aquatic resources. He encouraged States to accede to the agreement establishing the Indian Ocean Tuna Commission (IOTC). He said it is important to establish a cooperative arrangement for the management of Indian Ocean tuna because catch rates have risen sharply over the past decade. Sri Lanka has assisted in this process by offering to host the IOTC Secretariat.

NON-GOVERNMENTAL ORGANIZATIONS: A representative speaking on behalf of the Offshore Fishworkers of Chile, Peru, Argentina, and Ecuador expressed concern over the final outcome of Articles 8, 15, 19, 20 and 21. He advocated the need for minimum international labor standards for fishworkers and requested the conference recommend that the General Assembly hold an international convention to regulate labor conditions for offshore fishworkers. He said old vessels continue to operate and the crews live under inhuman conditions. The representative noted fishermen are more apt to comply with management measures when they are aware of the resulting benefits and when they are able to participate in the formulation of regulations. In respect to transparency, he urged for explicit reference to the participation of social partners in the work of subregional and regional organizations in Article 15.

Before adjourning Plenary, the Chair said he would continue with informal consultations on Wednesday morning, and hoped to reconvene informal Plenary at 11:30 am. Noting the fluidity of informal consultations, he suggested that delegates consult the Journal for any changes.

DOCUMENTS IN CIRCULATION

The First Report of the Credentials Committee was circulated in document A/CONF.164/31 on Tuesday. The Credentials Committee is chaired by Argentina and is composed of representatives from: Antigua and Barbuda, Burundi, China, Kenya, New Zealand, Papua New Guinea, the Russian Federation and the US. The reports notes that communications from 100 States, including the European Community had been received. The Credentials Committee will reconvene on Wednesday, 2 August 1995 in order to complete its examination of the credentials and decide on its recommendation to the Conference. A provisional list of delegations to the Sixth Session of the Conference was circulated on Tuesday.

A revised text of the Draft Agreement, available only in English, was circulated at the close of Plenary. This document, entitled a “Proposal by the Chairman for adoption” is dated 1 August 1995. It contains text on old Articles 14, 21, 21(bis), 29, 30 and 31, which were subject to informal consultation on Tuesday.

DOWN THE CORRIDORS

INFORMAL CONSULTATIONS: The Chair opened informal consultations by advising delegates that it was necessary to maintain momentum and not rehearse old issues. He said new text had been prepared on some of the outstanding issues, especially those relating to enforcement and high seas enclaves. In this regard, he gratefully noted the willingness of the Russian Federation to continue working on this issue. He first invited delegates to consider a revised text on Articles 29, 30 and 31, which deal with settlement of disputes, provisional measures, and limitations on applicability of procedures, respectively. The Chair said the revised text represents an attempt to simplify the text.
Paragraph (12) states that a flag State may take action to fulfill its obligations under Article 19 with respect to an alleged violation. Indonesia tabled a proposal regarding paragraphs (12), (13) and (18) that was examined by delegates. Initial comments by one DWFN pointed out that proposed paragraphs (12) and (13) could be combined. Others felt that the proposal changed the meaning of the paragraph, and called for the retention of the present text.

Paragraph (14) states that Article 21 applies where a State Party with membership in a regional organization has grounds for believing that a fishing vessel flying the flag of another State Party has acted contrary to conservation measures in the high seas, and subsequently enters into an area under the national jurisdiction of the inspecting State or another State which consents to application of this article by the inspecting State. Some DWFNs objected that this paragraph creates a new element under international law and requested its deletion. One delegate replied that the paragraph should not be rejected simply because it goes beyond UNCLOS. The Chair noted that it would be possible to redraft the paragraph keeping the references the EEZ of the inspecting State, while deleting the last part regarding “another State which consents.”

Paragraph (18) deals with liability for damage or loss arising from unreasonable actions in implementing this article. One delegate said the paragraph was imbalanced because it imposes liability on inspecting States, but not on flag States for failing to take action. Others stated the paragraph should protect the vessel, not the inspectors, and another delegate suggested inserting a requirement that States be liable for failure to ensure compliance by vessels flying their flags. Another delegate noted that States can withhold consent, so deletion was unnecessary.

The Chair noted the tabled proposal of Indonesia, and called for further review.

Paragraph (20) states that a flag State may take action to fulfill its obligations under Article 19 with respect to an alleged violation. Indonesia tabled a proposal regarding paragraphs (12), (13) and (18) that was examined by delegates. Initial comments by one DWFN pointed out that proposed paragraphs (12) and (13) could be combined. Others felt that the proposal changed the meaning of the paragraph, and called for the retention of the present text.

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