

Report of the thirteenth session of the

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**COMMITTEE ON FISHERIES**

Rome, 8-12 October 1979



FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS



REPORT OF THE THIRTEENTH SESSION OF THE  
COMMITTEE ON FISHERIES

Rome, 8-12 October 1979

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Rome 1979

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PREPARATION OF THIS REPORT

This is the final version of the report as approved by the Thirteenth Session of the Committee on Fisheries.

Distribution

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ORGANISATION DES NATIONS UNIES POUR  
L'ALIMENTATION ET L'AGRICULTURE



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Dear Sir,

I have the honour to transmit to you herewith the report of the Thirteenth Session of the Committee on Fisheries which was held in Rome from 8 to 12 October 1979.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'M. Ruivo'. The signature is written in a cursive style and is positioned above a horizontal line.

M. Ruivo  
Chairman  
Committee on Fisheries

Dr. Bakar Shaib  
Independent Chairman  
Council of FAO



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MATTERS REQUIRING ATTENTION BY THE COUNCIL

A. MATTERS FOR DECISION

None.

B. MATTERS FOR INFORMATION

Programme of assistance in the development and management of fisheries in economic zones

The Committee considered that the proposals presented to it provided an excellent framework for the planning and execution of a comprehensive Programme to assist developing coastal States in managing and developing fisheries in their economic zones and expressed unanimous support for the Programme.

The Committee particularly welcomed the key role accorded to the FAO regional fishery bodies as instruments for the execution of the Programme, but recognized that it might be necessary to make adjustments in their present structure so that they could better reflect such factors as shared stocks or fisheries, common problems or opportunities and other natural affinities among the coastal States concerned. The Committee also expressed the opinion that small-scale fisheries should receive special attention in the implementation of the Programme.

The Committee endorsed the efforts being made by FAO to mobilize financial and other forms of assistance for the Programme, not only from existing contributors such as UNDP, Nordic countries and others, but also from other potential sources such as the International Fund for Agricultural Development, the European Economic Community, OPEC Special Fund, the Consultative Group on International Agricultural Research (CGIAR), the international and regional banks and the new interim fund for science and technology about to be created.

(Paras. 6 - 35)

Aquaculture development

The Committee expressed strong support for the Organization's present and proposed programme in aquaculture development, which would help meet the special needs of rural communities. It was suggested that continued efforts should be made to improve co-ordination among the different organizations and experts involved in aquaculture development programmes.

(Paras. 36 - 44)

Tuna management problems

The Committee noted with satisfaction that the Indo-Pacific Fishery Commission and the Indian Ocean Fishery Commission were giving urgent attention to proposals for short- and long-term tuna management. The view was expressed that FAO has a vital role to play in assisting developing countries to weigh options for the development of their tuna fisheries and the Committee emphasized the importance of all regional tuna bodies addressing the growing problems and opportunities resulting from extension of fisheries jurisdiction by coastal States. As to discussions of tuna management problems, the opinion was held that they should take place within the relevant regional bodies and need not be brought to a future session of the Committee.

(Paras. 45 - 51)

The work of FAO in fisheries during 1980-81

The priorities and thrust of the Programme of Work received general support and the reorientation of the programme to meet the new challenges of fisheries management and development was welcomed.

(Paras. 52 - 62)

## OPENING OF THE SESSION

1. The Committee on Fisheries held its Thirteenth Session in Rome from 8 to 12 October 1979. The session was attended by 74 of the 96 members of the Committee, by observers from 3 other FAO Member Nations, by the Permanent Observer for the Holy See, by representatives of the United Nations Development Programme, the Intergovernmental Oceanographic Commission, the International Trade Centre UNCTAD/GATT and the European Economic Community, and by observers from the Commonwealth Secretariat, the Inter-American Development Bank, the International Baltic Sea Fishery Commission, the International Commission for the Conservation of Atlantic Tunas, the International Commission for the Southeast Atlantic Fisheries, the International Union for the Conservation of Nature and Natural Resources, the Latin American Economic System, the Organization for Economic Cooperation and Development, the Permanent Commission for the South Pacific, the Southeast Asian Fisheries Development Center and the Arab Union of Fish Producers. The list of delegates and observers is given in Appendix B to this report.

2. Dr. M. Ruivo (Portugal), who had been re-elected by the Committee on Fisheries at its Twelfth Session, was in the chair. The members of the Committee were welcomed by the Director-General, Dr. Edouard Saouma. The text of his address is reproduced in Appendix D to this report. Delegations expressed their great appreciation of the address, which they regarded as a clear, timely and concrete demonstration of the leadership he is providing at this crucial stage of international ocean affairs.

3. The Guest Speaker was His Excellency Ambassador Jens Evensen from Norway. He delivered an address at the invitation of the Director-General of FAO on the experience of Norway in establishing and implementing a 200-mile economic zone. The text of His Excellency Ambassador Jens Evensen is reproduced in Appendix E to this report.

## ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION

4. The Committee adopted the agenda shown in Appendix A. The documents which were before the Committee are listed in Appendix C to this report.

5. A Drafting Committee was appointed consisting of representatives of Algeria, Belgium, Brazil, Chile, Egypt, Japan, Kenya, Mexico, Nigeria, Peru, Spain, Sri Lanka, Thailand and the United States of America. The Drafting Committee elected as its Chairman Mr. J.-P. Warnimont (Belgium).

## COMPREHENSIVE PROGRAMME OF ASSISTANCE IN THE DEVELOPMENT AND MANAGEMENT OF FISHERIES IN ECONOMIC ZONES

6. The Organization, in response to the request made by the Committee on Fisheries at its Eleventh Session and endorsed by the FAO Conference in November 1977, undertook to establish a programme of assistance to developing coastal States in the development and management of the fisheries in exclusive economic zones (EEZ). A preliminary proposal for such a programme of assistance was submitted to the Twelfth Session of the Committee on Fisheries in June 1978. Whilst the Committee felt that the documentation provided a useful general framework for the elaboration of this programme, it considered that the programme of assistance needed to be formulated in a more precise and comprehensive manner, with more clearly defined objectives and priorities. The Committee, therefore, requested the Secretariat to prepare a detailed document on this matter for consideration at its Thirteenth Session.

7. In response to this request and the subsequent recommendation of the FAO Council at its Seventy-Fourth Session in November-December 1978 that such a programme should receive the highest priority, the Director-General submitted to the present session of the Committee a document (COFI/79/4). This document reviews the opportunities and challenges created by the extension of jurisdiction over fisheries and the need for the improved management and development of living marine resources, describes the role which FAO can play in assisting developing coastal States to tackle these issues and elaborates proposals for a comprehensive plan of action by the Organization as a basis for its special programme of assistance.

8. The Secretariat drew attention to the complex and unprecedented impact of the new legal regime of the sea. For coastal States it is providing the opportunity to improve ways in which resources can be managed and utilized. It has brought into sharper focus the existence of the national benefits which can be derived from the better management and development of resources falling within national jurisdiction. It was noted that many coastal States do not presently have sufficient means nor adequate expertise to take advantage of the opportunities created by the establishment of exclusive economic zones.

9. The objectives of national policies may well vary from country to country, depending on the prevailing social and economic conditions and other special factors. The new ocean regime should stimulate an optimal and more rational use of the fish resources in exclusive economic zones, but this will require not only new developments in harvesting but also improved processing and marketing techniques, in order to permit the exploitation of still under-utilized resources and the reduction of post-harvest losses. The need for an integrated and comprehensive approach, covering all aspects of fishery management and development, was recognized. Some delegations stressed that national fishery development plans should fully take into account the potential yields available in each economic zone, as a basis for deciding the allowable fishing effort. The need was also stressed of avoiding a further excess in fishing capacities or risk that certain fishing fleets operate illegally in the exclusive zones of other countries.

10. Attention was also drawn to the new and difficult problems faced by many coastal States in developing management and regulatory schemes and in establishing the administrative and legal framework for implementing and enforcing management measures. The Committee reviewed the framework for action proposed to assist developing coastal States as well as those States that are encountering special difficulties in their efforts to develop or maintain their fisheries to acquire the expertise, experience and capital required to benefit fully from the living resources off their shores. The two major elements of the proposed programme - a plan of action to meet the immediate needs, on request, of developing coastal States and a complementary series of basic studies designed to formulate principles and methods for the development and management of fisheries in economic zones - were supported. The immediate action plan was accorded priority. In reviewing the legal and institutional implications of the new ocean regime, the Committee identified five main topics on which research and technical assistance could be concentrated, as national legislation, surveillance and enforcement, fisheries development corporations and other parastatal bodies, joint ventures and bilateral agreements, and small-scale fisheries development.

11. The Committee thoroughly examined the document COFI/79/4 submitted by the Secretariat and considered that it provided an excellent framework for the planning and execution of the programme of assistance by the Organization. There was unanimous support for the proposed programme of assistance. Many delegations expressed appreciation of the high priority that the Director-General was according to the new programme. This programme would mean the continuation and strengthening of activities long undertaken by FAO but with reorientation so as to serve the demands of the new situation. It was requested that in implementing the programme there should be flexibility so as to increase its effectiveness and that the programme should be endowed with the necessary resources to meet the requests of developing coastal States.

