

Northwest Atlantic



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Executive Summary of the Second and Third Sessions of the UN
Conference on Straddling Stocks and Highly Migratory Fish Stocks

by

Delegate of Denmark (in respect of the Faroe Islands
and Greenland)

The Resolution (No. 47/192) establishing the Conference on Straddling and Highly Migratory Fish Stocks was adopted by the UN General Assembly on 22 December 1992. The Resolution mandates the Conference, drawing on scientific and technical studies by FAO, to identify and assess existing problems related to the conservation and management of highly migratory and straddling fish stocks, to consider means of improving fisheries cooperation among States and to formulate appropriate recommendations.

The Conference should take into account relevant activities at the subregional, regional and global levels with a view to promoting effective implementation of the provisions of the UN Convention on the Law of the Sea on straddling and highly migratory fish stocks. The Conference should complete its work as early as possible in advance of the 49th session (in 1994) of the General Assembly.

The second substantive session in New York 14-31 March 1994 addressed itself to the Chairman's draft negotiating text on a section by section basis in formal and informal sessions, and on the final day of the session, the Chairman produced a new version of his Negotiating Text (dok.A/CONF.164/13/rev.1).

This text includes the following sections:

- 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 conservation and management measures;
- 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.

with two annexes:

- Minimum data requirements for the conservation and management of straddling fish stocks and highly migratory fish stocks;
- Arbitration.

The Chairman made it clear that this text was neither a negotiated text nor a consensus document, but that he hoped that this text could serve as a basis for negotiations at the next session of the Conference.

The third substantive session in New York 15-26 August 1994 addressed itself to the Chairman's negotiating text in informal session. On this basis, the Chairman presented a new text: "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" contains the following parts:

- General Provisions;
- Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks;
- Mechanisms for International Cooperation concerning Straddling and Highly Migratory Fish Stocks;
- Duties of the Flag State;
- Compliance and Enforcement;
- Port State Enforcement;
- Requirements of Developing States;
- Peaceful Settlement of Disputes;
- Non-participants;
- Abuse of Rights;
- Non-Parties to this Agreement;
- Reports on the Implementation and Review Conference;
- Final Provisions.

The three annexes include:

- Minimum Standards for Collecting and Sharing of Data;
- Suggested Guidelines for Application of Precautionary Reference Points;
- Arbitration Procedure.

This 31-page revised text represents a number of important changes to the draft negotiating text in form as well as substance.

The last two days of the session, delegations made preliminary comments to the new text, but many delegations reserved their position to the new text.

It is for the 49th UN General Assembly to decide, if another session of the Conference is to take place. The Chairman will ask the UN to convene two sessions in 1995, from March 27 to April 12 and from July 24 to August 4, 1994 in New York.