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JOINT ENFORCEMENT SYSTEM

The late Mr. George Clark, in a note circulated as "Meeting of Commissioners, Note No. 4" (Serial No. 1096) suggested the insertion in the Convention of a new Article VIIIA or XIIA, which would incorporate the provisions of paragraphs 6, 7, 8 and 9 of Article VIII.

At the First Meeting of Commissioners on Monday, 3rd June, there was general acceptance of this proposal in principle, but the USSR delegation made the helpful suggestion that the necessary provision might be made by inserting a new sub-paragraph (f) in paragraph (1) of Article VIII of the Convention, thus automatically incorporating the provisions of the succeeding paragraphs 6, 7, 8 and 9. A comparable provision regarding joint enforcement was inserted in the Whaling Convention; but there is no provision in that Convention for Panels.

The United Kingdom Commissioners suggested that Article VIII makes provision

- (a) in paragraph (1) for proposals relating to sub-areas on the initiative of the Panels for those sub-areas;
- (b) in paragraph (5) for proposals affecting the Convention area as a whole, on the initiative of the Commission

Accepting the purpose of the USSR suggestion, the UK delegation would suggest that effect should be given to it by the insertion of appropriate words in paragraph (5) of Article VIII rather than in paragraph (1), and this is acceptable to the U.S.S.R. Commissioners.

Paragraph (5) refers to consultation with all the Panels and paragraph (8) refers to Panels in the procedure for ratification. This may be regarded as inappropriate for matters affecting the Convention area as a whole; and the U.K. and U.S.S.R. Commissioners agree that a drafting amendment to paragraph 8 is desirable.

After further consideration of the various proposals during the Second Meeting of Commissioners and in accordance with the agreement recorded in Item 3 of the Report of the Second Meeting of Commissioners, UK and USSR Commissioners have held consultations and jointly

recommend for consideration that effect might be given to the provision for joint enforcement, in which all member countries appear to be agreed in principle, by the following two amendments to Article VIII of the Convention:

(i) At end of paragraph (5) add

"and may also, on its own initiative, make recommendations for national and international measures of control on the high seas for the purpose of ensuring the application of the convention and the measures in force thereunder."

(ii) At end of paragraph (8) add

"or, in the case of proposals made under paragraph (5) above, from all contracting Governments."