strong signs that the Krajina Serbs and the Croatian Army were girding for war. A renewed war in Croatia would almost certainly have drawn in Serbia as well as the Bosnian Serbs—leading to a greater Balkan conflict.

While the United Nations does not have a flawless record in Croatia, UNPROFOR's presence since early 1992 has prevented the reemergence of full-scale war. Let us hope that the reduced U.N. force, under a new mandate, will help maintain the peace. The reduced U.N. force also will have as part of its mandate the patrolling of Croatia's borders with Serbia and Bosnia-Hercegovina—which will go a long way toward legitimizing Croatia's international borders.

We are not out of the woods yet, however. Neither the Krajina Serbs, who control 30 percent of Croatia, nor Serbian President Milosevic, who serves as their patron, have indicated their views of the new mandate. Their response will be key to determining the ultimate success of the U.N. mission.

The larger question, however, is where we go from here, and how a reduced and newly reconfigured U.N. force fits into the big picture. It appears that renewed war in Croatia will be averted in the near future—thanks in no small part to United States efforts. But now we must ask whether we are going to continue simply to put out fires in former Yugoslavia or whether we have long-term interests to pursue there. I am afraid that if we do not answer this question affirmatively, we will find ourselves in a continual crisis mode. We may find ourselves meeting one deadline after another—the next of which is the end of the Bosnian ceasefire on April 30—without a clear sense of purpose. I hope this impending deadline does not divert all of our attention from the remaining unresolved issues in Croatia. The two conflicts are after all, interconnected, and we must address them simultaneously.

Before President Tudjman's January announcement that the United Nations would have to leave, an international plan to resolve the status of Croatia's U.N. Protected Areas [UNPA's] was on the table. By all accounts, the so-called Z–4 plan satisfies many of the concerns of both the Croatian Government and the Krajina Serbs. It calls for the restoration of Croatian sovereignty to all the U.N. areas, with considerable autonomy for the local Serbian population.

Now that the immediate crisis has been averted, I hope that we will not miss out on an opportunity to address the underlying issues in Croatia. Now is a good time to revisit the Z–4 plan.

RATIFICATION OF THE LAW OF THE SEA CONVENTION IS NEEDED TO PROTECT THE FISHERY INTERESTS OF THE UNITED STATES

Mr. PELL. Mr. President, many of my colleagues know that I have had an abiding interest in oceans issues in general and the Law of the Sea Convention in particular. Consequently, I was delighted when on October 7, 1994, the President transmitted to the Senate for its advice and consent the U.N. Convention on the Law of the Sea (Treaty Doc. 103–39). We are now in the unique position to become full participants in this Convention and finally reap the benefits of decades of constructive negotiations conducted by Democratic and Republican administrations.

There is no doubt in my mind that this Convention will serve the interests of the United States best from a national security perspective, from an economic perspective, from an ocean resources perspective and from an environmental perspective. I have addressed many of these perspectives during earlier remarks in the Senate. Today, I speak to the importance of this Convention to our Nation's fishery resources.

Some have argued that the United States should not ratify the Convention because of a perceived negative impact which it might have on international fisheries agreements negotiated by the United States with its international partners. I submit that quite the opposite is the case. Ratification of the Law of the Sea Convention will be an important step towards assuring the continued benefits of these other agreements and protecting the fishery interests of our country.

I would like to bring to the attention of my colleagues an address delivered by Ambassador David Colson, Deputy Assistant Secretary of State for Oceans, which addresses precisely this issue. In it, he shows the paramount role that the Law of the Sea Convention will play in the implementation of the important international agreements to which the United States is already a party: The 1992 Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean, approved by the Senate on August 11, 1992, Treaty Doc. 102–30, Ex.Rpt 102–51; the U.N. General Assembly Resolution on Large-Scale High Seas Driftnet Fishing (approved by the Senate on November 26, 1991, Treaty Doc. 102–7, Ex.Rpt 102–20), the recently concluded Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea, ''the Donut Hole Agreement'' (approved by the Senate on October 6, 1994, Treaty Doc. 103–27, Ex.Rpt 103–36) and the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (approved by the Senate on October 6, 1994, Treaty Doc. 103–24, Ex.Rpt 103–32).

The United States has long taken a pro-active approach to fisheries, both within its own exclusive economic zone and on the high seas. Through these recent successful negotiations, we have ensured that our international partners will be submitted to no less stringent rules. The United States will put an end to overfishing and further depletion of threatened stocks only if we can ensure that sound management practices are applied by the other major fishing nations. This is why the administration has negotiated in earnest to achieve what are widely perceived as breakthrough advances in strong and responsible arrangements.

Concerns have been expressed that ratification of the Law of the Sea Convention would jeopardize these agreements. Ambassador Colson shows that, far from hindering these processes, the entry into force of the Convention will actually benefit their implementation.

In the case of salmon, a very important commercial, recreational, and subsistence resource, the Law of the Sea Convention has provided a foundation upon which to build understandings for the States of the North Pacific region. The Law of the Sea Convention, in essence, prohibits fisheries for salmon on the high seas. It also recognizes that states in whose waters salmon originates have the primary interest in these stocks. The Anadromous Stocks Convention, approved by the Senate in 1992, achieved the major goal of ending all high seas fishing, thanks in great part to the clear mandate and requirements of the Law of the Sea Convention. Further, the implementation of this agreement will be facilitated by the entry into force of the Law of the Sea, as the prohibition on high seas salmon fishing will apply to all member states, not just the signatories to the Anadromous Stocks Convention.

