
The United Nations Fish Stocks Agreement

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Introduction: The Problem

It is generally conceded that world marine fisheries are facing difficult times. Quantitatively world fish catch has levelled off, and qualitatively the portion of total fish catch representing high-quality, high-priced, and high-demand fish stocks is declining. A recent study indicates that fishing effort is proceeding farther down the food chain as the desired species at the top of that chain are becoming less abundant.¹ While there is some discussion as to whether and to what degree the problem is due to natural causes such as El Niño or to anthropogenic causes such as overfishing and habitat destruction, it is clear that in many cases overfishing, associated with modern technology, increased effort, and open access, has been a significant contributor to fishery decline.

The 1982 Convention on the Law of the Sea,² adopted by the Third United Nations Conference on the Law of the Sea (UNCLOS-III), and the state practice associated with it established a new international legal framework for marine fisheries. With recognition of the right of the coastal state to create an exclusive economic zone (EEZ), in which that state has sovereign rights over living resources in an area to a maximum distance of 200 miles from the baselines used to measure the territorial sea, the most important part of the ocean commons was removed from the regime of the high seas and placed under the jurisdiction of the coastal state. Fishing in ocean areas accounting for some 90 to 95 per cent of world fish catch would now be controlled by coastal states, and fishermen from other states desiring to fish in those waters would require coastal-state consent.³ Accordingly, it might appear that the open-access regime described as ‘the tragedy of the commons,’⁴ at least in its international manifestation, had disappeared.

In a variety of situations this proved not to be the case. The boundaries of the EEZ are politically rather than ecologically determined; that is, they represent political decisions but fail to encompass the entire ecosystem that sustains the living resources and mark the limits of their migration. The fish are not party to the diplomatic Agreement embodied in the EEZ and they wander about, motivated by factors such as food availability and water tem-

perature, disregarding the sanctity of solemnly created treaty regimes. In particular, it is the continental shelf rather than the EEZ that is most relevant to the fish, but there are a number of continental-shelf areas that extend beyond 200-mile limits. Fish swimming from the EEZ into adjacent shelf areas beyond that limit, as in the case of Greenland halibut in the ‘Nose’, the ‘Tail’, and the Flemish Cap off the eastern coast of Canada, then leave the coastal state’s EEZ and enter into the high seas, where they are subject to a different legal regime.

A number of foreign-flag fishing vessels, displaced from fishing grounds incorporated into EEZs, began to fish in high-seas areas just beyond those zones. The existence of straddling stocks that move from the EEZ into the high seas, together with the continued efforts of distant-water fishing vessels operating just seaward of the coastal-state EEZ, posed problems for coastal-state fisheries management. Not only did foreign fishing serve to undercut coastal-state attempts at stock conservation, it also siphoned off economic benefits that coastal states anticipated reaping from their control of fisheries in the EEZ.⁵ But it should be noted that intensified coastal-state fishing within the EEZ, where most fishing occurs, also contributed to the decline of straddling fish stocks.

The potential for international problems regarding straddling stocks was recognized at UNCLOS-III, but the consensus needed to address this matter in a detailed and satisfactory manner was lacking.⁶ Under the terms of the 1982 Law of the Sea Convention, where there are stocks straddling EEZs and high seas, states ‘shall seek, either directly or through appropriate subregional or regional organizations, to agree upon the measures necessary for the conservation of these stocks in the adjacent area.’⁷ Freedom to fish on the high seas is recognized in the Convention, but, notably, it is made subject to ‘the rights and duties as well as the interests of coastal States’⁸ as provided for in Convention articles addressing the subjects of straddling stocks, highly migratory species, marine mammals, and anadromous and catadromous species.⁹ While the 1982 Law of the Sea Convention has qualified high-seas fishing rights, the operational qualifications are not clearly

specified.

