

**The Marine Mammal Commission
Compendium of Selected Treaties,
International Agreements, and Other
Relevant Documents on Marine
Resources, Wildlife, and
the Environment**



Prefaces

**Volumes 1-3
First Update
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International Agreements, and
Other Relevant Documents on
Marine Resources, Wildlife, and
the Environment**

Compiled by

**Richard L. Wallace
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Washington, D.C.**

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Preface

In the summer of 1991, I asked several interns at the Marine Mammal Commission to gather fisheries agreements of the past 20 years as background material for a review. It quickly became clear that copies of all the agreements were not readily available.

To learn if others were having similar difficulty obtaining documents, I consulted with people in the National Marine Fisheries Service and other offices of the National Oceanic and Atmospheric Administration; the Department of the Interior's Fish and Wildlife Service and National Park Service; the Department of State's Bureau of Oceans and International Environmental and Scientific Affairs and Office of the Legal Adviser; graduate schools of oceanography, marine policy, and environmental studies; non-governmental organizations; law firms; and private industry. I also sought comments from staff members of various Congressional committees, particularly the Senate Committee on Commerce, Science and Transportation, and the House Committee on Merchant Marine and Fisheries' Subcommittee on Fisheries and Wildlife Conservation and the Environment, and from people at the Congressional Research Service. Internationally, colleagues in specialized agencies of the United Nations, such as the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization and the United Nations Food and Agriculture Organization, and persons on various international fisheries commissions gave their views as well. Without exception, everyone had had problems accessing basic documents and had spent considerable time and money in doing so.

Many individuals in the United States were using as their primary reference the 1977 compendium compiled by the Congressional Research Service for the Senate Committee on Commerce, Science and Transportation. They generally found materials produced after 1976 to be scattered, difficult to find, and usually accessible only with effort.

Internationally, the situation was somewhat better. The United Nations Environment Programme had published *Selected Multilateral Treaties in the Field of the Environment* in 1983 (Volume 1) and 1991 (Volume 2), two compendia that focused on multilateral environmental agreements in general rather than on marine issues. Neither volume considered material relevant to bilateral U.S. agreements. Furthermore, certain protocols, amendments, and schedule changes to conventions were not included.

In light of these many problems, the Marine Mammal Commission's three Commissioners, John E. Reynolds, III, Chairman, Paul K. Dayton, and Jack W. Lentfer, as well as many people in the academic and governmental communities strongly supported the idea of a compendium focused on marine and environmental issues of import to the United States. The Congressional committees already cited, along with the Senate Appropriations Committee's Subcommittee on Commerce, Justice, State and Judiciary and the House Appropriations Committee's Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies, encouraged

the project because its publication would yield savings by making repeated, extensive searches for information unnecessary.

A number of colleagues in the legal, academic, environmental, industrial, and governmental communities graciously agreed to guide the *Compendium's* development from its earliest stages. As members of the Advisory Board, they provided invaluable advice on content, format, and structure. Their names appear inside the front cover.

Content and Structure of the Compendium

The Marine Mammal Commission Compendium of Selected Treaties, International Agreements, and Other Relevant Documents on Marine Resources, Wildlife, and the Environment is a reference document; it is not intended to be an analytical work. It contains the complete texts of more than 400 international agreements, including more than 100 multilateral treaties, agreements, accords, and memoranda of understanding. It contains more than 90 bilateral treaties, agreements, and memoranda of understanding involving the United States and 31 other nations. Also included are numerous amendments and protocols to these documents, several non-binding international documents, and a number of agreements that are significant but to which the United States is not party. Most of the bilateral agreements and non-binding documents are available here for the first time in a collection of international law. The *Compendium* is current through 31 December 1992.