The use of large-scale high seas drift nets in another issue that the United States has attempted to solve in international fora. A resolution was passed unanimously by the U.N. General Assembly that created a moratorium on the use of those drift nets on the world's oceans and seas at the end of 1992. The drift net moratorium builds upon basic principles of the Law of the Sea Convention, which provides for a limited and qualified right to fish on the high seas, making it subject to the obligation to cooperate in the conservation and management of high seas living resources. Enforcement will be facilitated in view of the fact that the Convention's standards would be violated by any high seas large-scale drift net fishing that occurs contrary to the moratorium.

With regards to the Bering Sea issue, problems arose for the United States when a straddling stocks fishery began outside our exclusive zone and Russia's. Concerns about stocks conditions led to measures to restrain fisheries in the U.S. zone and increasingly urgent calls by American fishermen for the Government to take steps to control the foreign fishery on the high seas. The Donut Hole Agreement approved by the Senate on October 6, 1994 was the result of lengthy negotiations between the United States and the other states involved in fishing in the area.

It is a state-of-the-art fishing convention that resolves various issues to the satisfaction of the United States and other states concerned. Again, this agreement could not have been negotiated without the framework and foundation provided by the Law of the Sea Convention. The dispute settlement provisions of the Law of the Sea Convention will facilitate the implementation of the Donut Hole Agreement by providing an additional enforcement mechanism to ensure that no vessel undertakes conduct in the Bering Sea contrary to its provisions. It will thus serve as both a deterrent and as a means to bring about final resolution should problems arise in the Donut Hole in the future.

Finally, the very important FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas approved by the Senate on October 6, 1994 could not have been successfully negotiated had the Law of the Sea Convention not come before it. The High Seas Agreement is part of the FAO's Code of Conduct for Responsible Fishing and rests upon basic principles regarding high seas fishing and flag state responsibility found in the Law of the Sea Convention. The Law of the Sea Convention does not set up the high seas as a sanctuary for irresponsible fishermen but spells out that states fishing on the high seas have a duty to cooperate with other states to ensure responsible conservation and management actions.

This is also true of the current negotiations at the U.N. Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. It is hoped that the final outcome of this conference will be a legally-binding agreement for the implementation of the provisions of the Convention on the Law of the Sea relating to the conservation and management of straddling fish stocks and highly migratory fish stocks. The general principles embodied in this agreement will here again ensure more responsible fishing on the high seas and will build upon the framework provided by the Law of the Sea Convention.

Only last week, a Canadian vessel fired warning shots and seized a Spanish fishing vessel that was operating on the Grand Banks off the coast of Newfoundland. Had Canada and Spain both been party to the Law of the Sea Convention, this dispute could have been settled without the firing of shots. Regrettably, such incidents are the result of the growing uncertainty that prevails with regard to high seas fisheries and will only be avoided if the Convention on the Law of the Sea becomes a widely recognized instrument on which the Straddling Stocks Conference can build to establish a lasting regime for those fisheries.

Another instance where the ratification of the Law of the Sea Convention would be beneficial to the United States is in the settlement of disputes with other states. Recently, the Canadian Government levied a fee of $1,100 for United States vessels that transit from Puget Sound and the States of Oregon and Washington to Alaska. The State Department concluded that this transit fee was inconsistent with international law, and particularly with the transit rights guaranteed to vessels under customary international law and the Law of the Sea Convention. Had the United States and Canada both ratified the Law of the Sea Convention, the Canadian actions would have been in clear contravention of the convention. As such, the Canadians might have been more hesitant to take the steps they did. In any event the full force of the convention and the international community could have been brought to bear for a prompt resolution of the dispute.

Mr. President, it is clear in my mind that the long-term benefits of these very important fishery agreements will only be realized and mutual enforcement ensured if the underlying principles of the Law of the Sea Convention—the constitution of the seas—are ratified by the United States. The convention entered into force on November 16, 1994. To date 73 countries have ratified, including Australia, Germany, Iceland, and Italy. Other major industrialized nations, such as Canada, the European Community, France, the United Kingdom, the Netherlands, and Japan, have signed the convention and indicated their intention to ratify it in the near future.

Mr. President, I commend the address of Ambassador Colson, which so ably sets forth the importance of the ratification of the Law of the Sea Convention to the fishing interests of the United States.

I ask unanimous consent that the address be printed in the RECORD together with the current list of countries who have to date ratified the Law of the Sea Convention.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONSERVING WORLD FISH STOCKS AND PROTECTING THE MARINE ENVIRONMENT UNDER THE LAW OF THE SEA CONVENTION

(By Ambassador David A. Colson)

Virtually every day we see another report about the decline of the world's fish resources or about ocean pollution.

We know that the world's population continues to grow dramatically. It is only logical to conclude that there is a direct correlation between more people and more impact on our fisheries and the marine environment.

We know that most of the world's population lives near the coast and intuitively we know that the result of an increased population is likely to be greater stress from human activity upon coastal environments be they wetlands, coral reefs, mangroves, beaches or coastal fisheries—all of which are in decline.

We know that the ocean is a large ecosystem made up of many smaller ones. We know that there are often relationships between areas, ocean systems, and species. We know that some fishery resources migrate over very long distances.

And we conclude that the oceans are a bridge between us; a tie that unites us. They are our sustenance; our life support.

