

103^D CONGRESS
1ST SESSION

H. CON. RES. 135

IN THE SENATE OF THE UNITED STATES

NOVEMBER 3 (legislative day, NOVEMBER 2), 1993

Received; referred to the Committee on Commerce, Science, and
Transportation

CONCURRENT RESOLUTION

Calling for the United States to take further steps to establish an international fishery agreement for conservation and management of living marine resources in international waters of the Bering Sea known as the Donut Hole.

Whereas there exists a small, central enclave in the Bering Sea known as the Donut Hole that is more than two hundred nautical miles seaward of the baselines from which the breadth of the territorial seas of the United States and the Russian Federation are measured and that encompasses less than 10 percent of the Bering Sea;

Whereas the Donut Hole and surrounding areas have been part of one of the world's most productive regions of fishing for important commercial species;

Whereas one of the most highly valued fisheries is the Aleutian Basin pollock stock which straddles the United States and Russian exclusive economic zones and the

Donut Hole but spawns only inside the exclusive economic zones;

Whereas fishing in the Donut Hole for the Aleutian Basin pollock stock began only in the mid-1980's and does not constitute a traditional high seas fishery;

Whereas the past productivity of these fishery resources has resulted in their overuse and their subsequent dramatic declines exemplified by the harvest of Aleutian Basin pollock by fishermen from distant-water fishing nations which has recently plummeted from a peak of approximately one million four hundred thousand metric tons in 1989 to a low of approximately ten thousand metric tons in 1992;

Whereas in an effort to prevent the commercial extinction of the Aleutian Basin pollock stock, the Russian Federation and the United States substantially reduced, then suspended, domestic fisheries inside their respective exclusive economic zones;

Whereas conservation of the fishery resources in the exclusive economic zones has little success if similar conservation measures are not achieved in the Donut Hole;

Whereas the United States and the Russian Federation have made significant efforts with the distant-water fishing nations to negotiate effective conservation and management arrangements for the Donut Hole;

Whereas the distant-water fishing nations refused to suspend operations until the fishery collapsed and was no longer economically viable;

Whereas international law attempts to balance freedom of fishing in international waters with the interests of the coastal states in conserving and developing fish stocks

within their own exclusive economic zones and the interests of all nations in conserving the living marine resources, but these efforts may not succeed due to the inherent difficulty associated with establishing effective conservation, management, and enforcement controls in international waters;

Whereas international negotiations have not yet succeeded in reaching a permanent means to control fishing in the Donut Hole despite continuing attempts to resolve the issues since the 1980's;

Whereas on April 4, 1993, at the Vancouver Summit, the Presidents of the United States and the Russian Federation agreed, inter alia, "to develop bilateral fisheries cooperation in the Bering Sea, the North Pacific, and the Sea of Okhotsk for the purpose of preservation and reproduction of living marine resources and of monitoring the ecosystem of the North Pacific Ocean";

Whereas the Congress of the United States has passed the Central Bering Sea Fisheries Enforcement Act of 1992 (Public Law 102-582) which denies port privileges to those vessels that violate international agreements concerning Central Bering Sea fishery resources;

Whereas the collaborative conservation efforts of the United States, Russian Federation, and distant-water fishing nations will provide enhanced fishery resources;

Whereas delegates from the People's Republic of China, Japan, the Republic of Korea, the Republic of Poland, the Russian Federation, and the United States signed a joint resolution at the Fifth Conference on the Conservation and Management of the Living Marine Resources of the Central Bering Sea on August 14, 1992, which pro-

vided for a temporary suspension of all commercial fishing in the Donut Hole during 1993 and 1994;

Whereas these delegations met most recently in Tokyo in June, 1993, to negotiate a long-term management agreement for the Donut Hole and were not able to finalize such an agreement; and

Whereas delegates from each of these nations have expressed their consensus concerns for the long-term conservation and management of the fishery resources of the Donut Hole: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of the Congress that—

3 (1) the United States should take appropriate
4 measures to conserve the resources of the Donut
5 Hole;

6 (2) the United States should continue its pur-
7 suit of an international agreement, consistent with
8 its rights as a coastal state, to ensure proper man-
9 agement for future commercial viability of these nat-
10 ural resources;

11 (3) the United States, working closely with the
12 Russian Federation should, in accordance with inter-
13 national law and through multilateral consultations
14 or through other means, promote effective inter-
15 national programs for the implementation and en-
16 forcement of regulations of the fisheries by those na-
17 tions that fish in the Donut Hole;

1 (4) the United States nonetheless should be
2 mindful of its management responsibility in this re-
3 gard and of its rights in accordance with inter-
4 national law to fully utilize the stock within its own
5 exclusive economic zone;

6 (5) the United States should accept as an ur-
7 gent duty the need to conserve for future genera-
8 tions the Aleutian Basin pollock stock and should
9 carry out that duty by taking all necessary meas-
10 ures, in accordance with international law; and

11 (6) the United States should foster further mul-
12 tilateral cooperation leading to international consen-
13 sus on management of the Donut Hole resources
14 through the fullest use of diplomatic channels and
15 appropriate domestic and international law and
16 should explore all other available options and means
17 for conservation and management of these living ma-
18 rine resources.

Passed the House of Representatives November 2,
1993.

Attest: DONNALD K. ANDERSON,
Clerk.