12. The Committee requested that priority assistance be provided to Nicaragua for the rehabilitation of its fishing industry. It was noted that a TCP (Technical Cooperation Programme) mission was already being mounted to assist the Nicaraguan fisheries.

13. In this connection, it was proposed that in order to provide developing and developed countries as well as FAO with the information and the required incentives to initiate such a broad programme, the Committee on Fisheries should take as a basis detailed reports to be submitted by each Member country on the state of its fisheries, in which the priorities in the different sectors of the fishing industry would be specified; this should cover research and evaluation of the resources, exploitation, processing and marketing. Several delegations expressed support for this proposal.

14. There was a consensus that FAO had a unique and leading role to play in assisting coastal States in their efforts to meet the challenges and seize the opportunities created by the new legal regime. The Committee also supported fully the three central objectives of the programme, i.e., the strengthening of the capabilities of coastal countries and groupings of countries to manage and develop their fisheries; the promotion of rational management and the full use by the developing countries of fishery resources in their economic zones; and the strengthening of the efforts of developing countries, as part of initiatives to establish a New International Economic Order, to secure a greater share of and higher benefit from living marine resources.

15. The Committee agreed that, within the overall framework of the programme, high priority should be accorded to the locating, identification and quantification of the stocks lying within national jurisdiction as well as those stocks shared by two or more nations. It emphasized the need for the improvement of data collection methods on all aspects of the fisheries sector and upon the strengthening of national and regional fisheries statistical systems. In these efforts a more active role by the Advisory Committee of Experts on Marine Resources Research (ACMRR) would be of value to FAO and Member Nations.

16. The Committee also agreed that training of fisheries administrators and others responsible for the management and development of fisheries in newly established economic zones was a fundamental need. It was recognized that this would require strengthening of national support as well as external assistance. It was also considered advisable to stress the support which should be given by FAO to TCDC (Technical Cooperation among Developing Countries) and the necessity to find the mechanisms required to utilize the human, technical and scientific resources of the developing countries, in the implementation of the programme.

17. The vital importance of introducing or developing appropriate technologies was stressed. Many delegations referred to the potential value of joint venture arrangements and other bilateral agreements to this end. FAO could greatly assist in this field by providing advice and preparing guidelines upon the technical and legal aspects of such arrangements.

18. The Committee particularly welcomed the key role accorded by the Organization to the strengthening and re-orientation of the FAO regional fishery bodies as instruments for the execution of the programme, as well as the important function of the Regional Offices. The delivery of the programme should be decentralized by providing for a network of natural management units which should receive the necessary technical support. The Committee recognized that it might be necessary to make adjustments in the present structure of some fishery bodies, since these units should reflect such factors as shared stocks or fisheries, common problems or opportunities and other natural affinities among the coastal States concerned. The units would be primary vehicles for cooperation among developing countries and would facilitate and stimulate the use of expertise and institutions in each region. Particular reference was made to the Southwest Indian Ocean and the Bay of Bengal as areas constituting natural management units in the Indian Ocean. At the request of many delegations the Committee recognized the need to provide technical support to the administrative machinery in the Mediterranean, and in preparation of concrete projects adapted to the situation and particular conditions of the Mediterranean basin.

19. The Committee expressed the opinion that small-scale fisheries should receive special attention in the implementation of the programme.

20. It was also considered that continued emphasis should be placed upon the need to introduce improved methods, inter alia, of processing, storage and marketing of fishery products. In this connection, a number of delegations drew attention to the importance of raising quality standards of fish products prepared for sale in the international markets.

21. The Committee placed considerable importance upon the question of the surveillance of economic zones and upon the cost-effective enforcement of the management measures introduced. The problem of unauthorized fishing was raised by some delegations and the need was stressed to promote inter-country cooperation. At the same time the need was stressed for each country to control effectively its fishing units and their activities. A proposal that a "register of complaints and reports of infringements" should be established at FAO as a means

of publicizing enforcement problems was supported by a number of delegations. The Committee requested that the suggestion be studied by the Secretariat.<sup>1/</sup>

22. The Committee welcomed the assistance to be provided under the programme in legal and institutional aspects of economic zone management, and in particular the establishment of regional law advisory programmes and the preparation of guidelines for national legislation and regulations. Some delegations stressed the importance of the formulation of comprehensive fisheries policies before embarking on the drawing up of legislation and welcomed the availability, on request, of assistance from FAO in this area.

23. The priorities for programme activities suggested by the Secretariat and the criteria proposed for project request evaluation were generally supported. At the same time, the sovereign rights of countries should always be clearly recognized and the activities of the programme should be carried out in strict accordance with the wishes of the countries concerned. Some delegations suggested that it would be desirable for the coastal countries to grant other states, in the application of the programme, access to the surpluses of authorized catches in accordance with international law and the principle of optimal utilization of fishery resources.

24. The Committee agreed that a system for monitoring the progress, achievements and problems of the programme of assistance through its various stages of planning and implementation was of great importance. It considered that such a function should be carried out internally within FAO and progress reported to the Committee at its future sessions.

25. The Committee also considered that the programme should be responsive to the diversity of individual countries' needs and be capable of adaptation. It was felt that great care should be taken in ensuring the closest consultation with the Governments concerned regarding the suitability of the assistance offered to national requirements and aspirations.

26. The proposal that an FAO Technical Conference on the Management and Development of Fisheries should be held in 1982 was supported. It was felt that such a Conference would provide a timely forum for the exchange of worldwide experience in the management and development of fisheries in economic zones. Whilst a few delegations suggested that a final decision regarding such a Conference might best be delayed until the next meeting of the Committee, the consensus was that an early start to the preparation for such a Conference was vital, and that the effectiveness of such preparations and of the Conference itself would be greatly facilitated if it was preceded by a series of regional seminars or preparatory meetings on topics related to the general objectives of the Conference.

27. Several delegations brought the attention of the Committee to the situation of geographically or otherwise disadvantaged States who were not in a position to benefit directly from the new legal regime of the seas and requested that FAO should pay special attention to their problems.

28. Representatives of organizations and bodies in the United Nations system and observers from intergovernmental organizations made statements regarding their activities in the fisheries sector. The observer from the Latin American Economic System (SELA) explained the joint position adopted by member countries of its Action Committee on Seafood and Fresh Water Products at its third ordinary session held in Lima in relation to the matters dealt with at the present session of the Committee on Fisheries. In the first place these countries considered that FAO should support the multinational projects undertaken by developing countries, particularly those included in the programme of activities of the Action Committee.

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<sup>1/</sup> The delegation of Uruguay made an express reservation to the text of paragraph 21 which it considered ambiguous. It wished to emphasize that the surveillance of exclusive economic zones and the application of regulatory measures introduced by the coastal State was strictly a matter within the competence of that State.

Secondly, they requested FAO and UNDP to allocate and channel increased resources and technical and financial assistance to this end, in a manner responding to the needs and interests as defined by the countries themselves. Thirdly, they considered it necessary to give priority to the requests of developing countries in cases of emergency. The observer from the Permanent Commission for the South Pacific provided information on the technical, scientific and legal activities carried out by his organization and on the contacts initiated with FAO to implement an assistance programme for the development of fisheries in the south eastern Pacific. The observer from the Southeast Asian Fisheries Development Centre (SEAFDEC) informed the Committee of his organization's activities in fishery development and management and assured FAO of his organization's willingness and desire to continue to collaborate with FAO in matters of mutual interest to member countries. The observer from the Commonwealth Secretariat drew particular attention to the special problems of the small island and archipelagic States, which comprised the majority of the Commonwealth Secretariat's membership. She expressed the hope that such States might be encouraged and if necessary assisted to have an opportunity to play an active role in the Committee in the future and that their needs would be fully recognized in any future development of FAO's regional fishery bodies. FAO was requested to report progress in this connection at the next session of the Committee on Fisheries. The observer from the International Union for the Conservation of Nature and Natural Resources expressed his Organization's great interest in efforts to be made under the FAO programme of assistance to build a stable base for fisheries development and to avoid the dangers of over-fishing. The representative of the International Trade Centre (UNCTAD/GATT) advised the Committee of his Organization's continued willingness to collaborate closely with FAO, especially in matters relating to the promotion of trade in fish and in developing market information systems.

29. The Committee was informed of the progress made in marshalling the extrabudgetary financial and other assistance required to enable the Organization to plan and execute the EEZ programme and to provide the necessary technical support to the proposed network of natural fishery management areas. It was noted that in addition to FAO's contribution from its Regular Programme extrabudgetary funds were being sought amounting to approximately US\$ 35-40 million for the first three years of the programme of assistance. The especially fruitful discussions with the United Nations Development Programme, which has agreed to provide substantial special assistance to EEZ programme activities, was particularly acknowledged.

30. The Committee was informed by the Secretariat of the discussions that the Fisheries Department have had with UNDP and other organizations and donors, discussions which have so far reached a firm agreement on the provision of nearly U.S.\$ 13 million to finance the EEZ programme during the 1980-81 biennium. Further support to the extent of some U.S.\$ 8-9 million was under active discussion with several donors.

31. Special note was made of the rapid and early response to the needs of the programme which had been extended by the Government of Norway, through a pledge of U.S.\$ 3.6 million for an umbrella project. This is enabling FAO to act quickly and effectively to the urgent requests of developing countries for EEZ assistance. Some U.S.\$ 1.5 million of this total had already been committed in providing preliminary assistance in 1979 under the EEZ programme. Many delegates expressed their warm appreciation and thanks to the Government of Norway for its prompt initiative.