They are integral to many global systems that we take for granted, but still do not understand. They are the future—their riches and their energy are yet to be fully tapped.

We know their health is important, but how little we really know about them. Yet in spite of our experience, we continue to pollute, to over-exploit—to assume that the ocean's vast regenerative capacity is unlimited.

We should know better.

And now, after so many years, the 1982 Law of the Sea Convention is in force. Will it help us do better?

I believe the Convention has, and it will. Already, for more than ten years, most States have acted consistently with its basic norms—and in those ten years advances in protecting the oceans have been made. And now that it is in force its specific implementation will bring more benefits and advance us further. I must be careful because I do not want to say that the Convention will solve all the ocean's problems. It will not. But can it help? The answer is yes.

In 1983, President Reagan said that the United States would act in accord with the balance of interests set forth in the Law of the Sea Convention, as long as other States would do likewise. I can report that in the intervening years basically all States have either expressly or by implication followed the basic rules set forth in the Convention. Thus, the positive achievements that have occurred in marine environmental protection and fisheries in the last ten years have taken place in the widely accepted Law of the Sea framework.

And there have been some very important advances. Today I want to review four of these which have occurred in the fisheries field. Before I do, I wish to emphasize the following point: the Law of the Sea Convention enabled the international community to reach these agreements. Even before its entry into force, the Convention was the foundation, the premise, upon which all governments operated in negotiating these understandings. Had we not had this basic foundation, had we not been in agreement about it, our task would have been much more difficult, indeed, perhaps impossible in some cases.

The four breakthrough advances are: (1) the 1992 Convention for the Conversation of Anadromous Stocks in the North Pacific Ocean (NPAFC); (2) the 1992 United Nations General Assembly Resolution on Large-Scale High Seas Driftnet Fishing (UNGA Resolution 46/215); (3) the recently concluded Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea; and (4) the 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas.

NORTH PACIFIC ANADROMOUS STOCKS CONVENTION

Salmon, anadromous stocks, are very important commercial, recreational and subsistence resources for the States of the North Pacific region. From time to time international disputes in the region relating to salmon have reached the highest level of government. The Law of the Sea Convention framework, however, provides a foundation that has substantially narrowed debate; its basic rules have been a foundation upon which to build additional understandings.

Article 66 of the Law of the Sea Convention recognizes that States in whose waters salmon stocks originate have the primary interest in those stocks. The Law of the Sea Convention prohibits fisheries for salmon on

the high seas, with one narrowly drawn and now anachronistic exception—where that prohibition would result in economic dislocation for a State other than the State of origin. The Convention also requires that States cooperate with regard to the conservation and management of stocks when salmon which originate in the waters of one State migrate through the waters of another.

The Convention's prohibition on high seas salmon fisheries makes sense from both economic and conservation perspectives. Economically, salmon grow substantially in the last months of their lives and thereby tend to be a higher value and quality resource if taken in coastal zones and rivers and not the high seas. Moreover, maintenance and preservation of salmon producing areas in coastal rivers cannot be expected if other States fish for salmon on the high seas. And only the State of origin can effectively manage salmon resources in coastal waters and rivers, not the high seas where salmon stocks are mixed.

The rule of the Convention bans salmon fishing on the high seas for all States, including a State of origin. The only country that was fishing for salmon on the high seas, at the time these Convention provisions were negotiated, and thus the only one which might claim economic dislocation, was Japan. And, it was and is clear, as well, that Japan could claim a right to fish salmon on the high seas only so long as it could make a credible argument of economic dislocation, and so long as it did not assert coastal State rights.

As the 1980s passed, Japan's salmon interests shifted: its Coastal State interests in the production of salmon from its waters began to predominate and its reliance upon an economic dislocation argument to continue a high seas salmon fishery was not persuasive. In 1992, negotiations on a new salmon convention were completed by the United States, Japan, Russia and Canada, designed to replace the U.S.-Canada-Japan treaty that had created the International North Pacific Fisheries Commission. Provisions were included whereby these primary States of origin could invite other States of origin, such as China and Korea, to accede to the Convention. Japan agreed in this context to end its high seas salmon fishery. The fundamental rule of Article 66 of the LOS Convention was achieved by the Anadromous Stocks Convention: to end all high seas salmon fishing. This achievement came about among the States most concerned for many reasons—not the least of which is the clear mandate and requirement of Article 66 of the Law of the Sea Convention. Moreover, the respect in which the prohibition on high seas salmon fishing is held by all other States is a direct result of the Convention rule.

This positive result of the Anadromous Stocks Convention was achieved without the fundamental rule of Article 66 of the Law of the Sea Convention being binding on any State as a matter of treaty law. I have heard some people in the United States say that this result would never have been achieved if the U.S. had been party to the Law of the Sea Convention. I simply do not agree with that point of view; it is abundantly clear to me, as the United States negotiator for the Anadromous Stocks Convention, that the Law of the Sea Convention—although not in force—played a large role in bringing about this result—it certainly did not hinder it.

Let us examine a different question: will the Law of the Sea Convention help the parties to the Anadromous Stocks Convention in the future—if they become a party to the Law of the Sea Convention? The answer is clearly yes.

The Law of the Sea Convention does not require any change in the Anadromous Stocks Convention. The two treaties are completely consistent. What the Law of the Sea Convention does do is require all States Parties to it to abide by the prohibition on high seas salmon fishing—the basic rule of the Anadromous Stocks Convention. This is a major long-term benefit to salmon producing States. While salmon producing States assert our rights, the Law of the Sea Convention not only recognizes them, but prohibits all States from eroding those rights by engaging in high seas salmon fisheries.