And, by definition, highly migratory species such as tuna presented management problems by virtue of their wide-ranging migratory habits. In regard to these species, the 1982 Law of the Sea Convention simply provides that coastal states and other states whose nationals fish in a region are subject to a general requirement to co-operate directly or through appropriate international organizations, 'with a view to ensuring conservation and promoting the objective of optimum utilization of such species throughout the region, both within and beyond the exclusive economic zone.'¹⁰ In areas without such international bodies, the coastal state and other fishing states are to establish them and participate in their work.¹¹

International Response to the Problem

By the 1990s the inadequacy of the treatment of straddling and highly migratory stocks in the 1982 Law of the Sea Convention could no longer be ignored.¹² Under the auspices of the Food and Agriculture Organization (FAO), two important instruments were adopted in 1993 and 1995 respectively: the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas¹³ (Compliance Agreement), which is not yet in force, and the voluntary Code of Conduct for Responsible Fisheries¹⁴ (Code of Conduct).

The Compliance Agreement specifies the responsibilities of a state for ships flying its flag that fish on the high seas,¹⁵ requires flag-state authorization for such fishing,¹⁶ and obligates a state to ensure that fishing by vessels under its flag do not undermine international conservation and management efforts.¹⁷ A state is not to allow the use of its flag unless it can effectively exercise its Compliance Agreement responsibilities.¹⁸ This requirement constitutes a response to problems associated with the reflagging of fishing vessels under the flag of a state that is either unwilling or unable to enforce fisheries regulations. For its part, the FAO Code of Conduct is a sweeping statement of principles and approaches recommended to promote the sustainable use of world fisheries and addresses its technical, economic, ecological, legal, and management aspects.

The same general concerns with fisheries that resulted in the adoption of these instruments led the United Nations Conference on the Human Environment in 1992 to call for a conference on straddling and highly migratory fish stocks to 'consider means of improving cooperation on fisheries among States, and formulate appropriate recommendations.'¹⁹ The UN General Assembly responded by convening an intergovernmental conference in 1993, which concluded its work in 1995 with the adoption of a new international treaty with the unwieldy title Agreement

for the Implementation of the Provisions of the United Nations Convention of the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks; it is commonly referred to as the UN Fish Stocks Agreement.²⁰ The three instruments—the FAO Compliance Agreement, the FAO Code of Conduct, and the UN Fish Stocks Agreement—complement each other, are mutually reinforcing, and provide potential for meaningful advances in fisheries management.

The UN Fish Stocks Agreement was opened for signature on 4 December 1995 and enters into force 30 days after the date of deposit of the thirtieth instrument of ratification or accession.²¹ While great emphasis was placed on the need for the Agreement to be fully consistent with the Law of the Sea Convention of 1982, the fact remains that, in addressing the void left by the 1982 Convention, the Agreement represents an effort in both codification and what is termed the progressive development of international law.²² In its effort to advance the objective of ensuring sustainable use of straddling and highly migratory fish stocks,²³ the 1995 Agreement further crystallizes an ecosystem-based approach to fisheries management, emphasizing concepts such as:

- unity of stocks and the need for management of stocks over their entire range;²⁴
- the imperative for compatibility of EEZ and high-seas fisheries regimes;²⁵
- a concern with the catch of non-targeted species and the interdependence of stocks;²⁶
- the need for a precautionary approach to fisheries management;²⁷
- transparency in the decision making and activities of regional fisheries management organizations and arrangements.²⁸

The Agreement also provides means with which to give effect to this new conceptualization of fisheries management, stressing the role and responsibility of regional fisheries bodies to ensure protection of stocks in areas beyond the jurisdiction of coastal states.²⁹ To this end it provides that enforcement in high-seas areas within the jurisdiction of regional fisheries organizations or arrangements is not limited to a fishing vessel's flag state. Fishing vessels of states party to the UN Fish Stocks Agreement may be subject to enforcement measures as well, by authorized vessels of other states that belong to the fishery organization or are participants in a regional arrangement.³⁰ When violations are detected, evidence is to be secured and the flag state promptly notified. The flag state is then obligated within three working days to respond, indicating that it will

take enforcement action itself, keeping the inspecting state informed, or it is to authorize the inspecting state to take such action while keeping the flag state informed.³¹ An enforcement role is also provided for port states party to the Agreement; authorities of port states may inspect documents, gear, and catches on entering vessels and may adopt legislation forbidding landings or trans-shipment of catches when the taking of that catch has undercut regional conservation and management measures on the high seas.³² These developments represent moves away from the traditional practice of exclusive flag-state control, with some special exceptions, over the activities of ships on the high seas.