32. The Secretariat informed the Committee that preliminary estimates for 1982-84 indicated the need for a further U.S.\$ 14 million to finance the proposed long-term, basic, global activities envisaged under the programme plus some U.S.\$ 39-40 million to finance the technical support activities of the existing or proposed fishery management units through which the medium-term action programme would be delivered. The Organization would continue to investigate the possibilities of financial and technical assistance not only with existing contributors of the UNDP, Nordic countries and others, but also with other potential sources such as the International Fund for Agricultural Development, the European Economic Community, the OFEC Special Fund, the Consultative Group on International Agricultural Research (CGIAR), the international and regional banks and the new interim fund for science and technology about to be created.

33. Attention was also drawn to the fact that the assistance offered need not necessarily be financial in form and that there were many opportunities for technical and other help between developing countries in a spirit of TCDC, as well as between developed and developing States. In this connection, several delegations, from both developed and developing nations, expressed their willingness to provide technical and other assistance (for example, training facilities; fellowships; training, research and other vessels, equipment and joint venture collaboration) to developing countries needing assistance.

34. The Representative of the United Nations Development Programme informed the Committee that the UNDP had over its 1977-81 programming cycle allocated U.S.\$ 70 million for the development of fisheries. He informed the Committee of the importance of national delegations stressing at the next meeting of the UNDP Governing Council, in June 1980, the need for continued and indeed accelerated support for fisheries development from the UNDP.

35. The observer from the Inter-American Development Bank noted that the Bank was prepared on a priority basis to allocate substantial resources over the next three years for agricultural and fisheries development in the region. He noted that the problem was not so much a question of scarcity of funds as a lack of well-prepared project proposals. The Bank's principal criteria in project proposal evaluation was the social and economic impact of the proposal. A number of delegations, calling upon FAO to continue its collaboration with regional development banks, also asked the Organization to assist developing countries in the techniques of project identification and preparation, either through direct advice, the holding of special workshops or the preparation of guidelines and manuals on this important subject. The Committee endorsed the efforts being made by FAO to mobilize from all possible sources the financial and other forms of external assistance required to execute the programme.

#### AQUACULTURE DEVELOPMENT

36. The Committee gave strong support to FAO's programme in aquaculture. Indeed, several delegations requested reassurance that the new emphasis being given to the programme for development and management of the exclusive economic zones would not compromise the aquaculture work. The land-locked countries made reference to their special need to develop aquaculture, but all delegations joined them in looking to aquaculture as a means of meeting their growing requirements for fish, and as a means of providing new and productive employment opportunities. It was also noted that aquaculture development was a long-term venture whose full benefits will not be realized for some time.

37. The Committee fully agreed that the special needs of rural and village communities for assistance in development should receive the highest priority in FAO's programmes in aquaculture, with particular attention being given to integrated aquaculture systems such as those combining livestock production with fish farming or fish production along with various crops. In this connection it was acknowledged that the field of aquaculture was well suited to small scale development projects. Several delegations expressed their wish that systems be promoted which, while appropriate to the rural sector, are also economically viable and provide income as well as subsistence to the rural poor. It was also noted that larger scale vertically integrated aquaculture systems, when developed on a cooperative basis, can also benefit the rural sector. Other delegations emphasized the importance of planning aquaculture projects as a part of integrated rural development programmes, particularly when large scale projects are being planned. It was further noted that the views of countries varied in the relative importance assigned to fish production for food for the poor, and fish production to earn badly needed foreign exchange. It was therefore very important that project proposals be evaluated carefully in the context of available options and each country's priorities.

38. Whilst giving first priority to rural development needs, most delegations felt that FAO must also continue to give assistance to the development of commercial and large-scale aquaculture, not only those cultures which produce high-valued products and contribute to foreign exchange earnings, but also those that, because of the efficiencies of larger-scale systems, can achieve highest productivity levels, and hence the best chance of meeting growing global demands for fish production. It was also stressed that the establishment of cooperatives in this sector should be encouraged. The importance of salt and brackish water aquaculture was also emphasized by many delegations.

39. The various workshops, training programmes, and consultations organized by FAO, especially those organized through the various regional bodies and in connection with the FAO/UNDP Aquaculture Development and Coordination Programme were frequently mentioned as effective and appreciated mechanisms for the exchange of experience and expertise in aquaculture among member countries. It was noted, however, that there was not always sufficient coordination among the different organizations and experts involved in these programmes and within regions, expertise of sufficient depth of experience was often unavailable in some disciplines. Thus, while the differences among regions in the kinds of culture systems most appropriate to regional needs dictate that every effort be made to develop intra-regional exchange, inter-regional exchange of expertise should not be neglected. In this connection the advantages of utilizing national institutions for regional activities were commended.

40. On the matter of aquaculture statistics, all delegations were agreed that better data, including economic as well as production statistics, were a priority area of work. It was noted, however, that good statistics were expensive to obtain and that help from FAO would be welcome in designing appropriate and economical statistical collection systems. FAO was also asked to provide guidance on the kinds of statistics to be collected.

41. The Committee noted with favour the appreciable increases in field programme activities in aquaculture, but regretted the reduction in available funds for inter-regional activities. It was noted, however, that the reduction was less than that for inter-regional activities in the EEZ programme. The need for enhanced assistance by FAO in achieving the potential for aquaculture development in the member countries was emphasized. Many delegations specifically requested assistance in the preparation of national development plans and the formulation of investment projects. Others listed a number of specific aspects in which assistance is required. The Committee noted that pilot-scale projects are being established to test the technical and economic viability of aquaculture under different conditions and to provide the basis for investments. It was suggested that FAO should work closely with financing agencies in this respect.

42. The importance of training, particularly that oriented to practical work, was strongly underlined. It was recommended that assistance should be provided for training of personnel at all levels, including study tours and refresher courses. Several delegations noted that the kind of training available in the past was often of limited value and it did not apply to the local problems of the trainee. These delegations gave further support to FAO's strategy for regional training centres, and requested that sub-regional and national centres be established as soon as funds and facilities become available.

43. The global network of aquaculture centres now being established would, it was recognized, act as a significant mechanism for increasing the exchange of expertise among the developing countries, with both the regional and inter-regional dimensions needed to facilitate TCDC activities. However, the need for financial assistance for more effective TCDC arrangements was emphasized.

44. Some delegations suggested that FAO examine the desirability of reviving the activities of the ACMRR Working Party on Aquaculture as perhaps the simplest and least expensive way of activating the Advisory Committee on Aquaculture recommended by the Kyoto Conference on Aquaculture.

## TUNA MANAGEMENT PROBLEMS

45. The Committee discussed this item on the basis of document COFI/79/6 supplemented by oral presentations by the Secretariat on the status of world tuna stocks, problems of collection of statistics and on the need for improvement in institutional arrangements for tuna management. The Secretariat noted that FAO had a special responsibility in tuna activities within the framework of its regional fishery bodies, the Indo-Pacific Fishery Commission (IPFC) and the Indian Ocean Fishery Commission (IOFC) in the Indian Ocean and part of the Western Pacific. In other parts of the world other organizations such as the Inter-American Tropical Tuna Commission (I-ATTC), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the South Pacific Forum Fisheries Agency (SPFFA), the South Pacific Commission (SPC), and the Permanent Commission for the South Pacific (CPPS) were playing leading roles.

46. The Committee supported the role of IPFC and IOFC in pressing for international cooperation with respect to the tuna fisheries in the Indian Ocean and part of the Western Pacific and noted with satisfaction that the Joint Meeting of the IOFC/IPFC Tuna Management Committees, scheduled to be held in Perth, Australia, in February 1980, would be giving urgent attention to the development of proposals for both short and long term management. These proposals would be considered later by the two Commissions at the 1980 sessions. The Secretariat drew the attention of the Committee to the fact that present membership on the Tuna Management Committees was rather limited and should be reviewed. It was the Committee's hope, however, that in the light of the importance of the meeting participants from as many developing coastal countries as possible would attend the Perth meeting.

47. A number of delegates from developing countries described recent developments in their local tuna fisheries, some of which had been assisted by FAO. The view was expressed that FAO had a vital role to play in assisting developing countries to weigh options for the development of their tuna fisheries and, where appropriate, to provide advice on fleet development, processing and marketing and on formation of joint ventures. It was pointed out by some delegations that an expanded participation of developing countries in tuna fisheries is appropriate and being a complex matter should be considered only after taking due account both of the interests and requirements of the coastal countries as well as those of other States participating in tuna fisheries. The proposed establishment of natural management areas, with support staff in sub-regions, such as the southwestern Indian Ocean could facilitate such technical assistance, even though some management problems would have to be dealt with on an ocean-wide basis through the relevant international organizations.

48. Regarding FAO's role in collection and dissemination of tuna statistics, most delegates who spoke believed that existing regional organizations should be the focus for the coordination of the collection and dissemination of detailed statistics for the tuna fisheries in their areas of interest. Aside from its involvement in IOFC and IPFC, however, FAO could play an important coordinating role by encouraging cooperation between regional organizations. Such cooperation should be aimed at avoiding unnecessary duplication of coverage and at ensuring that statistical collections for all significant tuna fisheries are covered by one organization or another.