The *Compendium* is divided into two sections comprising multilateral and bilateral documents. Within the multilateral section, documents are arranged by the following subjects: Antarctica, Environment and Natural Resources, Fisheries, Marine Mammals, Marine Pollution, Marine Science and Exploration, and Other. Within the bilateral section, documents are arranged in alphabetical order by nation. Subheadings for the entries under each nation correspond to the subject headings given above.

Accompanying the text of each document is useful background information. For all multilateral entries, the *Compendium* includes primary source citations, the city in which the document was concluded, the date it was concluded, and, where applicable, the date it entered into force. For all treaties and international agreements, the depositary nation or organization is also provided.

Agreements in the *Compendium* that are noted as not being in force for the United States fall into three categories. They include agreements not yet signed by the United States; those for which the United States has not completed other steps necessary to become a party; and those agreements which by their terms limit participation to particular states or regions or establish other criteria that exclude the United States from becoming a party.

A number of agreements involving the former Soviet Union were in force at the time of the U.S.S.R.'s dissolution. With respect to the United States, these agreements continue in force fully and equally as between the United States and each of the twelve successor republics unless continuance is determined by either party to be incompatible with the purposes of the agreement or otherwise inappropriate.

Sources of Documents in the Compendium

Many documents in the *Compendium* were obtained from the following U.S. Department of State publications: *Treaties and Other International Agreements of the United States of America 1776-1949* (commonly known by the last name of the series' editor, Charles I. Bevans); *United States Treaties and Other International Agreements* (which includes treaties and agreements that entered into force from 1950 to the present); the *United States Treaty Series* (a pamphlet series including agreements through 1945, which was subsequently compiled in the Bevans volumes); and the *United States Treaties and Other International Acts Series* (successor to the *Treaty Series*, this pamphlet series is compiled and published in annual volumes of *United States Treaties and Other International Agreements*).

Treaties and international agreements printed for the use of the U.S. Congress are also contained in the *Compendium*. These sources include Senate Treaty Documents, Senate Executive prints, and House Documents.

Sources of treaties and international agreements to which the United States is not party include the *United Nations Treaty Series*, published by the United Nations; the *European Treaty Series*, published by the European Community; and the *League of Nations Treaty Series*, published by the League of Nations from 1920 to 1946. These are compilation volumes similar to *United States Treaties and Other International Agreements*.

The Marine Mammal Commission was granted permission by three publishers to use copyrighted or otherwise legally controlled materials. The sources are "Command Papers," published by Her Britannic Majesty's Stationery Office of the Government of the United Kingdom, Norwich, U.K.; the journal *International Legal Materials*, published by the American Society of International Law, Washington, D.C.; and the journal *Environmental Policy and Law*, published by Elsevier Science Publishers, Amsterdam, The Netherlands.

Unpublished documents were acquired from the U.S. Department of State's Office of the Assistant Legal Adviser for Treaty Affairs; other offices within the Department of State; the National Marine Fisheries Service; the United Nations Environment Programme; the Treaty Section of the United Nations Legal Department; the International Whaling Commission; the International Maritime Organization; the Inter-American Tropical Tuna Commission; the Intergovernmental Oceanographic Commission; the Secretariat for the Convention on the Conservation of Migratory Species of Wild Animals; the Secretariat for the Convention on International Trade in Endangered Species of Wild Fauna and Flora; the South Pacific Forum Fisheries Agency; the Organization of African Unity; and the Governments of Argentina, Australia, Belgium, Brazil, Finland, France, Germany, and Iceland.

Parties to treaties, international agreements, and other documents contained in the *Compendium* are not given. This is because the number of parties may change, sometimes substantially, over short periods of time. Thus any list of nations party to the agreements contained in the *Compendium* could become outdated, misleading, and of limited value for research purposes soon after publication. The U.S. Department of State strongly suggested this as the best approach.