Perhaps even more stunning is the acceptance by party states of the obligation that, if ships of their flag are to fish in high-seas areas in which there are regional organizations or arrangements for conservation and management, then the state is to join the organization or participate in the arrangement as a price of access to the fishery resources that are governed by that organization or arrangement.³³ This provision, if made effective, would address the problem of the 'free rider' who benefits from the efforts of others at no cost to himself. Significantly, in an effort to ensure transparency, the increasing importance of non-governmental organizations (NGOs) is recognized with assurances that they will be allowed to take part in meetings of regional fishery management bodies. While such participation is to be in accordance with the organization's procedures, the Agreement stipulates that those procedures 'shall not be unduly restrictive'.³⁴ And, finally, the Agreement provides that the dispute-settlement provisions contained in the Law of the Sea Convention will apply to disputes among parties to the Agreement, even if they are not party to the Convention.³⁵

Depending on how the Agreement's provisions are executed, entry into force and implementation may have substantial effects on the sustainability of fisheries if those states most actively participating in high-seas fisheries become party to the Agreement. At the time of writing, the Agreement, which has 59 signatories, had received 28 ratifications or acceptances, two short of that required for entry into force.³⁶ Further, no state or entity that may ratify the Agreement has notified the UN, which serves as Agreement depositary, that it accepts provisional application as allowed under Article 41.³⁷

Of considerable concern is the fact that key high-seas fishing states have not ratified or acceded to the Agreement. It is estimated that some 90 per cent of high-seas catch is taken by nationals of only six states or entities: Japan, Spain, Poland, the Republic of Korea, the Russian Federation, and Taiwan, province of China.³⁸ Of these only the Russian Federation has both signed and ratified

the Agreement. Japan, Spain, and the Republic of Korea have signed but not ratified, Poland has done neither, and the legal capability of Taiwan to become party to this Agreement is not clear, given the ongoing controversy over Taiwan's legal status.³⁹ It might be noted that the People's Republic of China has signed the Agreement but has not yet ratified it. Concerned with the reality that many commercially significant straddling and highly migratory fish stocks remain subject to insufficiently regulated fishing effort, the United Nations General Assembly has called repeatedly on states and other entities referred to in Article 1(2)(b) of the Agreement to ratify or accede to it and to consider applying it provisionally while awaiting the Agreement's entry into force.⁴⁰

No reservations or exceptions are allowed to the Agreement,⁴¹ but several states and the European Union have taken advantage of Article 43, which allows for declarations or statements at the time a state or an entity signs, ratifies, or accedes to the Agreement.⁴² Such statements or declarations are not to modify the Agreement's provisions. Some declarations address available choices on dispute settlement provided in Article 30 of the Agreement,⁴³ but others may be indicative of a state's understanding of how the Agreement should be implemented and, thus, may be suggestive of implementation problems and have substantive significance.

In the case of the European Union the declaration notes, among other things, the respective competence of the European Union and its member states in fisheries matters relevant to the Agreement.⁴⁴ The government of China addresses the sensitive subject of enforcement in its declaration made at the time of signing the Agreement, observing that enforcement action by other states is taken 'with the authorization of the flag State' and that the 'authorized enforcement action should be limited to the mode and scope as specified in the authorization by the flag State.' The Chinese statement also records the understanding of the government of China that force may be used by inspectors only when the personal safety of authorized inspectors is endangered and their inspecting activities are violently obstructed by the fishing vessels' crew members.⁴⁵

The European Union in its declaration observes that the Agreement's provisions are not to be interpreted so as to conflict with the international law principle of freedom of the high seas.⁴⁶ Since upon entry into force the Agreement becomes part of international law, at least for party states, it would seem that the European Union is attempting to balance future interpretations of the Agreement so as to limit interference with high-seas freedoms as opposed to accenting the need for a managed fisheries environment in areas beyond national jurisdiction. And, by underscoring the flag-state enforcement role and flag-state discre-

tion as to whether to prosecute ships under its flag,⁴⁷ the European Union in its declaration raises questions regarding the future uniformity and effectiveness of enforcement efforts.