49. The Committee emphasized the importance of all regional tuna bodies addressing the growing problems and opportunities resulting from extensions of fisheries jurisdiction by coastal States. Several delegations stated that there was a need for coastal States to consult and compare experiences to form adequate collaboration and for all States involved in the tuna fisheries to adopt measures needed for conservation and optimum utilization and to examine the problems of allocation of resources. Such activities would benefit from attention at the regional or even sub-regional level because the particular problems to be faced were likely to vary from area to area. One delegation stressed that the determination of guaranteed allocation in favour of coastal States should be based on the total concentration of the resources in their exclusive economic zones and on the full exercise of their sovereign rights upon these resources.

50. Several delegates expressed the view that discussions of tuna management problems should take place within the relevant regional fishery bodies and need not be brought to a future session of the Committee. One delegation pointed out that it was inappropriate to discuss the validity of fishing fee rates under a standard applicable to all regions since fishing conditions vary considerably from region to region. Several delegations considered that access to markets by coastal States should be facilitated as an important means of assisting the development of their fishing industries. One delegate pointed out that the last world-wide conference on the biology of tuna had been held in 1962 and that the time may be ripe to hold a similar conference in the near future. This point of view was supported by other delegations.

51. The Committee noted with interest the comments by the observer from the International Commission for the Conservation of Atlantic Tunas on the Commission's programme particularly with respect to an experimental skipjack fishery development project.

#### THE WORK OF FAO IN FISHERIES DURING 1980-81

52. In introducing document COFI/79/7, which provided a brief account of the Fisheries Department's proposed Programme of Work for the coming biennium, the Secretariat drew the attention of the Committee to the fact that the major aspects of the Programme had already been discussed at length under Item 3 - Comprehensive Programme for the Development and Management of Fisheries in Economic Zones, as well as under Item 4 - Aquaculture Programme, and hence did not require any extensive elaboration.

53. It was pointed out that the major part of the budgetary resources in the 1980/81 biennium had continued to be allocated to Programme 2.2.2: Fisheries Exploitation and Utilization. While the activities under this Programme are primarily geared to the overall priority given to the EEZ programme, considerable attention continues to be given to such matters as small vessel improvement, establishment of fishing community centres, extension, reduction of waste, etc.

54. The other major allocation is for Programme 2.2.3: Fishery Policy which has been strengthened through the transfer of resources and by a programme increase. This Programme includes the planning and coordination of the EEZ programme, assistance in policy and plan formulation, servicing of FAO Regional Fishery Bodies and developing liaison with international organizations and economic groupings concerned with fisheries.

55. Another important aspect of the Fisheries Department's work is the Field Programme. The Regular and Field Programmes are closely integrated and in fact the majority of the Regular Programme activities reinforce and support the Field Programme. While the nature of the activities in the Field Programme is affected considerably by the emerging regime of the seas, with the special demands countries are making on FAO for assistance, the traditional activities of FAO in the technical assistance field will also continue with emphasis on the small-scale fisheries - marine and fresh water.

56. FAO's effort therefore has to be seen as a composite one - a unified programme covering studies, regional mechanisms, inter-country cooperation and practical projects at national and regional levels, at Headquarters and in the field - as well as funding from all sources, Regular Programme, UNDP and Trust Funds.

57. The Committee was informed orally that the fisheries programme includes approximately 150 projects with a total funding of approximately US\$ 100 million covering all regions and many subject matter areas such as national policy formulation, legislation, institution building, joint ventures, training, resource surveys, aquaculture and feasibility studies. Actual project delivery in 1978 was US\$ 21.4 millions, representing an increase of 21 per cent over 1977, and was expected to increase by another 30 percent in 1979. In 1978, the total budget of field projects has been approximately allocated as follows:

Africa 25%, Latin America 13%, Asia 24%, Near East - Europe: 23%, Inter-regional 15%. The Committee was also informed that in implementing field projects, emphasis is placed on promotion of TGDC by utilizing local expertise and by making the fullest use of national and regional institutions.

58. The priorities and thrust of the Programme of Work received general support and appreciation was expressed of the reorientation of the programme to meet the new challenges of fisheries management and development. Several delegations requested that future presentations should contain more information on specific sub-programmes and shifts of resources or structural changes, as compared with the previous biennium, as well as information on trends and the likely nature of the future Field Programme.

59. Some delegations expressed concern that there would be a reduction in the resources both in funds and personnel available to the technical divisions and stressed that these divisions represented the core of FAO's work in technical assistance.

60. Several delegations complimented the Fisheries Department for the extremely valuable information contained in Information Papers 4, "Review of the state of world fishery resources", Inf.5 "Fishery commodity situation and outlook 1978-79", and Inf.7, "Activities of regional fishery bodies and other international organizations concerned with fisheries". Some delegations encouraged FAO to continue and intensify collaboration with other bodies concerned with environmental aspects or ecological or biological investigations such as the Intergovernmental Oceanographic Commission (IOC), the Scientific Committee on Oceanic Research (SCOR), the Scientific Committee on Antarctic Research (SCAR) and the International Association of Biological Oceanography (IABO). It was realized that ACMRR could play an increasing role in this respect.

61. One delegation volunteered assistance from his country to the technical assistance programmes of FAO through the provision of consultants in specific fields up to two months free of charge.

62. The representative of the Intergovernmental Oceanographic Commission (IOC) noted the various examples of collaboration between FAO and IOC, and the new obligations arising from the creation of EEZs on both bodies. He informed the Committee that IOC was ready to promote the international cooperative marine research and monitoring in collaboration and coordination with the Fisheries Department of FAO, if this is called for by the Member States. He also referred to the activities of IOC in the field of oceanography and marine pollution control which are of particular interest to FAO and stressed the role of the Inter-Secretariat Committee on Scientific Programmes relating to Oceanography (ICSPRO) as a mechanism for strengthening coordination among the agencies concerned with ocean affairs.

#### MATTERS CONSIDERED BY THE COUNCIL OF FAO

63. The Committee noted the action taken by the Council of FAO at its Seventy-Fourth Session (Rome, 27 November - 7 December 1978) on three matters which the Committee had referred to the Council for decision. These matters concerned the proposal to create a fishery commission for the Near East, the possible extension southward of the southern boundary of the Fishery Committee for the Eastern Central Atlantic and the status of the European Economic Community within FAO regional fishery bodies.

#### ANY OTHER MATTERS

64. No other matter was raised.

DATE AND PLACE OF THE NEXT SESSION

65. It was agreed that the Committee should meet in Rome during the early part of 1981, the exact date to be determined by the Director-General in consultation with the Chairman.

ADOPTION OF THE REPORT

66. This report was adopted on 12 October 1979.

Appendix A

AGENDA

1. Opening of the session
2. Adoption of the agenda and arrangements for the session
3. Comprehensive programme of assistance in the development and management of fisheries in economic zones
4. Aquaculture development
5. Tuna management problems
6. The work of FAO in fisheries during 1980-81
7. Matters considered by the Council of FAO
8. Any other matters
9. Date and place of the fourteenth session
10. Adoption of the report

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Appendix D

STATEMENT BY DR. EDOUARD SAOUMA  
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Welcome to Rome, to the Headquarters of FAO, and to the Thirteenth Session of the Committee on Fisheries.

I am not particularly superstitious about numbers so I feel no trepidation about meeting the Committee formally for the first time at the thirteenth session. Even if I were superstitious I would want to address this gathering because I believe it may be the most important session to have convened since FAO became involved in world fisheries development work thirty years ago.

Urgent matters await your attention so I will not take much of your time in these remarks. But I do want to touch on some of the main items on the Agenda.

The first substantive matter is the new programme for development and management of fisheries in economic zones. Later I will return to this item in more detail. At this point let me just say that I have assigned it an extremely high priority among the activities of the Organization. The EEZ Programme ranks with World Food Security, Prevention of Food Losses, the fight against animal trypanosomiasis, and Seed Improvement as one of our special action programmes.

Item Number Four deals with the development of Aquaculture. This is a sector which, although it is not affected by extended fisheries jurisdiction, is growing quickly and has some urgent management needs. We are particularly interested in getting your views on the relative priority that should be assigned to small community fish farms and larger commercial operations. There is an opportunity in this field to benefit from the sharing of technology, skills and experience among member nations.

The world's tuna stocks are also on the Agenda. The complications of managing and developing these highly migratory species present a particularly difficult problem for fishing nations. We hope that at this session we can at least lay the groundwork for future action, particularly as regards the involvement of our regional fisheries bodies in tuna management in the Indo-Pacific area and the increased participation of developing coastal States in tuna fisheries.

As we tackle these and other items let us not be deceived by the superficial resemblance of this Agenda to those of sessions past. The world fisheries are not what they were ten years or even five years ago. The challenges and the opportunities have both come of age and both are giants. As of the middle of this year 90 nations claimed fishing zones wider than 12 miles - most of them out to 200 miles. Ninety nine percent of the world's total commercial fish catch is taken within 200 miles of the shore.

We now have an opportunity to begin building fishing industries in developing countries on solid foundations. Furthermore, these countries can, as never before, select targets for their fisheries that fit best with their own interests and perceived development needs.

The task is urgent because fish is food and because this is 1979 - a time when world population pressures make the penalties of food waste and food shortfall more tragic than ever.

