

## UN Takes a Big Step to Conserve Fish Stocks

This past August at the United Nations, after three years of intensive negotiations, representatives of over 100 Governments adopted a legal Agreement\* to prevent international conflicts over fishing on the High Seas (defined as outside the 200 nautical miles [370.4 km] 'economic zone') and to conserve dwindling fish-stocks.

An Editorial in the Spring issue of this Journal† called on the UN Conference on Straddling and Highly Migratory Fish Stocks to adopt an enforceable treaty to preserve the living and other resources of the High Seas. As Chairman of that Conference, I can say with assurance that the Agreement adopted is not only enforceable, but also far-sighted, far-reaching, and an historic step in the evolution of marine law and in the improved management of marine living resources.

The freedom to fish on the High Seas no longer exists as it did under the traditional Law of the Sea. Governments will either cooperate to regulate fishing and conserve stocks, or they will not be allowed to fish.

The seriousness of the problem is clear: 69% of commercial fisheries are fully exploited, depleted, or recovering from overfishing, according to the UN Food and Agriculture Organization (FAO). Despite the growing numbers of fishing boats using increasingly sophisticated technologies, the global fish-catch has continued to decline. The result has been an increasing number of violent skirmishes over fishing rights and practices which have threatened to reduce the global commons to a battleground. The need for a multilateral solution was obvious if anarchy on the High Seas was to be avoided.

### Three Basic Pillars

The Agreement adopted is built on three essential 'pillars'. First, it sets out principles for conservation and management of fish-stocks and establishes the principle that such management must be based on a precautionary approach and the best available scientific information. It obliges fishing vessels to provide accurate data on catches and discards, through their Governments, to regional fishing organizations and the FAO. All of these provisions apply to fisheries both within national jurisdiction and on the High Seas. The Agreement specifies that conservation measures in both areas must be compatible and coherent.

The second 'pillar' ensures that conservation and management measures are adhered to, and that they are not undermined by those who fish for the stocks. For this purpose, the primary responsibility of the Flag State‡ is reaffirmed and the framework for action by States other than Flag States is set out with clear safeguards against abuse. Strong enforcement provisions allow States which are members of regional fishing organizations to board and inspect vessels on the High Seas, to ensure compliance with regional quotas and conservation measures.

The third 'pillar' is the provision for peaceful settlement of disputes. While allowing various possibilities for non-binding settlement, in the end every dispute can be submitted to a court or tribunal for a binding decision.

The FAO has warned that disastrous social and economic consequences await the entire fishing industry unless fishing fleets are reduced in size, subsidies are eliminated, and the activities of fishing fleets are far more effectively regulated than is the case today. The international community has waited with keen and increasingly urgent expectation for the outcome of these negotiations.

### Improved Future Prospects

It is my considered opinion that the Agreement adopted provides the necessary basis for the much-improved management of fishing on the High Seas. We must now proceed to the rapid implementation of this Agreement, which will enter into force after 30 nations have ratified it. Governments must demonstrate their commitment in a tangible manner by signing and becoming Parties to the Agreement as soon as they can. In the meantime, many of the Agreement's conservation measures can be put into practice at the national and regional levels, and the regional fishing organizations which are responsible for setting international measures under the Agreement can start preparing for the new regime.

Countries may be dispersed all over the globe, but we are joined together by one vast and collective ocean. I have every hope that, provided this Agreement is put into effect quickly and in the spirit in which it has been negotiated, we have a good chance to reverse the decline of ocean resources and conserve them for future generations.

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\* Based on the 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 (UN document symbol A/CONF.164/33). For text and further information contact: UN Department of Public Information, Room S-1040H, United Nations, New York, NY 10017, USA, fax 212-963-1186. On the Internet, access web site <http://www.un.org> (search under Conferences) or [gopher://gopher.un.org](mailto:gopher://gopher.un.org) (search under Law of the Sea/Conference on Straddling and Highly Migratory Fish Stocks).

† Gunnar G. Schram & Nicholas Polunin, The High Seas 'Commons': Imperative Regulation of Half Our Planet's Surface, *Environmental Conservation*, 22(1), p. 3.

‡ The State in which a ship is Registered. — Ed.

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