The declaration of Uruguay observes that the Agreement's effectiveness will depend on whether conservation and management measures in areas beyond national jurisdiction take into account and are compatible with those adopted by relevant coastal states for the same stocks in areas under national jurisdiction.⁴⁸ Implicit is the view that arrangements made for fisheries in high-seas areas are to follow the lead set by coastal states in their EEZs, a perspective on compatibility that might not be shared completely by distant-water fishing states.

Implementation by Parties and Regional Fishery Organizations

The terms of a treaty become binding upon parties once the treaty enters into force. While the Agreement is not yet in force there are indications that it soon will be, as additional states are completing the ratification process.⁴⁹ Some states and the European Union have already taken measures with implementation of the Agreement in mind. The Republic of Korea, for example, has joined a dozen international fisheries organizations, including the International Commission for the Conservation of Atlantic Tuna (ICCAT) and the Indian Ocean Tuna Commission (IOTC), and is looking to join additional fisheries organizations and arrangements.⁵⁰ China has also joined ICCAT and IOTC.⁵¹ Such information, however, is anecdotal in nature and not necessarily indicative of widespread state action.

Transboundary and straddling fish stocks, as well as highly migratory stocks, are subject to management measures of more than 30 regional bodies or arrangements that variously and to different extents collect and compile data, serve as forums for consideration of problems, and take action on conservation and utilization. The effectiveness of such bodies has often been undermined by inadequate resources and data, limited decision making and enforcement capability and authority, and the activities of nationals of states not belonging to the organization or participating in the regional arrangement.⁵² Further, many of the regional bodies have tended to be reactive rather than proactive in their approach to fisheries. Such problems may be addressed in meaningful ways with the wide ratification and entry into force of the UN Fish Stocks Agreement and the FAO Compliance Agreement.

A number of regional fishery organizations, such as ICCAT and the Inter-American Tropical Tuna Commission (IATTC), whose roles in the management of fish

stocks will be enhanced by the Agreement, have begun, with encouragement from the FAO, to contemplate the Agreement's implications for their operations and the need for change in their constitutive treaties, policies, and activities.⁵³ The General Fisheries Commission for the Mediterranean Agreement, for example, was amended in 1997 to apply the precautionary approach, a keystone principle in both the Agreement and the FAO Code of Conduct, to its decision making.⁵⁴ The Northwest Atlantic Fisheries Organization (NAFO) and the International Council for the Exploration of the Seas (ICES) have begun to consider the implementation of precaution.⁵⁵ ICES, NAFO, and ICCAT have all established working groups on the precautionary approach.⁵⁶ And NAFO reports continuing efforts to improve the transparency of its proceedings and decisions as well as diplomatic representations to non-party flag states whose vessels operate in the NAFO area.⁵⁷

But, again, available information on developments within regional fisheries bodies is anecdotal and incomplete. On the basis of information it has collected, the FAO has found that few regional bodies have begun to implement the conservation and management measures provided for in the Compliance Agreement, the Code of Conduct, or the UN Fish Stocks Agreement.⁵⁸ The FAO notes that this finding is not surprising given that these instruments 'present complex scientific, managerial and political considerations that cannot be resolved quickly'.⁵⁹ The same considerations help to explain the delay of states to ratify and to bring into force the UN Fish Stocks Agreement and the Compliance Agreement.

In accordance with the UN Fish Stocks Agreement, regional fisheries bodies or arrangements are to be established in areas where they do not exist; indeed, new organizations or treaty arrangements appear to be emerging. This is seen, for example, in the Barents Sea, where negotiations involving Norway, Iceland, and the Russian Federation have led to the adoption of the Barents Sea Loophole Agreement for the high-seas area surrounded by Norwegian and Russian fisheries jurisdiction. This new Loophole Agreement goes beyond already existing Norwegian-Russian bilateral management efforts and entered into force on 15 July 1999.⁶⁰