As fisheries experts you know the figures. You know that twenty percent of the animal protein that humans consume comes in the form of fish. You know too that these figures are deceptive; that they conceal a much greater dependence on this resource in the Third World. You know that for many people of developing nations including some who live on the edge of famine, fish make up over 40 percent of a pitifully inadequate protein intake. I say this to counter a misconception common in rich nations. Fish is essential, not a luxury item for the rich. Work done here is not done to refine still further the menus of expensive restaurants. This is work on the very front line of the fight against hunger.

But fishery development means much more than helping the hungry. It provides hope of employment and higher incomes among some of the poorest of the poor - rural populations living in remote and isolated places. Literally millions of people eke out a living from the sea, risking life and limb in frail craft to reap a meagre harvest. Countries can now allocate their fish resources in support of these small-scale fisheries and encourage fishermen and their families to stay in the rural areas.

I see the development of fisheries under the new regime as part of the struggle to strike a saner balance between poverty and plenty. It is part of the effort to build a New International Economic Order.

It would be naive to think that developing the fisheries will determine the outcome of this wider struggle. But it is a sector in which measurable changes and improvements can be discerned and we can hope for something more tangible than wishful thinking. As you consult the papers supplied for your use at this session, you will find one prepared by our Marine Resources Division on the state of world fisheries. Here we can find grounds for reasonable optimism.

The total world catch for 1977 was 73.5 million tons and preliminary figures for 1978, as you will see in the Commodities report, tell us that last year saw an all-time record catch of 75 million tons. We also know that, even without moving away from stocks of more familiar species, we can expect an increase of as much as 50 million tons. Some 20 million of that can come simply by better management. The rest we can get by using existing stocks more effectively. We are going to need every kilogramme of that total if we are to meet the demand anticipated at the end of this century. Three quarters of the additional demand will be from people of developing nations.

You can see the shape of some other, potentially less cheerful developments in the report. In some cases foreign fishing fleets have departed but have not yet been replaced so that one finds a drop in local catches. In others fishing by foreign fleets continues under licence or other arrangements. Among developed nations such as the United States and Canada the benefits of the 200-mile zone have been dramatic. Export earnings have climbed; depleted fish stocks have come back rapidly through enforcement of strong management measures.

Nations like these, with their reserves of technology and expertise have been able to build the groundwork of rational management regimes. In every phase of the management which, of course, involves much more than simply resource management, they have the advantage of experience, expertise and capital. This has not been the case for many developing coastal States. And here we see the first shadow of a familiar cloud on the horizon - the troubling shape of what the future could be. This brings me back to the beginning of the Agenda - to the EEZ Programme.

With good management the new exclusive fishing zones are natural bases for economic development. But ownership alone will not make it happen. It is useful to remember that the movement to extended fisheries jurisdiction gathered momentum because coastal nations learned through experience that unmanaged fisheries soon go into decline. Throw the fisheries open to all comers, let the stocks manage themselves and the result, at best, is an industry that

becomes a desperate gamble as catches fluctuate unpredictably from year to year and costs spiral upward. At worst the stocks are left in a state of ruin and the fisherman bankrupt. This is not a matter of biological or economic theory. It is what happened. It is recorded history.

What needs to be done to avoid a repetition of this history is also not a matter to be debated. These exclusive fishing zones must be managed by the nations that have established them. Only in this way can they become the great national assets that it is their potential to become.

This management responsibility is likely to become a matter of international law. The Informal Composite Negotiating Text worked out at the current Law of the Sea Conference says that coastal States decide the Total Allowable Catches in their exclusive economic zones. The Text says that where coastal States cannot catch all of this amount, they must share the surplus. They must share stocks, under certain conditions, which move from one zone to another or which straddle the lines of jurisdiction. Coastal States moreover are required to help assess stocks and allocate them. All of these are management tasks of the first magnitude.

Fisheries management is therefore essential. It is also an incredibly complex undertaking. Management means the basic gathering of reliable scientific data about the resource on which to base national policy and law. Management means decision-making about fleet size and processing plant capacity; decision-making about the licensing of foreign vessels. Management impinges on questions of technology, in catching, in handling, in storage. Management calls for distribution and marketing structures - it calls for mastery of the challenge of enforcing fisheries jurisdiction. Given this kind of management the fisheries of developing nations can become self-reliant contributors to their national economies and to world food supply.

The difficulty is that the expertise, the skills, the technology needed for management are themselves very rare and costly resources. These resources exist but they are scattered, diffused and uncommitted. They need to be mobilized and focused. FAO with its decades of experience in fisheries development, with its commitment to fostering self-reliance in the developing world, has the clear responsibility to lead the way in the mobilization of these resources. Its task is to focus. The EEZ Programme you are considering here is the lens.

I will not describe the programme to you in detail - that kind of explanation is available in the documents. Instead I want to talk about the general principles on which the programme is based.

First - the programme will go forward through the media of strengthened Regular and Field Programmes, with changes of emphasis to match the new situations.

Second - FAO's regional bodies will play key roles in the programmes. They will register regional differences in the problems of management. They will allow us to adjust to changes that occur over time. This is an essential function. No universal fisheries management model exists. Scenarios and theories that apply in the North Atlantic, for example, are not necessarily transportable to the South China Sea.

Regional cooperation - collaboration among neighbouring countries - is in this case not just a matter of brotherhood but of biology. Regional cooperation is imposed upon nations by the fish themselves as they move with indifference across lines on the map. Stocks which are shared by more than one nation cannot be managed piecemeal. On the other hand, the basis for cooperation among nations exploiting them can be provided through FAO's regional bodies. These bodies must, therefore, reflect these needs and FAO's regional deployment will be adjusted with that purpose in view.

The EEZ Programme will cost money - U.S.\$ 35 million in its initial stages. The need has been formally noted by the UN General Assembly Committee-of-the-Whole which last March urged donor nations to give their support to these efforts.

We intend to work in close association with the World Bank, with regional development funding institutions, with UNDP - so long a strong supporter of world fisheries development - and with other sources of funding. We also intend to work hand in hand with the great regional groupings of the world: such as the OAU, the Association of Southeast Asian Nations, the West African Economic Community, the Economic Community of West African States, the Latin American Economic System and the European Economic Community, and with all other regional organizations which wish to join us in this great endeavour.

We need these allies. Rhetoric and resolutions will not clear away a single one of the obstacles in our path nor will they put us any closer to the great benefits which can accrue to the world's people through the success of these efforts.

The challenge we face is to provide a setting for something better than a new colonialism of the sea. New fisheries can be built as indigenous industries on traditional bases, particularly the small-scale or artisanal fisheries. They can grow without social disruption, without pollution, without most of the painful side effects associated with over-zealous industrial development. The skills are available, the technology is within reach, the opportunity needs only to be grasped. Let us do so now.

Thank you.

Appendix E

STATEMENT BY HIS EXCELLENCY AMBASSADOR JENS EVENSEN  
CHAIRMAN OF THE NORWEGIAN DELEGATION  
TO THE UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA

Mr. Chairman, Mr. Director-General, Excellencies, Distinguished Delegates,

It is with a deep sense of admiration and respect I address this Committee on Fisheries of FAO.

Few, if any, organizations within the United Nations family have to the same extent as the Food and Agriculture Organization of the United Nations contributed to the improvement of the lot of mankind.

Through its practical work, through the sharing of knowledge and the transfer of technology, FAO has given a glimmer of hope to untold millions, given farmers and fishermen in the developing world a feeling of achievement and pride in their work and toil.

I sincerely hope that through the efforts of this Organization and other like-minded organizations, we shall finally succeed in alleviating the glaring inequities in our world of today.

In my address I shall concentrate some attention on the experience gained by Norway in implementing a modern international fisheries policy based on the work of the UN Law of the Sea Conference and the principle of the 200 miles Exclusive Economic Zones.

The UN Law of the Sea Conference shall embark upon its ninth session in March 1980 in New York - hopefully its last working session.

The fundamental changes and developments which have occurred in relation to the marine environment, technologically, economically, politically and legally, especially after the second world war, have been so rapid, even dramatic, that it is reasonably correct to describe them as revolutionary. Fortunately, up to now it has been a peaceful revolution, but a revolution nevertheless. These developments created an unbridgeable gap between the increased importance and changed uses of the oceans on the one side, and the traditional rules and principles of international law and foreign policy on the other.

Through the Law of the Sea Conference we are in the midst of a gigantic attempt to formulate a modern international constitution for the world oceans. It is the most significant and the most comprehensive legislative attempt ever made in the annals of international law. In this attempt the developing world plays a major role. And the developing world has left its imprint on the results of the Conference to such an extent that it is bound to influence and change the course of the North/South dialogue in the future.

The Conference is also the most comprehensive legal and political undertaking performed by the United Nations in its 34 years of existence.

The informal draft of a Law of the Sea Convention which we have elaborated during eight previous sessions, the so-called Informal Composite Negotiating Text/Revision

(A/Conf.62/WP 10/Rev.1 April 28, 1979) is a vast document consisting of hundreds of articles, paragraphs and sub-paragraphs in the text proper and in annexes. It is a pioneering work of law as well as of policy planning and economic planning.

I shall not dwell upon the traditional rules and principles of the law of the sea which we have lived with for centuries. These principles and the underlying doctrines of foreign policy were mainly formed over the centuries by the traditional world powers and by the other established powers of Europe; later including the United States and Japan. This governing system met first and foremost the special interests and needs of these powers.

