

## A rather damp squib

**Although there was general agreement on the dangers of overfishing, no one at the UN Conference could agree on who to blame**

**I**t had all the ingredients for a dramatic climax: a New York location, 150 diplomats and assorted delegates, over 50 diverse NGOs committed to a common cause, three weeks of impassioned talk and fervent debate, and even a spectacular sail-by of the renowned environmental vessel *M.V. Green peace*.

In the end, it turned out to be a rather damp squib. There were no fireworks to remember at this UN Conference in July 1993, which was all about managing straddling and highly migratory fish stocks on the high seas.

A follow-up to the UN Conference on Environment and Development (UNCED) in Rio de Janeiro in 1992, it was meant to take off from UNCED's Agenda 21. That document had aimed for the sustainable use and conservation of marine living resources of the high seas, under national jurisdiction.

But in New York, this focus was blurred by technical issues of surveillance and data collection, as well as dignified quarrels between coastal and high-seas fishing states over the 'rights' of access to straddling and highly migratory fish stocks.

"The crux of the problem, it seems", commented ECO, the journal brought -out cooperatively by NGOs at the Conference, "is that narrow self-interest continues to dominate. Both sides are pointing at each other saying, 'we're not to blame.' And, under the classical rules of negotiation, both sides recognise that whoever makes the first concessions will end up the loser."

These 'sides' are coastal countries and 'distant water' countries. The former, like Canada, Australia, New Zealand and Argentina want to also control the rights

to fish beyond their 200-mile exclusive economic zones (EEZ). The latter, like Japan, Spain, Russia, Taiwan and, to a lesser degree, the United States, however, wish to maintain status quo.

Coastal countries contend that distant water fishing vessels destroy breeding grounds and deplete fish stocks in territorial waters. To counter, the other side charges coastal nations of mismanaging their own fisheries.

Scores of NGOs from all over the world presented the Conference with their 'Fisheries Statement.' This stressed three key points: the need to conserve fisheries, to protect the environment and to respect and recognise the rights of small-scale, traditional and indigenous fishworkers and fishing communities.

On the principal issue of the Conference, the NGO statement called for a consistent management regime across the range of straddling and highly migratory fish stocks. "Transboundary problems require transboundary solutions for all countries concerned," it said. It also proposed a global fisheries conservation fund, something never previously discussed.

### Several ideas

There were many ideas mooted at the Conference. Gary Spiller of Ocean Voice International, Canada for instance, advocated the '25 per cent solution' by which a quarter of the traditional fishing area used by a community is set aside to establish a marine reserve. Such Community Based, Marine Reserves and Resource Management could be important inputs for sustainable fisheries management.

While several proposals were mooted, much of the talk appeared routine. ECO

found that “the first few days of the Conference sounded very similar to the previous two to three years of UNCED, FAO and other discussions preceding this conference: lots of talk and no real results.”

Success came in two areas: identifying and assessing existing problems, and considering how to improve co-operation among States on the question of fisheries management.

However, despite attempts, the Conference failed to formulate appropriate recommendations. Nor did it adopt any legally binding agreement. There were disputes on the question of State sovereignty and absolute jurisdiction on enforcement. In the absence of unqualified consensus, it was not surprising that the only suggestion everyone agreed on was to meet again for two more sessions in 1994.

**S**aid Satya Nandan, chairman of the Conference, “Considerable discussion has focused on the need for precautionary approaches to the management of straddling and highly migratory fish stocks!”

“My sense is that there is an emerging consensus on this issue, and all delegates have expressed support for the concept in principle.”

“However,” he added, “the precise use of the precautionary approach in fisheries management has to be further elaborated,

and there is agreement that the Conference will address this issue at the next session.

Such official optimism did not, however, go down well with NGOs. On their behalf, Milka Naqasima of Women and Fisheries Network of Fiji said, “In addition to differences over substantive reforms, there is little evidence that any common commitment exists to adopt legally binding obligations at the global level.”

The differences were more fundamental. Naqasima continued, “it is not acceptable, in our view, to defer considerations of legal mechanisms on the grounds that ‘form follows substance.’ Substance and form are integrally related, and hopefully the next session of this conference will reflect that reality.”

At the one that just ended, however, delegates apparently did not get a vital message, even though they hurriedly left their seats to read it emblazoned on *M. V. Green peace*, which sailed to the back door of the United Nations: “UN: Don’t Fish for Excuses.” ■

This article draws on reports from The New York Times, ECO, Earth Negotiations Bulletin, UN Radio and ICSF