Lists of the countries party to a treaty or agreement can be obtained from the U.S. Department of State's annual publication *Treaties in Force*; the *Register of International*

Treaties and Other Agreements in the Field of the Environment, compiled, published, and biennially updated by the United Nations Environment Programme; and the depositary governments or organizations responsible for maintaining a record of states party to treaties and international agreements. However, the only fully reliable sources are the depositary governments or organizations listed in the *Compendium* as part of the prefatory information for each agreement.

Methods and Controls

From the outset, quality control has been stressed. The size and complexity of the book mandated meticulous care and attention to detail at all stages if quality were to be realized. Basic guidance was provided by the Advisory Board in its reviews of content, structure, and format. Every document contained in the *Compendium*, if other than a photocopy of the signed original, was carefully reviewed for completeness, legibility by scanner, and consistency with other versions before being scanned and typeset. Further review was undertaken by the U.S. Department of State to ensure accuracy and completeness of ancillary information and to ensure that relevant documents had not been overlooked. The front matter for all agreements was reviewed by the Advisory Board. During scanning and typesetting, every document was subject to strict quality control measures, including four separate proofreadings. A final review of the entire *Compendium* was done before it went to press.

Acknowledgments

I am grateful to Messrs. Dayton, Lentfer, and Reynolds, the Marine Mammal Commission's three Commissioners. They were generous with their time as reviewers and always strong in their support of the project.

Special thanks are due Richard L. Wallace, who directed the project. His commitment, competence, common sense, enthusiasm, and ability to work with people made him a superb project manager. At the outset, Mr. Wallace, Brooks S. Moriarty, and Debra L. Nail were the three interns who gathered the original materials on fisheries agreements. Shortly thereafter, Mr. Wallace joined the Marine Mammal Commission staff, and I asked him to assume full responsibility for compiling the *Compendium*. With help from Brooks Moriarty in the first several months, he worked diligently for the next two years to complete the *Compendium*.

Thanks are due the U.S. Department of State's Bureau of Oceans and International Environmental and Scientific Affairs for its generous support of the *Compendium*, the National Marine Fisheries Service for its significant contributions, and the U.S. Fish and Wildlife Service for its assistance.

The Advisory Board provided guidance from the project's earliest stages. Its careful criticism and advice made it possible to undertake such an ambitious project with some promise of success. The Board's advice on content, format, and structure described the parameters within which the document was developed, and the Board's periodic re-examinations of work in progress helped ensure completeness, an organized presentation, and accuracy.

The cost of the *Compendium*, while significant, is but a fraction of what this reference will save by eliminating the need for repetitive efforts at research and document recovery. The House and Senate Appropriations Subcommittees previously mentioned recognized the potential savings. Their generous encouragement and support made the work possible.

Several advisors were particularly helpful. E.U. Curtis Bohlen, Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, provided considerable assistance. Mary M. Brandt, of the Department of State's Office of the Assistant Legal Adviser for Treaty Affairs, was a willing and much-valued participant in the selection, search for, and review of documents. Melinda Chandler, of the Office of the Legal Adviser for Oceans and International Environmental and Scientific Affairs, and Lee A. Kimball also devoted substantial time and gave valuable advice throughout the project. Their careful reviews and recommendations helped ensure accuracy and completeness. Thanks also are due to Eugene H. Buck and Marjorie Ann Browne, compiler of the 1977 compendium, both of the Congressional Research Service, for their help in locating documents.

Sincere thanks are also owed the many other organizations and individuals in the United States and abroad who helped with research or provided documents.

John R. Twiss, Jr.
Executive Director
Marine Mammal Commission
Washington, D.C.
December 1993

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Compiled by

Richard L. Wallace

for the

Marine Mammal Commission
Bethesda, Maryland
1997

First Update

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National Marine Fisheries Service
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and

Bureau of Oceans and International Environmental and Scientific Affairs
U.S. Department of State