One of the cornerstones of this system was their right to fish freely and uncontrolled all over the oceans up to three miles from the coastline of other States and deeply into the fjords and bays of others. That is up to the very threshold of the coastal States concerned.

These traditional doctrines and freedoms really reflected an economic, technological and political system which became increasingly outdated from the turn of this century. After the technological revolution and the complete upheaval of the existing international order following in the wake of the second world war this system and this age of innocence were hopelessly doomed.

Especially the revolution in marine science and technology after the second world war opened up the oceans and the ocean beds for modes of and a rate of exploitation heretofore unheard of. At the same time, this new technology exposed the marine areas to abuses and over-exploitation both of the living resources and the mineral resources to an extent mankind had never dreamed of.

Another factor was, of course, the abolishment of colonialism and the emergence of some hundred new States with their dreams and aspirations anchored in concepts entirely different from those of the industrialized and westernized world.

One main aspiration of the developing countries is their aspiration toward full national control and utilization of their natural resources on land and in the seas washing their coasts. In this respect they shared the aspirations of some developed countries like Norway, Iceland, Canada, New Zealand and Australia. These two groups of States looked with dismay and apprehension upon the devastating results of the traditional regime which allowed anybody with sufficient technological and economic capabilities to overexploit and ravage the living resources of the seas. The freedom to fish the seas as it was traditionally understood implied that the living resources of the seas could be exploited unrestrictedly and without responsibility toward anyone based on the outdated concept that total freedom reigned and that these resources were inexhaustible. The technological revolution proved otherwise within a very short time-span.

In the 1950s and even more in the 1960s it became apparent that the modern fishing nations of the world, including Norway, followed a course whereby within a few decades the sea would be barren and empty of living resources. The whales - the king of the animal world - were depleted to the point of extinction. The vast stocks of herring and mackerel have almost vanished from the North Sea due to over-exploitation, unfortunately to a large degree because of the effectiveness of the modern purse-seining fleets developed by Norway. The Atlanto-Scandian stock of migrating herring which blessed the North Atlantic from Norway to Iceland, Spitsbergen and back with millions of tons of catch every year, has totally vanished from the oceans. This is a sad reminder of human stupidity and greed. We are likewise at a crossroad with regard to cod, haddock and capelin in the North Atlantic. Hopefully the fishing nations of Western Europe and the U.S.S.R. have learned a lesson so as to make it possible to save these invaluable species from extinction. We are all aware of the similar predicament of the tuna, both the Pacific and the Atlantic schools. These highly migrating species are continuously and mercilessly followed by modern fishing fleets even into the Mediterranean where they are caught not only by the local fishermen but by far-away fishing fleets.

In fact, all stocks of fish, be it migratory or stationary, large or small, are potentially threatened with extinction by the modern fishing technology.

These facts are the main underlying reason for one of the most important developments and achievements of the UN Law of the Sea Conference. I refer of course to the introduction of the Exclusive Economic Zone of 200 nautical miles as one main feature of the new law of the sea regime.

This is a new concept of international law and foreign policy. We all know the basic features of the economic zone concept, as contained in Part V of the informal draft convention. Consequently I shall not examine these issues in detail, but draw attention to a few main starting points. Art. 56 of the draft provides that within the economic zone of 200 miles the coastal State has inter alia the exclusive sovereign rights:

"for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living".

It has also the exclusive rights with regard to:

"other activities for the economic exploitation and exploitation of the zone such as the production of energy from the water, currents or winds".

A most interesting and relevant provision in view of the energy crisis with which the world is faced today.

On the other hand, Art. 58 of the informal draft provides that in the waters of the exclusive economic zone all States enjoy the freedom of navigation, over-flight, the laying of submarine cables and pipelines, etc., as has been the traditional system for the so-called high seas. In drafting the basic features of the Exclusive Economic Zone we have tried to strike a balance between the sovereign rights of the coastal States in regard to resources and the rights of other States to enjoy the freedoms of navigation, over-flight and certain other freedoms. We have found this balance in a system whereby the Exclusive Economic Zone can neither be considered as the territorial sea of the coastal States nor as high seas. It must be considered as a zone sui generis and as a novel concept in the regime of the law of the sea.

But let us revert to the living resources and to the control, resource management and exclusive use which a coastal State will enjoy in its economic zone under Part V, Art. 55 following in the informal draft convention.

The starting point is that the coastal State has the sovereign rights to manage and control the living resources of the zone. According to Art. 61 the coastal State has for example the sovereign right to determine the total allowable catch of the living resources of its 200-mile zone. The Article also established certain obligations for the coastal State. The coastal State has the obligation to ensure - relying on the best scientific evidence available - that the living resources in the economic zone is not endangered by over-exploitation. It has the obligation to maintain and restore the populations of harvested species "at levels which can produce the maximum sustainable yield". It shall also keep available possible scientific information, fisheries statistics and other relevant data.

Art. 62 contains further details as to the utilization of the living resources. It follows from this Article as well as other articles of Part V that the coastal State may reserve the fisheries in the economic zone for its own nationals. With one reservation, however, that if and to the extent

"the coastal State does not have the capacity to harvest the entire allowable catch, it shall, through agreements or other arrangements, ... give other States access to the surplus of the allowable catch ..."

It follows from the provisions of Art. 62 that it is up to the coastal State to stipulate total allowable catch of the living resources in its economic zone, to decide on its own harvesting capacity, to decide whether there is a surplus to which other States may have access, to decide which other States shall be given access to such surplus and to stipulate the terms and conditions under which such surplus fisheries may take place.

The article also contains certain guidelines for the coastal States' decision-making process. It may, for example, take into account its national interests other than fishing; the requirements of developing countries in the subregion or region, the need to minimize economic dislocation in other States whose nationals have traditionally fished in the area; and the requirements of the landlocked and geographically disadvantaged countries.

But the coastal States have been endowed with substantial discretionary powers in these fields.

It has been alleged by certain circles that the principle of exclusive economic zones will primarily benefit the developed countries, especially those with extended coastlines. These views have been especially vociferous in university circles in the U.S.A. and in other highly developed countries that have traditionally advocated the indiscriminate freedom of fisheries. I do not entirely grasp the underlying reasons for such assertions. They may be caused partly by idealism, partly by eggheadedness, perhaps also by a touch of resentment toward the novel regime in general.

In my view these allegations are basically incorrect. I sincerely believe that the exclusive economic zones will prove to be of benefit for the great majority of the developing countries and contribute vastly to a more modern and effective resource management by these States. In giving them sovereign rights to the living resources of the zone the possibility of developing their national fisheries industries will be vastly enhanced. Although the seas according to the traditional regime theoretically were open to all countries to fish up to the threshold of other coastal States it was solely the vast fishing fleets of the developed countries that really benefitted from this old system. The developing countries, due to their lack of capital, technology and ocean-going fishing fleets, were not able to exploit even the narrow belts of waters adjacent to their own shores, let alone exploit the riches of the oceans including the coastal waters of other States.

Allow me now to give a brief analysis of Norway as a case study in relation to the establishment, the implementation and the enforcement of a 200-mile exclusive economic zone for fisheries purposes.

Norway has embarked as early as in the fall of 1974 on the road toward establishing a 200-mile economic zone for fisheries purposes.

At that time the questions pertaining to the exploration for and the exploitation of our mineral resources in the continental shelf had already been effectively regulated by our continental shelf enactments of 1963. These enactments provided inter alia that the seabed and subsoil of the Norwegian continental shelf are subject to:

"Norwegian sovereignty in respect of the exploration and exploitation of the natural deposits as far out as the depths of the superjacent waters admits the exploitation of the natural resources" (see Royal Decree of 31 May 1963).

The exploitation criterion was here introduced for the delimitation of our continental shelf regardless of the depths of the superjacent waters.

Norway promulgated its continental shelf legislation in the firm conviction that the rights of a coastal State to its continental shelf is firmly established in prevailing principles of international law on the basis of the 4th Geneva Convention of 29 April 1958, on the continental shelf and the extensive practice of States which had developed both before and after the signing of this Convention.

As to the establishment of the exclusive economic zone Norway approached this question in stages. As early as September 1974 the Government issued a proclamation on principles whereby it declared that the Norwegian Government intended to establish an economic zone of 200 nautical miles as soon as developments - legal as well as political - warranted such a step. It must be borne in mind that the areas of the seas which would comprise our economic zone consist of the most delicate marine areas in the world. Economically because for almost a century it has been main fishing areas not only for the Norwegian fishermen but for the major fishing fleets of Northern Europe with the inevitable result that these seas have been over-exploited and seriously depleted. Politically because these waters from the North Sea in the south through the North Atlantic to the Barents Sea in the north and north-east are strategically some of the most delicate marine areas in the world.

On 17 December 1976 we found that sufficient preparations had been made to enact our legislation relating to the exclusive economic zone of Norway. By that time the Norwegian Government was convinced that the concepts of a 200-mile exclusive economic zone had acquired the force of international law. The legal reasoning behind this assumption may perhaps be somewhat unorthodox although legally valid. Many elements have played a part in securing for the economic zone concept the force of international law. Doctrinal international law would probably maintain that too short a period of time has elapsed for alleging that the principle of exclusive economic zones had become customary international law. But a number of other elements have obviously played a role in the lawmaking process. The urgency of the situation and the need for new approaches to meet the challenges of the technological resolutions in this field have been overwhelming. Thus the principle of economic zones may to some extent have its basis in an emergency law concept. Furthermore technology has been running wild to such an extent that it became a foregone conclusion that coastal States had to protect their marine living resources and to defend themselves against over-exploitation and avoid total extinction of main marine species. An element of natural law entered the picture.