There are additional benefits in the Law of the Sea for salmon producing States. Parties to the Law of the Sea Convention are also required to submit to compulsory binding dispute settlement in many circumstances. In some cases there are exceptions to this rule, but in this case there is not. If vessels of a State begin to fish for salmon on the high seas, one means of enforcing the prohibition on high seas salmon fishing would be to take that State to compulsory and binding dispute settlement under the Law of the Sea Convention.

For a moment, let me go into some additional detail on the dispute settlement provisions of the Law of the Sea Convention, as it is important that this subject, which is well understood by international lawyers, be understood by fishermen and political leaders as well.

International law requires States to settle their disputes by peaceful means. Where negotiated solutions are beyond reach, States more and more settle differences by going through a legal court-like process. There are several dispute settlement procedures and, as well, several more that can be used. The Law of the Sea Convention obliges States to use dispute settlement in certain circumstances when other means to resolve disputes have failed. Some such circumstances, as noted previously, include fisheries disputes.

To elaborate further, one must make a distinction between binding compulsory dispute settlement and nonbinding compulsory conciliation. The reason this distinction is important is that the Law of the Sea Convention uses it in relation to fisheries disputes.

With regard to certain fisheries disputes that may pertain to a coastal State's management in its exclusive economic zone, the Convention provides for non-binding compulsory conciliation. In regard to fisheries disputes that relate to high seas activities, the Convention provides for binding compulsory dispute settlement.

Nonbinding compulsory conciliation means, in essence, that if State A alleges that State B is mismanaging its 200-mile zone in a serious way, State A may require the establishment of a conciliation panel to look into the matter. While State B should participate in the proceedings, there is no penalty if it does not; and, any report the conciliation panel may issue has no binding or obligatory effect on State B.

Binding compulsory dispute settlement, which is required for high seas fishery disputes, is substantially different. If State A alleges that State B is violating Convention fishery rules and principles on the high seas, and if negotiations have failed, State A may institute a process that results in bringing the dispute before an international court or tribunal of some make-up. There are a number of variables concerning these courts or tribunals that we have not time to go into now. The point or bottom line is that pursuant to the Law of the Sea Convention, in such cases, State A can bring State B before such a court or tribunal on a matter pertaining to a high seas fishery dispute, and that court or tribunal can render a judgement which is binding on both State A and State B concerning that high sea fisheries dispute.

Returning now to salmon in the high seas of the North Pacific Ocean, the availability of such dispute settlement provides not only an effective tool to enforce the high seas salmon fishing prohibition; its very existence provides an effective deterrent against such fishing. So—for salmon—the Law of the Sea Convention has brought us much already; it consolidates and confirms present practice; it gives us clear rules which prohibit high seas salmon fishing by all States; and it provides a new and useful enforcement tool should someone break the rule in the future.

DRIFTNET FISHING

The use of large-scale high seas driftnets attracted significant international attention and concern in the 1980s. Ultimately, the General Assembly of the United Nations took up the matter and passed a consensus resolution in 1991. The 1991 Resolution, UNGA Resolution 46/215, created a moratorium on the use of large-scale high seas driftnets on the world's oceans and seas at the end of 1992.

This concerted action by the General Assembly was a vitally important step to protect fish stocks and other living species on the high seas from this very indiscriminate fishing method being used by more and more vessels, about 1,000 in the Pacific Ocean alone at the height of the fishery. Large-scale high seas driftnet fishing was a cause of concern in all regions of the world.

The driftnet moratorium of the United Nations builds upon basic principles of the Law of the Sea Convention. It applies only to the high seas—not exclusive economic zones or territorial seas. In the first instance it requires flag States to ensure the full implementation of the moratorium, but it also authorizes all members of the international community to take measures individually and collectively to prevent large-scale pelagic driftnet fishing operations. The moratorium is in implementation of the provisions of Part VII, Section 2 of the Law of the Sea Convention relating to the Conservation and Management of the Living Resources of the High Seas. It gives content to the principles of ''due regard'' for the rights and interests of other States and to the duty to cooperate in the conservation of living marine resources on the high seas.

Some have argued that the moratorium would never have been achieved through diplomacy if the Law of the Sea Convention had been in force. They argue that, had the Convention been in force, the driftnetting States would have refused to discuss the matter in the United Nations and might even have tried to use the dispute settlement provisions of the Convention to enforce their freedom to fish on the high seas against those States that sought to end driftnetting. I do not agree with this analysis at all.

First, this argument assumes that the freedom to fish on the high seas is an unfettered right. But that is not so. The Convention significantly limits and qualifies that right by making it subject to a number of important conditions, including the obligation to cooperate in the conservation and management of high seas living resources.

Second, the States that sought the moratorium were able to demonstrate that large-scale high seas driftnets, particularly in the North Pacific Ocean, intercepted salmon on the high seas in violation of Article 66 of the Convention and indiscriminately killed large numbers of other species, including marine mammals and birds, in contravention of the obligations in Part VII to conserve and manage living marine resources on the high seas

and those of Article 192 to protect and preserve the marine environment.

In light of this, there is no reason to believe that driftnetting States could have successfully challenged the moratorium through dispute settlement under the Convention. In my view, the moratorium would have been achieved whether or not the Convention was in force. A different question is whether the Law of the Sea Convention helps to ensure effective implementation of the moratorium.