Preface

This is the first in a series of updates to the reference work entitled *The Marine Mammal Commission Compendium of Selected Treaties, International Agreements, and Other Relevant Documents on Marine Resources, Wildlife, and the Environment*, compiled for the Marine Mammal Commission in 1994 by Richard L. Wallace. That work began as a result of a 1991 project which required gathering two decades of treaties and international agreements concerning the management of high seas fisheries. Finding and acquiring copies of the documents proved difficult at best, and highlighted the general need to develop a collection of fisheries agreements that would facilitate analysis of international law in this area. While pursuing the desired agreements, it became clear that access to international legal documents in many fields concerning wildlife, natural resources, and the environment was limited by a lack of organization and delays in publishing. Many treaties and agreements outlining the United States' international legal obligations were inaccessible to all but the most intrepid researcher. Under Mr. Wallace's skilled direction, what began as a simple research project soon blossomed into an enormous undertaking to collect and publish a broad and near-comprehensive collection of international legal documents concerning wildlife, natural resources, and the environment.

The project resulted in the original *Compendium*, a three-volume, 3,500-page collection of international environmental and natural resource law. The original *Compendium* compiled for the first time in one place the complete texts of more than 400 international agreements, including bilateral and multilateral treaties, agreements, conventions, accords, memoranda of understanding, amendments and protocols, and other relevant documents. It included documents current through 31 December 1992, as well as a selection of historically important documents. Since its publication, the original *Compendium* has become the preeminent source of international environmental law available anywhere, and has been adopted for use by legal scholars, government officials, researchers, and students of international law around the world.

This *First Update*, also carefully and ably compiled by Mr. Wallace, continues the tradition of excellence established by the original *Compendium*. It includes in more than 1,000 pages the complete texts of more than 110 international legal documents concluded between 1 January 1993 and 31 December 1995, as well as several older but still relevant documents not included in the original *Compendium*. Like the original, the *First Update* is divided into two sections comprising multilateral and bilateral documents involving the United States, and then organized logically into several subject areas. Within the multilateral section, the documents are arranged using the same subject areas as the original *Compendium*: Antarctica, Environment and Natural Resources, Fisheries, Marine Mammals, Marine Pollution, and Other. Within the bilateral section, the documents are arranged alphabetically by nation. Subheadings under each nation correspond to the subject headings given above.

Other elements of the *First Update* also follow the example of the original *Compendium*. Each document is accompanied by useful background information, including its primary source citation, the city in which the document was concluded, the date on which it was concluded, and, where applicable, the date it entered into force and the depositary nation for

instruments of ratification. Agreements that are noted as not being in force for the United States fall into three categories. These include agreements not yet signed by the United States, those signed by the United States but not yet ratified by the U.S. Congress, and those the terms of which limit their membership or participation to particular states or regions or establish other criteria that exclude the United States from becoming a party.

As with the original *Compendium*, strict quality control measures were undertaken. Guidance was again provided by the Advisory Board to ensure the most useful and appropriate content, structure, and format. Every document was meticulously reviewed for completeness, legibility, and consistency with other versions, where applicable. During scanning and typesetting, every document was subject to strict quality control measures, including four separate proof readings. A final review of the entire *First Update* was done before it went to press.

Almost all the documents included in the *First Update* were obtained from individuals or offices of the U.S. Department of State, the National Marine Fisheries Service of the U.S. Department of Commerce, or the Fish and Wildlife Service of the U.S. Department of the Interior. Sources of other documents include the International Whaling Commission, International Labour Office, International Council for the Exploration of the Sea, South Pacific Forum Secretariat, South Pacific Forum Fisheries Agency, Ministry of Foreign Affairs of the Solomon Islands, and the University of the South Pacific Department of Law.

I am grateful to many individuals for their participation in this project. First and foremost my thanks go to Richard L. Wallace. His leadership, attention to detail, and devotion to the projects made both the original *Compendium* and this *First Update* possible. Special thanks are also due the Marine Mammal Commission's three commissioners, John E. Reynolds, III, Vera Alexander, and Paul K. Dayton, who were faithful in their support throughout the project. I am grateful for the generous support of the National Marine Fisheries Service of the U.S. Department of Commerce and the Bureau of Oceans and International Environmental and Scientific Affairs of the U.S. Department of State. Their financial, research, and practical support has been crucial to the success of the projects.