In the western and central Pacific Ocean, and as a direct response to the UN Fish Stocks Agreement, negotiations are ongoing for the creation of a regional commission to manage highly migratory fish stocks.⁶¹ The draft, still incomplete, parallels the UN Fish Stocks Agreement and incorporates concepts such as precaution, compatibility of measures taken to areas under national jurisdiction and on the high seas, and transparency.⁶²

Because of growing concern with unregulated fishing off their coasts, Namibia, Angola, South Africa, and the

United Kingdom (on behalf of St Helena, Tristan da Cunha, and Ascension Island) started the process in 1996 to establish a regional fisheries organization for the south-east Atlantic, to be known as the South-East Atlantic Fisheries Organization (SEAFO). The fish stocks that would be managed would be straddling stocks and discrete high-seas stocks but not the highly migratory stocks managed by ICCAT.⁶³ Among the significant issues being discussed are the application of the UN Fish Stocks Agreement and the precautionary approach and enforcement.⁶⁴

Impact on the Problem

The UN Fish Stocks Agreement offers the promise of substantial impact on the management of world fisheries, particularly in conjunction with the requirements of the FAO Compliance Agreement and the guidance of the Code of Conduct for Responsible Fisheries. It represents a significant change in the international legal context in which world fishing will operate and advances an ecosystemic conception of fisheries management.

It is too early to assess the degree to which the potential of the Fish Stocks Agreement will be realized, as it is not yet in force and not widely ratified, and the practice of states and regional international fishery organizations is spotty. Nonetheless, there are already indications of change at both state and international organization levels. And the pace of change may accelerate quickly once the 1995 Agreement and the FAO Compliance Agreement enter into force.

The UN Fish Stocks Agreement fills an important void left by the 1982 Law of the Sea Convention with regard to straddling and highly migratory fish. It represents a major step in the effort of the world community to respond to serious fishery management problems and to protect the sustainability of marine fisheries.

Barriers to Further Progress

Essentially, barriers to progress are of two types: political and technical. A significant problem in implementing the UN Fish Stocks Agreement relates to political will and political interest. This Agreement requires that states surrender some of their sovereign prerogatives on the high seas and accept limitations in ocean areas that have traditionally been treated as open commons. For distant-water fishing states, this represents a considerable break with past practice, a departure that carries with it economic and social costs. The Agreement is often seen in terms of the need to protect the sustainability of marine fish stocks, but it must also be noted that the Agreement has allocative implications regarding who gets the available fish. A weighty factor in the delay in bringing the Agreement into

force and the apparent reluctance of some states to become party to it and to the FAO Compliance Agreement is attributable to some underlying differences of political interest: differences between developed and developing fishing states, coastal and distant water fishing states, and traditional fishing states as opposed to new entrants.

But aside from political will there are and will be problems in operationalizing concepts such as precaution, working out the details for an equitable and effective enforcement regime, and integrating scientific findings into the making of decisions having important social, economic, and political implications. In moving towards an ecosystem-based approach to fisheries management there will be a need for the application of adaptive management techniques and political leadership that focus on sustaining resources and the environmental conditions which support them, even at the expense of immediate political, economic, and social fallout.