The moratorium on the use of large-scale high seas drift nets is an important international understanding pertaining to the conservation of living marine resources on the high seas and the protection of the marine environment. It is consistent with and meets the general obligation of States found within Article 192 of the Convention to protect and preserve the marine environment. It is properly within the scope of constraints on fishing on the high seas that are noted in Article 116.

And, as in the Anadromous Stocks Convention situation, the Law of the Sea Convention's provisions make fishing beyond the EEZ—including driftnet fishing—subject to compulsory, binding dispute settlement. It is clear to me that the Convention's standards would be violated by any high seas large-scale diftnet fishing that occurs contrary to the moratorium. Thus, the dispute settlement provisions of the Law of the Sea Convention would provide a new additional means through which to ensure respect for the moratorium on high seas driftnet fishing by enforcing Articles 66, 116 and 192 of the convention in light of the General Assembly Resolutions on this subject.

THE CENTRAL BERING SEA POLLOCK FISHERY AGREEMENT

The problem of straddling fish stocks has vexed the international community since even before the Law of the Sea negotiations concluded in 1982.

For the United States, this problem arose in the Central Bering Sea. In the mid-1980s, a fishery began outside the U.S. and Russian 200-mile zones on a stock of pollock—the Aleutian Basin stock—largely associated with the U.S. zone and its fisheries. The international fishery on the high seas grew quickly to harvesting 1.5 million metric tons or more annually. Concerns about stock conditions led to measures to restrain fisheries in the U.S. zone and increasingly urgent calls by American fishermen for the U.S. government to take steps to control the foreign fishery on the high seas.

In 1991, negotiations began among Russia, Japan, Korea, China, Poland and the United States in an effort to structure a new fisheries relationship for the high seas area of the Bering Sea. The negotiations began with largely a legal debate about a fishery for a straddling stock on the high seas and the respective rights of coastal States and fishing nations in that regard. Fishing States were strongly of the view that they were entitled to fish there on an equal footing with other States, including coastal States. The United States and Russia were of the opinion that the coastal States—while not having jurisdiction over the fish in the high seas area—nonetheless had a special interest in these stocks. Our six country regional negotiation was more than mindful that the straddling stock issue was also being played out in other regions and was central to the U.N. Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, called for by UNCED.

Ultimately, the six countries reached agreement, but only after ten intense and difficult negotiating rounds over three years.

The agreement is contained in a convention that is called the Donut Hole Convention in the United States. It is a state-of-the-art fishing convention that resolves various issues to the satisfaction of the States concerned. It does not refer specifically to the special interests of coastal States, but it does reflect such an interest in the outcome of the negotiation on various issues while providing for fair fishing opportunities on the high seas for all countries if and when the stock recovers.

Again, the Donut Hole Convention could not have been negotiated without the framework and foundation provided by the Law of the Sea Convention. Nor did the Law of the Sea Convention hinder the attainment of the Donut Hole Convention in any way.

I do not have time to review its provisions here in any detail. However, I would like to mention a few because I believe that provisions such as these must and will be incorporated into fishing agreements around the world in the near future.

The Donut Hole Convention provides that fishing vessels will use real-time satellite position-fixing transmitters while in the Bering Sea and that information collected thereby will be exchanged on a real-time basis through bilateral channels. This is the first multilateral fisheries management agreement to contain such a requirement and it will enable States such as Japan and the United States to ensure that, for instance, Japanese fishing vessels authorized to fish in the Donut Hole are doing so as authorized as that their presence in the coastal State zones in the region is only for the legitimate purpose of navigating to and from the fishing ground.

The Donut Hole Convention also requires notification of entry into the Convention Area; notification of the location of transshipments 24 hours prior to such activity; the presence of trained observers on all vessels; and the collection and sharing of catch data on a timely basis. It also provides for boarding and inspection of fishing vessels by any party; and, in cases of serious violation, the continuation of such boarding until the flag State is in a position to take full responsibility for the fishing vessel.

The Donut Hole Convention also contains provisions that ensure that consensus decision-making does not lead to stalemate or the inability to make effective conservation and management decisions. This has been a major problem in traditional fishing agreements. However, in this convention, in the absence of consensus among the Parties, means and procedures are established to ensure that no fishing occurs in the Donut Hole except in accordance with sound conservation and management rules.

Provisions such as these break new ground in regional fishery management agreements. I believe we should look for more of this in the future. After all, we are close to the 21st century. We live in a world of space age communication and data management. Fisheries data collection and its availability to fisheries managers remains an archaic process, to say the least. There is no reason today—other than the reluctance of fishermen and their governments to compel them—that every fishing vessel on the high seas does not have on board a satellite transmitter capable of two way communication, a fax machine, and a computer capable of collecting, storing and transmitting data immediately in agreed formats This is the future to which we look forward. This is the direction true international fisheries cooperation will take us.

Let me return to the Donut Hole Convention. The United States is confident that the Donut Hole Convention will be fully and fairly implemented by its Parties and that in doing so it will contribute to the protection of the marine environment and the conservation of the Aleutian Basin pollock resource and associated species for many years to come. We look forward, as well, not just to seeing this state-of-the-art convention well implemented, but to seeing it evolve and continue to set a high standard for regional fisheries agreements.

Could the Law of the Sea Convention help the Parties to the Donut Hole Convention?