The Advisory Board continued its willing and generous support, providing assistance from the earliest stages of the original *Compendium* through the completion of the *First Update*.

Several advisors went above and beyond the call of duty in their assistance to Mr. Wallace in identifying, tracking down, and providing documents for the *First Update*. Lee A. Kimball again proved herself a friend and scholar in the field of international law. Her continual encouragement and assistance are greatly appreciated. Grant James Hewison also provided vital help, especially in procuring documents concerning issues of import to the South Pacific region. Henry R. Beasley, of the National Marine Fisheries Service, and Donald C. Baur, of Perkins Coie, also provided crucial support in identifying and collecting documents.

Finally, the staff members of the U.S. Department of State's Office of the Assistant Legal Advisor for Treaty Affairs have been and remain irreplaceable in their knowledge and assistance.

John R. Twiss, Jr.
Executive Director
Marine Mammal Commission
Bethesda, Maryland
July 1997

**The Marine Mammal Commission
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the Environment**

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Second Update

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Preface

In 1994, the Marine Mammal Commission published *The Marine Mammal Commission Compendium of Selected Treaties, International Agreements, and Other Relevant Documents on Marine Resources, Wildlife, and the Environment*. The three volumes, containing more than 400 documents concluded by 31 December 1992, were recognized internationally as the authoritative collection of environmental agreements. In 1997, the Marine Mammal Commission published the *First Update to the Compendium*, adding more than 100 legal documents that had been concluded between 1 January 1993 and 31 December 1995.

This, the *Second Update*, continues the tradition of providing scholars, professionals, students, organizations, and governments with the most comprehensive collection of international environmental texts available. Covering the period 1 January 1996 through 31 December 1998, it also contains a number of relevant older documents not included in the earlier volumes. Together, the five volumes of the *Compendium* total more than 6,000 pages and include more than 650 binding and non-binding documents.

As with the earlier volumes, the Commission relied on the expert guidance of the Advisory Board in determining the appropriate content, structure, and format for the *Second Update*. The members of the Advisory Board deserve our thanks for their key roles in fashioning the most useful and comprehensive manuscript possible. Mary M. Brandt, William T. Burke, Gabriele Goettsche-Wanli, Lee A. Kimball, Dean Swanson, and Warren S. Wooster were particularly helpful.

The documents in the *Second Update* came from many sources, including the Treaty Office of the U.S. Department of State, the U.S. Coast Guard, the National Oceanic and Atmospheric Administration, the National Marine Fisheries Service, the Law of the Sea Office of the United Nations, the Food and Agriculture Organization of the United Nations, the Organization of Economic Cooperation and Development, and the secretariats established under several conventions. We thank these organizations.

While we are grateful to many people for their help, three individuals deserve special praise. Heidi W. Weiskel managed the production of the *Second Update*, did most of the research, and coordinated the many tasks involved in compiling the texts and preparing them for publication. We thank her for her dedication and skill in managing all elements of production. We also thank Richard L. Wallace, who compiled and oversaw the production of the original *Compendium* and the *First Update*, gave organizational guidance, provided advice on the research and production processes, and generally maintained an overview of activities. Finally, Melissa M. Boness contributed substantially to the research process and compiled many of the documents in the *Update*. We are much in her debt.

I also wish to thank the Marine Mammal Commission's three Commissioners, John E. Reynolds, III, Chairman, Vera Alexander, and Paul K. Dayton, who encouraged production of this and the previous *Compendium* volumes.

Special thanks are due to the U.S. Department of State, the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, and the U.S. Department of Justice for their generous financial assistance, which has made all three phases of this project possible.

We hope the *Second Update* will serve the international community well.

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