Furthermore during the UN Law of the Sea Conference a consensus of opinion has developed at least among a majority of the participating States, a consensus which contributes substantially to the law-making process. State practice has likewise developed to such an extent over the last few years pertaining to economic zones that these facts alone will warrant the assumption that the principle of exclusive economic zones already is part of the established international law of the sea. The overwhelming majority of coastal States have established 200-mile zones, both main developing countries as well as developed countries including the two superpowers. It also seems somewhat politically naive to assume that States would now be willing to give up the concept of 200-mile economic zones. Too much has been invested by coastal States in legislative efforts, in management and supervision of fisheries, in establishing effective coastal patrols and coastguards, to expect that the clock could be turned back.

It is my firm conviction that any coastal State which has established an exclusive economic zone or intends to do so in the future has a solid legal foundation to build on in international law. And my conclusions stand whatever be the final outcome of the UN Law of the Sea Conference.

But it is my firm belief that the Law of the Sea Conference will be a success. In the not too distant future we shall be able to present to the world a modern comprehensive convention on the law of the sea where the principle of a 200-mile exclusive economic zone is one of the main pillars.

I have mentioned that in establishing our exclusive economic zone Norway chose a step-wise procedure. The reason therefore was that at the time - in the fall of 1974 - we deemed it somewhat unrealistic in the light of our geopolitical situation to come out too abruptly with an exclusive economic zone of 200 miles. Nor did the development at the Caracas meeting of the UN Law of the Sea Conference warrant such a step at that time.

Through consultations and dialogues with the States most directly concerned, through bilateral and multilateral diplomatic negotiations on the delimitation question and on the future access of certain foreign fishermen in our waters; through fisheries agreements

dealing with the conservation and distribution of joint stocks, Norway established a network of concrete bilateral relations and agreements that efficiently and peacefully prepared the ground for our final general legislation on exclusive economic zones dated 17 December 1976.

But long before the 1976 enactment as early as January 1975, we were able to promulgate an act of the greatest importance to Norwegian fishermen, namely the Act of 17 January 1975, relating to trawling-free zones outside the Norwegian 12-mile fisheries zone. The Act was unique at the time of its promulgation, because the proposed trawling-free zones extended up to 50 miles seaward from the Norwegian baselines.

Prior to the enactment we had intense and protracted consultations with the countries most directly affected by such steps such as the U.S.S.R., U.K., France, the Federal Republic of Germany and the EEC Commission in Brussels. Norway maintained that such conservation measures were consistent with the prevailing rules of international law and that we could unilaterally take such legislative steps. We reached understanding with our neighbours and the Act of 17 January 1975, relating to trawling-free zones caused no diplomatic controversies.

The basic feature of this Act is that Government is authorized to prohibit the use of trawl and similar gear in specific areas outside our 12-mile fisheries zone and for certain periods of the year. By regulations issued on the same date three significant areas off the coasts of northern Norway were declared trawling-free zones for the five winter months, October to March. These regulations have proved highly effective in protecting the interests of the coastal fishermen using stationary gear such as longlines and nets.

The system with trawling-free zones has been maintained even after the establishment of a Norwegian economic zone of 200 miles. It protects the local fishermen in maintaining a traditional lifestyle and traditional fishing gear from too brutal an onslaught by the modern, but sometimes alien technology. It may be an interesting feature for other countries when they contemplate the adoption of a comprehensive new fisheries' regime based on the concept of exclusive economic zones.

In our preparations for the establishment of an exclusive economic zone we were faced with four main problem areas:

1. The recognition by other States of our right to establish a 200-mile zone legally and politically.
2. The boundary questions. That is to reach agreement with neighbouring States where to draw the boundaries between our respective 200-mile zones.
3. Certain basic fisheries questions such as:
  - (a) Resource management
  - (b) Fishing rights of other countries and mutual fishing rights
  - (c) Management and distribution of joint stocks
4. Supervision and enforcement of the 200-mile zone.

These four problems are closely interlinked. Especially the last three questions, viz., that of drawing the boundary line, that of certain fisheries management questions and that of supervision and enforcement will arise for the vast majority of coastal States when they introduce 200-mile economic zones.

The first problem area - that of the recognition by other States of our right to establish an economic zone - is to some extent a special Norwegian problem. Both because these waters from the North Sea and northward traditionally have been the fishing grounds of the sophisticated fishing fleets in the world and because of the unique strategic importance of these waters. We also felt that the marine areas falling under a Norwegian economic zone were so vast that reasonable accommodation with other States was necessary in order to make it possible for us to supervise and enforce our new fisheries regime.

The boundary questions will inevitably arise whenever a coastal State establishes a 200-mile exclusive economic zone. Due to the wide variety of geographical peculiarities and especially the political climate which exists at a given time, the delimitation between neighbouring countries of their respective economic zones is an extremely delicate and politically sensitive undertaking. It requires nautical expertise, geographic and cartographic expertise but above all political tact and will to find solutions. Islands, rocks and low-tide elevations seem invariably to be complicating factors.

The most substantial difficulty lies in the fact that there exists no simple, unequivocal principle of international law applicable to the frequent and difficult disputes that arise in connexion with these delimitations. Naturally enough - one may say - because the geographical peculiarities are so varied and rich in nuances that some flexibility in the guiding legal principles are understandable. The task of drafting the principles applicable to the delimitation of the economic zones and the continental shelves has proved to be one of the more difficult assignments at the Law of the Sea Conference. In the informal draft we have identical tentative formulations in Articles 74 and 83 (for territorial seas see Art. 15).

Art. 74 as it now stands provides, with regard to economic zones, that

"the delimitation of the exclusive economic zone between adjacent or opposite States shall be effected by agreement in accordance with equitable principles, employing where appropriate the median or equidistance line, and taking account of all the relevant circumstances".

The Article also gives a definition in No. 4 of the term: "median or equidistance line".

I shall refrain both from commenting on the text and from a legal interpretation thereof but rather revert to Norway as a case study. Paragraph 2 of Section 1 of the Act of 17 December 1976 provided that "the outer limit of the economic zone shall be drawn at a distance of 200 nautical miles from the applicable baselines, but not beyond the median line in relation to other States". It also presupposes that the dividing line shall be drawn by agreement between the two States concerned not by a unilateral act.

In the area of the North Sea and the Scaw we were faced with the task of delimitation both with regard to neighbouring adjacent States, namely Sweden and delimitations with regard to States lying opposite to Norway, namely Denmark and United Kingdom. The distance of the oceans separating Norway and Denmark and Norway and the United Kingdom are less than 400 miles, which of course creates difficulties for any claims of full 200-mile zones by either party.

Fortunately no difficulties arose with regard to these delimitations. As early as in 1964 and 1965 we concluded boundary agreements with the above-mentioned countries pertaining to continental shelves, based on the median or equidistance line principle. These boundaries are automatically applied also to the respective economic zones in the North Sea area.<sup>1/</sup>

Going further north into the North Atlantic we have no difficulties with a full 200-mile zone until we reach the Barents Sea where the question of the delimitation with the U.S.S.R. arises both with regard to economic zones and continental shelves.

Through no fault of either party we have not yet been able to reach an agreement on the dividing line between our economic zones and shelves in these areas.

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1/ The dividing line in the Scaw gives an economic zone of less than 100 miles to Norway and Denmark. In the North Sea the respective economic zones of Norway and the United Kingdom are some 180-190 nautical miles

The difficulties our two parties have encountered and the provisional arrangement we have agreed on pending the final drawing up of the boundary line offer interesting illustrations as a case study.

Our difficulty in reaching agreement on a dividing line with the U.S.S.R. is due to the fact that our two countries have different approaches on principle. Norway maintains that the median dividing line applies while the U.S.S.R. advocates the so-called sector line; that is a line drawn from the westernmost point of the Soviet coast as a straight line to the North Pole (with certain adjustments).

The area in question (called the grey zone) consists of substantial expanses of water, including some very important fishing banks and also interesting continental shelf areas. It is limited in the west by the alleged sector line; in the east by the alleged median dividing line. Several rounds of diplomatic negotiations have taken place. No results have yet been arrived at.

However our endeavours have not been entirely fruitless. We have arrived at an interim fisheries arrangement which may be of interest to others that have outstanding issues pertaining to marine boundaries.

The interested area, especially that lying inside the 200-mile belt of the mainland, has traditionally been an important fishing area of our countries and third countries as well. For many reasons it was essential to find interim solutions to the fisheries issues involved. It would have been impossible to prohibit fisheries until the boundary questions had been finally solved. On the other hand it would have been equally impossible to leave this area of some 60 000 square kilometres wide open to everybody. The stocks of cod, haddock, capelin and other species as well were in a very precarious state. Effective regulations were needed including the establishment of total allowable catches, quotas for each nation, regulation of fishing gear and effective supervision.