Notes and References

1. Daniel Pauly (1998), 'Fishing Down Marine Food Webs', *Science*, 279, 860–63. Some observers of marine ecosystem dynamics indicate that there are cases in which overfishing appears to have led to 'biomass flips', in which once dominant species have been replaced in the ecosystem structure by other species with cascading and long term or even permanent effects on the whole natural system. See, for example, Kenneth Sherman (1991), 'The Large Marine Ecosystem Concept: Research and Management Strategy for Living Resources', *Ecological Applications*, 1, 349–60.
2. The text of this Convention is found in *International Legal Materials*, 21, 1261–354 (1982).
3. FAO (1994), *Some High Seas Fisheries Aspects Relating to Straddling Fish Stocks and Highly Migratory Fish Stocks*, FAO Fisheries Circular No. 879 (Rome: FAO), 1.
4. The classic statement of this problem is found in Garrett Hardin (1968), 'The Tragedy of the Commons', *Science*, 162, 1243–8.
5. See, for example, Lennox O'Reilly Hinds (1995), 'Crisis in Canada's Atlantic Sea Fisheries', *Marine Policy*, 19, 271–83. Hinds notes that Canadian investment in north-west Atlantic fisheries was jeopardized by the inability of Canada to control fishing activity in continental shelf areas beyond the EEZ, such as the 'Nose' and the 'Tail' of the Grand Banks.
6. See, for example, Edward L. Miles and William T. Burke (1989), 'Pressures on the United Nations Convention on the Law of the Sea Arising from New Fisheries Conflicts: The Problem of Straddling Stocks', *Ocean Development and International Law*, 20, 343–57.
7. 1982 United Nations Law of the Sea Convention, Article 63(2).
8. *Ibid.*, Article 87.
9. *Ibid.*, articles 63–7.
10. *Ibid.*, Article 64.
11. *Ibid.*
12. For a broad review of the problem, see, for example, Evelyne Meltzer (1994), 'Global Overview of Straddling and Highly Migratory Fish Stocks: The Nonsustainable Nature of High Seas Fisheries', *Ocean Development and International Law*, 25, 255–344.
13. The text of the Compliance Agreement appears in *International Legal Materials*, 33 (1994), 968–80, and is online at <www.fao.org/fi/agreem/complian/complian.asp>.