Certainly. First, the Law of the Sea Convention will require no change in the Donut Hole Convention. The Donut Hole Convention will operate as it was negotiated among its Parties. Second, the Law of the Sea Convention can help the Donut Hole Convention, as in the case of the Anadromous Stocks Convention and the Driftnet Moratorium, by providing an alternative enforcement mechanism to ensure that no vessel undertakes conduct in the Central Bering Sea contrary to the provisions of the Donut Hole Convention. The dispute settlement provisions of the Law of the Sea Convention enable its Parties to ensure enforcement of multilateral fishery conservation arrangements on the high seas. Dispute settlement does not replace other means that States have at their disposal to enforce multilateral conservation arrangements. It adds to the options available. The Law of the Sea dispute settlement option can act both as a deterrent and as a means to bring about final resolution should problems arise in the Donut Hole in the future.

THE FAO FLAGGING AGREEMENT

The FAO Agreement to Promote Compliance with International Conservation and Management Measures By Fishing Vessels on the High Seas is often called the ''Flagging Agreement,'' although it deals with much more than the flagging of fishing vessels. From my perspective, this very important Agreement could not have been successfully negotiated had the Law of the Sea Convention not come before it. Moreover, as with the other fishery agreements I've mentioned, States should be able to use the dispute settlement procedures of the Law of the Sea Convention to ensure observance of the FAO Agreement.

The FAO Agreement is part of the FAO's Code of Conduct on Responsible Fishing, an initiative begun at Mexico's Cancun Conference in 1992. It rests upon basic principles regarding high seas fishing and Flag State responsibility found in the Law of the Sea Convention. With respect to high seas fishing, as I have mentioned before, the LOS Convention does not permit a ''free-for-all,'' an unfettered right to fish, as some suggest. While the Convention acknowledges the general right of all States for their nationals to fish on the high seas, it makes this right subject to a number of important conditions, including:

(a) other treaty obligations of the State concerned;

(b) the rights and duties as well as the interests of coastal States; and

(c) obligations to cooperate in the conservation and management of high seas living resources.

With respect to Flag State responsibility, Article 91 of the Law of the Sea Convention gives States the right to grant nationality to their ships. Flag States must ensure that there is a genuine link between themselves and the vessels that fly their flag. In addition to cooperating in the conservation and management of highs seas resources, Flag States (like all States) must protect and preserve the marine environment, which includes living marine resources.

The FAO Agreement builds upon these principles to meet two basic objectives.

First, the Agreement sets forth a range of specific obligations for Flag States to ensure that their vessels act consistently with conservation and management needs developed by regional fishing arrangements. Second, the Agreement greatly promotes the transparency of high seas fishing operations through the collection and dissemination of information. By being Party to the FAO Agreement, a State fulfills basic responsibilities imposed by the LOS Convention to cooperate in the conservation and management of high seas living resources.

Flag State responsibility has a long tradition in the Law of the Sea, mostly—but not completely—for the good. It was originally justified on the notion that a ship should be regarded as an extension of the territory of the Flag State. Generally speaking, when a ship is on the high seas, no other State may exercise jurisdiction over it.

This exclusivity of jurisdiction has long been recognized to imply a duty—Flag States must control their vessels to ensure that they act consistently with international law. The Law of the Sea Convention makes this explicit—in exchange for exclusive jurisdiction over its vessels on the high seas, Flag States must ensure that such vessels act responsibly.

Today, high seas fishing vessels have harvesting capacities never imagined in the days when the notion of Flag State responsibility first arose. Modern fishing vessels and fleets can literally wipe out fish stocks. Flag States have a duty under the Law of the Sea Convention to exercise great vigilance over their fishing vessels which operate on the high seas. The FAO Agreement identifies vital elements of that duty. If they do not meet their duty, the fishery resources on which we all depend will collapse, and the Flag States will have failed to exercise their responsibility under the Law of the Sea Convention.

Some Flag States have begun to exercise this greater vigilance over their high seas fishing vessels. Others, unfortunately, continue to allow their flags to be flown by vessels over which they exercise virtually no control. This is improper under the Law of the Sea Convention. When such vessels fish in ways that break the rules and do harm to the marine environment, these States sometimes try to hide behind the tradition of Flag State responsibility, asserting that no other State may take action to compel proper fishing behavior on the high seas. When such vessels are suspected of fishing illegally in zones of national jurisdiction, and are later found on the high seas, there States sometimes refuse to cooperate with coastal States in investigating the alleged violations.

These patterns of conduct are inconsistent with Law of the Sea Convention requirements and jeopardize respect for the tradition of Flag State responsibility for fishing vessels on the high seas. The FAO Agreement represents one attempt to address part of the problem. It sets forth a reasonable set of specific duties for Flag States to ensure that their vessels do not undermine conservation rules on the high seas. As such, it elaborates upon basic duties in the Law of the Sea Convention.

All states should move quickly to become party to the FAO Agreement or otherwise observe its requirements. For those Flag States that do not, the international community can be expected to find another approach to fulfill the intent of the Law of the Sea Convention that the marine environment be preserved and protected against the actions of irresponsible high seas fishing vessels.

The message is that the Flag States of vessels fishing on the high seas must do more to cooperate among themselves and with coastal States. Some States argue that it is a derogation of sovereignty to cooperate with other States on the high seas in matters pertaining to boarding, inspection and other questions of compliance for responsible fishing behavior. We disagree. We see cooperation as an exercise of sovereignty.