By an exchange of letters of 11 January 1978 with attached protocols a provisional fisheries regime was established providing for effective resource management and control in this Grey Zone.<sup>2/</sup> This preliminary arrangement has many interesting features and innovations. Among these are:

Each country shall promulgate its own laws and regulations as national enactments. But these enactments shall introduce uniform fisheries regulations "aimed at controlling fish catches and regulating fishing operations" in the Grey Zone. They shall do so in order to "ensure that both fishermen from the U.S.S.R. and Norway, as well as fishermen from third countries observe the prescribed quotas and the agreed coordinated fishery regulations".

Furthermore each of the two parties shall refrain from enforcement of the uniform "regulations in respect of vessels carrying the flag of the other party".

With regard to third countries each of the parties may give licences to the fishermen of such countries based on overall quotas allocated to third States. Only the party that has issued such a licence to a third country vessel has the right to enforce the fisheries regulations in respect of such third party vessel.

The temporary and non-prejudicial nature of this interim arrangement has been stressed in various provisions thereof.

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<sup>2/</sup> For various reasons the zone did not fully correspond to the zone delimited by the sector line and the median dividing line

In Norway the arrangement was received with praise by some and heavily criticized by others. Although I am hardly a neutral arbitrator in the matter, the arrangement has in my opinion served its purpose in avoiding bitter conflicts and tension, and in establishing orderly conditions of the fisheries in the area. It may deserve a careful study by others faced with unsettled boundary issues in areas rich in fish.

An appropriate conservation and management system which ensures the maintaining and restoring of fish stocks and at the same time promotes the objective of maximum sustainable yield is of course one main underlying reason for the establishment of an economic zone.

But how to fit all the pieces and elements together into a cohesive and comprehensive conservation and management system is almost mindboggling. Many of the main elements are complicated and elusive questions pertaining to the most difficult corners of fishery biology. The scientific recommendations to be relied on must be based on years of prior studies and research. As often as not the recommendations must be based on responsible scientific guesswork instead of on hard and fast evidence.

Fortunately Norway has had at its disposal a corps of fisheries scientists with a long tradition. We benefitted enormously from their knowledge in working out our conservation and management regimes. One additional advantage these scientists offered was their long and close cooperation with the scientists of neighbouring countries, both colleagues in the U.S.S.R., the other Scandinavian countries; the EEC countries and Canada and the U.S.A., to mention a few.

One problem that has proved especially persistent and elusive is the management and distribution of joint stocks. Norway meets this problem in the North Sea as well as in the Barents Sea and North Atlantic. Important stocks like cod, haddock, saithe, capelin, herring, mackerel and Norwegian pout belong to these problem children of the oceans. Effective management of such stocks must be based on agreements and close cooperation and coordination of conservation measures with the other States; the co-owners. The so-called mixed fisheries commissions which we have established with our neighbours have proved a highly useful and flexible instrument for such purposes. These mixed commissions are composed of fisheries officials and fisheries scientists. They deal with questions like stipulation of total allowable catches for the various species, quotas and distributions between countries and related questions. They meet whenever necessary and at a minimum once or twice a year.

The elements that must be taken into consideration in managing and distributing joint stocks between the countries concerned are numerous, contradictory and confusing. A species may be spawned and bred in the waters of one country, grow up in the waters of others; part of the year it may be here, other periods there. It may be most economically fished in one place while biologically it seems more reasonable to concentrate fishing activities somewhere else. Scientific facts may give some guidelines. But in the end it is a political decision which will prevail, based on the negotiating skills or relative clout of the parties, their will to find fair solutions, their will to cooperate and to live in peace and friendly relations with each other. My country has had very good experiences in this difficult task. This does not mean that we have not had long and arduous negotiations or that all questions have been solved, and certainly not solved 100 percent to our satisfaction. And such negotiations will as often as not become yearly occurrences.

The question of the fishing rights of other countries in our economic zone has proved especially complicated.

It is a fact that the waters which now comprise our economic zone have borne the brunt of the fishing fleets of the industrialized world and have consequently suffered heavily from the technological revolution and from the subsequent overexploitation. Furthermore in no other developed countries except Iceland and the Faroes is the population so dependent on fisheries as their main source of livelihood as in northern Norway. It goes without saying that the main purpose in establishing our economic zone was to bring to a halt the uncontrolled invasion from the trawling armadas of the industrialized world in our waters, and to reserve these areas to Norwegian fishermen to the extent possible.

In preparing our regime we actually operated with five categories of foreign fishermen.

1. Those few countries where we were interested in mutual fishing rights. These countries were U.S.S.R., United Kingdom and to a lesser degree Greenland/Denmark.
2. Countries that had a certain practice of fishing in our waters without any appreciable interest on our part to fish in theirs.
3. A special category consisting of our Scandinavian neighbours - Sweden and Finland.
4. Countries that had only recently appeared in our waters like Spain and Portugal.
5. Possible newcomers like Bulgaria, Romania, Yugoslavia and Japan. Certain land-locked countries might likewise be included in this group.

With regard to the last category of States "the Newcomers" we had to advise them that it would be impossible to grant them fishing rights. The situation in the Norwegian economic zone would not give any available surplus. On the contrary the situation was such that the catch capacities of the existing fishing fleets were at least twice as large as the natural resources available. A drastic reduction in fishing activities was thus required including drastic reductions in Norwegian fishing activities.

With the other four categories of countries, Norway embarked upon a series of diplomatic negotiations resulting in four basic types of fisheries agreements.

1. Category one consists of two framework agreements with countries with which we have mutual fishing interests.

On 15 October 1976 Norway signed an agreement with the Soviet Union. It provided that in their respective 200-mile zones the fishermen of the other country should be allowed to fish. The coastal State concerned had the right to lay down provisions on quotas, fishing gear, seasons and other relevant fisheries regulations. The fishermen of the other country had to comply with such regulations and are subject to enforcement measures by the coastal State in case of violations.

The picture is somewhat more complicated with regard to the mutual fisheries in British and Norwegian waters. According to the EEC system the economic zones of EEC countries are considered joint EEC waters. And it is the Commission in Brussels that has the authority to negotiate fisheries agreements.

We were able to arrive at an interesting and useful draft agreement with the EEC almost two years ago. It has been initialed but not yet signed. The reason is that the Member States of the EEC have not been able to establish a formal fisheries regime among themselves. The signature and ratification of the agreement with Norway is left in abeyance presumably until such internal agreement has been reached between the members. In the meantime the provisions of our draft agreement is applied in practice. The system laid down in this draft agreement accepts in principle that fishermen of EEC countries will be admitted to Norwegian waters in return for Norwegian fisheries in British waters. In practice this would imply that British, French and German fishing vessels will be granted Norwegian fishing licences for quotas which in principle will balance with Norwegian quotas in British (and Irish) waters.

Both the agreement with the U.S.S.R. and the draft agreement with the EEC have an initial duration of ten years.

2. In the second category of States where no mutual fisheries interests are involved, we have concluded two agreements; one with Poland, the other with the German Democratic Republic. The basic features are the same in the two agreements. Both agreements phase out the fisheries in Norwegian waters over a four-year period (with possible exceptions for surplus stocks). By 31 December 1979, East German and Polish fisheries

shall be phased out in the inner 50-mile zone measured from the Norwegian baselines. By 31 December 1980 the fishing activities of these two countries will in principle be phased out from the outer 150 miles of our economic zone.

3. In the third category we have concluded agreement with Finland and Sweden for a duration of ten years giving them limited fishing rights in our economic zone in the North Sea.

4. We have likewise concluded agreements with Portugal and Spain giving them limited fishing rights in the outer 150 miles of our economic zone up to 31 December 1980.

In order to supervise effectively and enforce the new fisheries regime in our 200-mile zone, a number of measures have been taken. Foreign fishermen are not allowed to fish in the Norwegian economic zone without a special permission (licence) issued for each vessel. In addition they are under strict obligations to report their whereabouts, the dates when they enter and leave the Norwegian economic zone. They are further obliged to give weekly catch reports to the Norwegian Fisheries Directorate. They must of course comply strictly with our fisheries regulations with regard to quotas, fishing gear, mesosize, stipulations concerning the minimum size of fish and a great number of other conservation measures. They are never allowed to fish inside our traditional 12-mile zone nor allowed to trawl in trawling free zones during closed seasons.

All these protective measures would come to naught if we did not maintain an effective fisheries supervision service. However the areas under surveillance consist of some one million square kilometres of some of the roughest ocean areas in the world. Thus to maintain that our enforcement procedures are foolproof would be an overstatement.

We have however established a combined air and ship patrol service. We are making substantial efforts in improving these services by building modern fast coastal patrol vessels and better air service facilities. We have further installed in the Fisheries Directorate in Bergen the most modern and comprehensive computer system in the world to keep constant track with fishing activities anywhere in our economic zone.

The economic burden and the burden on personnel and gear in order to maintain an effective fisheries surveillance in our economic zone must not be underestimated. They entail a drain on the state budget that for many countries would be very serious indeed.

In concluding allow me to express the opinion that our enforcement problems have been facilitated by the fact that we made it our policy to negotiate and consult with those countries that would be directly affected by the establishment of the Norwegian economic zone. We also gave a grace period, however brief, to some countries in order to grant them time to adjust to the new circumstances. I feel that this policy has paid off in as much as our 200-mile zone was generally respected from the outset.

At no stage did it become a mere paper zone.







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