14. The text of *The Code of Conduct for Responsible Fisheries* (FAO: Rome, 1995) is found online at <www.fao.org/fi/agreem/codecond/ficonde.asp>.
15. Compliance Agreement, Article III.
16. *Ibid.*, Article III (2).
17. *Ibid.*, Article III (1)(a).
18. *Ibid.*, Article III (3).
19. Agenda 21, ch. 17, para. 49(e). Agenda 21 is found in *Report of the United Nations Conference on Environment and Development* (Rio de Janeiro, 3–14 June 1992), 5 vols. (New York: United Nations, 1992), or online at <www.un.org/esa/sustdev/agenda21text.htm>.
20. UN Doc. A/CONF.164/37 (8 September 1995). The text is also found in *International Legal Materials*, 34, 1547–80, or online at <gopher://gopher.un.org:70/00/LOS/CONF164/164_37.TXT>.
21. *Ibid.*, UN Fish Stocks Agreement, Article 40. On the Agreement, see David A. Balton (1996), ‘Strengthening the Law of the Sea: The New Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks’, *Ocean Development and International Law*, 27, 125–51; Lawrence Juda (1997), ‘The 1995 United Nations Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks: A Critique’, *Ocean Development and International Law*, 28, 147–66; and Moritaka Hayashi, ‘The 1995 UN Fish Stocks Agreement and the Law of the Sea’, and Olav Schram Stokke, ‘Governance of High Seas Fisheries: The Role of Regime Linkages’, both in Davor Vidas and Willy Østreg (eds.) (1999), *Order for the Oceans at the Turn of the Century* (The Hague: Kluwer Law International), 37–53 and 157–72, respectively. For a Latin American perspective, see Frida Maria Armas Pfirter (1995), ‘Straddling Stocks and Highly Migratory Stocks in Latin American Practice and Legislation: New Perspectives in Light of Current Negotiations’, *Ocean Development and International Law*, 26, 127–50.
22. Moritaka Hayashi maintains that the 1995 Agreement promotes the 1982 Law of the Sea Convention in four major respects: facilitating implementation, strengthening provisions, developing some rules and principles, and introducing some new concepts and principles that supplement the 1982 Convention. Hayashi, ‘The 1995 UN Fish Stocks Agreement and the Law of the Sea’, p. 38.
23. UN Fish Stocks Agreement, Article 2.
24. *Ibid.*, articles 5 and 7.
25. *Ibid.*, Article 7.
26. *Ibid.*, articles 5(b)(e) and 6(3)(c).
27. *Ibid.*, articles 5(c) and 6.
28. *Ibid.*, Article 12.
29. *Ibid.*, articles 20–22.
30. *Ibid.*, Article 21(1).
31. *Ibid.*, articles 21(6)(7).
32. *Ibid.*, Article 23(1–3).
33. *Ibid.*, Article 8(3)(4).
34. *Ibid.*, Article 12(2).
35. *Ibid.*, Article 30(1).
36. The current status of this Agreement, together with a list of ratifications, may be found online at <www.un.org/Depts/los/los164st.htm>.
37. A/54/461 (15 October 1999), annex.
38. United Nations, SEA/1474 (24 March 1995).
39. The letter of transmittal of the Straddling Stocks Agreement from Secretary of State Warren Christopher to President William Clinton (24 January 1996) notes in this regard that Article 1(3) of the Agreement that refers to ‘other fishing entities’, together with Article 17(3), provide a mechanism through which Taiwan and its fishing vessels could be brought ‘within the ambit of’ regional fisheries organizations. US Senate, *Agreement for the Implementation of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to Fish Stocks*, Treaty Doc. 104–24, 104th Congress, 2nd session, pp. v–xvi, at p. x.
40. A/RES/50/24 (22 December 1995); A/RES/51/35 (17 January 1997); A/RES/52/28 (26 January 1998); and A/RES/54/31 (24 November 1999).
41. UN Fish Stocks Agreement, Article 42.
42. The full text of these declarations or statements are online through the UN Division for Ocean Affairs and the Law of the Sea and may be accessed at <www.un.org/Depts/los/164decl.htm>.
43. See, for example, the declarations of Norway and the United States, *ibid.*
44. *Ibid.*
45. *Ibid.*
46. *Ibid.*
47. *Ibid.*
48. *Ibid.*
49. Finland, Denmark, Argentina, and New Zealand, for example, have informed the UN Secretariat that the ratification process is going forward. A/54/461 (15 October 1999), paras 15, 17, 18, and 24 respectively.
50. A/52/555 (31 October 1997), para. 16.
51. A/54/461 (15 October 1999), para. 7.
52. For a consideration of the problems of regional fishery organizations, see FAO (1998), *Regional Fishery Organizations or Arrangements as Vehicles for Good Fishery Governance*, FI:RFB/99/4 (December).
53. A/54/461, paras 31, 33, 34, 57, and 58.
54. *Report of the Twenty-Second Session of the General Fisheries Council for the Mediterranean*, Rome, 13–16 October 1997. Text online at <www.fao.org/fi/meetings/gfcm/gfcm22/reporte.asp#PROPO>, para. 24 and Appendix D, Annex A.
55. FAO (1998), *Major Issues Affecting the Performance of Regional Fishery Bodies*, FI:RFB/99/2 (December), para. 24.
56. This information is contained in Indian Ocean Tuna Commission, *Progress Report of the Secretariat*, Kyoto, Japan, 13–16 December 1999, IOTC/99/02, paras 37–41, and Olav Schram Stokke (2000), ‘Managing Straddling Stocks: The Interplay of Global and Regional Regimes’, *Ocean & Coastal Management*, 43, 205–34.
57. A/54/429 (30 September 1999), para. 273.
58. FAO Fisheries Department, *The Role of Regional Fisheries Bodies in Conservation and Management of Resources*, online at <www.fao.org/fi/news/cofi23/rege.asp>.
59. *Ibid.*
60. A/54/461, paras 25 and 26. See also Olav Schram Stokke, ‘Managing Straddling Stocks’.
61. Michael Lodge, ‘The Draft Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean’, Paper presented at the Center for Oceans Law and Policy, University of Virginia, and FAO, Current Fisheries Issues and the Food and Agriculture Organization of the United Nations, FAO, Rome, 16–17 March 2000. See also the Majuro Declaration (1997), online at <www.wfoa-tuna.org/FISHERY/MAJURO.HTM>.
62. Multilateral High Level Conference, *Draft Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean*, MHL/CP/1/Rev.4 (15 September 1999).
63. Andrew Jackson, ‘Developments in the South East Atlantic, 1997–1999: Meetings of Coastal States and Other Interested Parties on a Regional Fisheries Management Organisation for the South East Atlantic (The SEAFO Process)’, Paper presented at the Center for Oceans Law and Policy, University of Virginia, and FAO, Current Fisheries Issues and the Food and Agriculture Organization of the United Nations, FAO, Rome, 16–17 March 2000.
64. A/54/429, paras 278 and 279.