Provision of high seas catch data to other States is not an infringement upon sovereignty or a derogation from the traditions of Flag State responsibility. It is a exercise of sovereignty and responsibility in fulfillment of the duty to cooperate to conserve the world's fishery resources and to protect the marine environment. Cooperating with coastal States on high seas enforcement problems, including boarding and inspection, either through formal or informal arrangements, is not an infringement on sovereignty or the traditions of Flag State responsibility. It is a practical decision by a sovereign State and an exercise of its Flag State duties to ensure that its flag vessels comply with international law and the rules and norms of responsible fishing behavior.

The Law of the Sea Convention does not set up the high seas as a sanctuary for irresponsible fishermen. States with fishing vessels on the high seas have a duty under the Law of the Sea Convention to cooperate with other States. That cooperation may take many forms—but it must be directed toward responsible conservation and management actions; and that means, at a minimum, monitoring and inspection of fishing vessels and reporting about their activities.

Within the context of regional fishery agreements, Flag States should consent to boarding and inspection of their fishing vessels on the high seas by other States to ensure compliance with those agreements. If a high seas fishing vessel is violating agreed fishing measures, the Flag State should either exercise responsibility for the vessel or authorize another State to exercise such responsibility on its behalf. If a vessel is suspected of violating coastal State rules, the Flag State should cooperate with the coastal State and provide the most efficient means of investigation including agreeing to coastal State boarding and inspection on the high seas when the Flag State is not in position to do so.

Numerous international extradition agreements include the ''prosecute or extradite'' rule. We believe international fishery agreements and relationships should include a similar approach. A State must either ensure that its flag vessels engage in responsible fishing on the high seas, or be prepared to allow other States to take the necessary steps. This approach fully respects the basic traditions of Flag State responsibility enshrined in the Law of the Sea Convention, while also meeting other responsibilities found in the Convention of equally compelling character to cooperate for the conservation and management of high seas living resources.

This approach, which the United States is advocating in the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, is completely consistent with the Law of the Sea Convention. If Flag States do not cooperate in this fashion, I believe that other members of the international community, particularly coastal States, will become more aggressive in asserting their rights and interests with respect to living marine resources. Indeed, we have begun to witness such actions in recent years.

We do not have time to go into this critical subject at greater length. We should recognize, however, the contributions that the FAO Agreement has made to giving content to the Flag State duties of the Law of the Sea Convention. We look forward to the FAO Agreement's entry into force and full implementation.

CONCLUSION

We generally ask too much of our international institutions. The Law of the Sea Convention is not a panacea that will make the oceans pristine and bountiful. Human behavior has a much greater role to play.

In the last ten years we have seen progress made on a number of fronts relating to the marine environment and high seas fisheries. And I should note that I have recounted just a few. These examples demonstrate, however, that it is possible to give real substantive, positive, beneficial, responsible content to that overused word ''cooperation.'' There are, as well, recent major achievements in protection of the marine environment from pollution, including, Marpol and the London Convention prohibitions on the ocean dumping of industrial waste and radioactive waste.

But, much remains to be done. The International Coral Reef Initiative in which Japan and the United States are playing a leading role is a step in the right direction. The Global Conference on Land Based Sources of Marine Pollution to be held in Washington at the end of 1995 offers the possibility of beginning to come to grips with the most insidious of ocean pollution problems. And, of course, there is the UN Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks in which we hope to make continuing progress in the field of international fisheries cooperation.

The progress made in these areas to date is no doubt due in part to the fact that we have begun to realize in a more forceful way that we have to take care of the oceans—that we have to agree to restrain our behavior—that we just can not do what we want, that ships under our flags must abide by rules of behavior to protect the marine environment and to conserve fisheries. It is also due in part to the fact that for eight years, from 1974–1982, the Third U.N. Conference on the Law of the Sea brought the entire world together to identify and negotiate the basic rules for traditional uses of the oceans and to set them out in the Law of the Sea Convention.

Thus, for the last ten years we have had a common foundation upon which to build. The progress made on ocean issues in the last ten years is directly attributable to the fact that everyone agreed on the basic rules.

The entry into force of the Law of the Sea Convention creates new opportunities to protect the marine environment and to conserve its fisheries. Not the least of these opportunities is found in the Convention's dispute settlement provisions, which no amount of rhetoric can make customary law.

No responsible actor, be it government, or individual, has anything to fear from compulsory dispute settlement. The Law of the Sea Convention's dispute settlement provisions, even if never used, can deter improper behavior and compel performance with basic rules and undertakings established by the international community to protect the marine environment and to conserve fisheries.

Let us ensure that we continue to make progress in these all important areas now that the Convention is in force.

THE 73 COUNTRIES THAT HAVE RATIFIED THE LAW OF THE SEA CONVENTION AS OF MARCH 1, 1995

Angola, Antigua and Barbuda, Australia, The Bahamas, Bahrain, Barbados, Belize, Bosnia-Herzegovina, Botswana, Brazil.

Cameroon, Cape Verde, Comoros, Cook Islands, Costa Rica, Cote d'Ivoire, Cuba, Cyprus, Djibouti, Dominica, Egypt, Federal Republic of Yugoslavia.

Fiji, the Gambia, Germany, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Honduras, Iceland, Indonesia, Iraq.

Italy, Jamaica, Kenya, Kuwait, Lebanon, Former Yugoslav Republic of Macedonia, Mali, Malta, Marshall Islands, Mauritius.

Mexico, Federated States of Micronesia, Namibia, Nigeria, Oman, Paraguay, Philippines, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines.

Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Tanzania, Togo.

Trinidad and Tobago, Tunisia, Uganda, Uruguay, Vietnam, Yemen, Zaire, Zambia, Zimbabwe.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the minority leader, pursuant to Public Law 102–138, appoints the Senator from Alabama [Mr. HEFLIN] as Vice Chairman of the Senate Delegation to the British-American Interparliamentary Group during the 104th Congress.

THE NEW YORK TIMES PUBLISHES ITS 50,000TH ISSUE

Mr. MOYNIHAN. Mr. President, careful readers of the New York Times may have noticed something special below the nameplate on the front page of today's issue. Just beneath the familiar box—known as the left ear in newspaper parlance—announcing ''All the News That's Fit to Print,'' it says the following: ''Vol. CXLIV . . . No. 50,000.''

The New York Times published its 50,000th issue today, a noteworthy milestone even for a newspaper as seemingly eternal and immutable as the great presence on West 43rd Street. The first issue of what was then called the New-York Daily Times appeared 143 years, 7 days ago, on Thursday, September 18, 1851. With only a very few interruptions, there has been an issue of the Times every day ever since.

To give Senators a sense of the magnitude of this event: if one were to stack up 50,000 copies of the New York Times, the pile would be 300 feet taller than the Empire State Building, which is 102 stories tall.

Mr. President, I am sure all Senators will join me in offering congratulations and great good wishes to Arthur Ochs Sulzberger, the publisher of the New York Times, and to everyone else at the Nation's ''newpaper of record,'' on this historic occasion. I ask unanimous consent that an article about the 50,000th issue from today's New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 14, 1995]

THE TIMES PUBLISHES ITS 50,000TH ISSUE: 143 YEARS OF HISTORY

(By James Barron)

This was front-page news in No. 1: ''In England, political affairs are quiet.'' So were two stories about New-York, a city that still had a hyphen in its name: a 35-year-old Manhattan woman had died in police custody, and two Death Row inmates were facing execution.

No. 25,320 was the one that said Lindbergh did it, flying to Paris in 33½ hours. No. 30,634 described the Japanese attack on Pearl Harbor. No. 35,178 reported that the Supreme Court had banned segregation in public schools. No. 40,721 said that men had walked on the moon, No. 46,669 that the Challenger had exploded.

Today, 143 years and 177 days after No. 1 hit the streets, The New York Times publishes Vol. CXLIV, No. 50,000—its 144th volume, or year, and 50,000th issue.

Except for the Super Bowl and the copyrights in late-late movies, Roman numerals have gone the way of long-playing phonograph records and rotary-dial telephones. And in an industry where the numbers that matter most involve circulation and advertising lineage, the 50,000th issue is the journalistic equivalent of a car odometer's rolling over. The day will be noted in passing at The Times. The newspaper is preparing to commemorate the 100th anniversary of Adolph S. Ochs's purchase of the paper next year.

''The best way we can celebrate'' No. 50,000, Arthur Ochs Sulzberger, the chairman of The New York Times Company, said yesterday in a memorandum to the staff, ''is by insuring that our 50,001st edition is the best newspaper we can possibly produce.'' He added: ''I'll fax you another memo when our 75,000th edition comes out.''

Still, 50,000 is a lot of anything. It is the number of copies of John Steinbeck's ''Grapes of Wrath'' sold every year in the United States, and the number of copies of Conrad Hilton's autobiography, ''Be My Guest,'' stolen every year from hotel rooms around the world, the number of rhinestones that were in Liberace's grand piano and the number of customers who crowd into Harrods in London every day.

If all 50,000 issues of The Times were stacked in a single pile, one copy apiece, they would be roughly 300 feet taller than the Empire State Building, or 200 feet taller than one of the twin towers at the World Trade Center.

The idea of 50,000 days of headlines summons memories. Going by the numbers, No. 18,806 said the Titanic had sunk after slamming into an iceberg near Newfoundland. No. 28,958 reported the explosion of the dirigible Hindenburg in Lakehurst, N.J., and No. 34,828 the conquering of Mount Everest. The 1965 blackout dominated No. 39,372; the one in 1977, No. 43,636.

The Times has covered 28 Presidents (29 if Grover Cleveland, who served two nonconsecutive terms, is counted twice), starting with Millard Fillmore. No. 4,230 reported the death of Abraham Lincoln, No. 38,654 the assassination of John F. Kennedy and No. 42,566 the resignation of Richard M. Nixon.

Ten thousand issues ago, No. 40,000 reported that a crib had been set up in the White House for Patrick Lyndon Nugent, the five-week-old grandson of President Lyndon B. Johnson. He was to stay in the White House while his parents took a vacation in the Bahamas.

No. 40,000 also reported that Ann W. Bradley was engaged to Ramsey W. Vehslage, the president of the Bonney-Vehslage Tool Company in Newark. No. 40,076, on Oct. 15, 1967, reported that their wedding had taken place the day before in Washington. Mr. Vehslage is still the president of the family-owned company. But the person who answered the phone at Bonney-Vehslage last week was Ramsey Jr., born on June 18, 1971 (an event not reported in No. 41,418, published that day).

Like No. 50,000 today, No. 30,000 hit the streets on a March 14—Thursday, March 14, 1940. No. 10,000, on Sept. 24, 1883, reported that J.P. Morgan's yacht had sunk. That issue had eight pages and a newsstand price of 2 cents. The daily-and-Sunday subscription price in those days was $7.50 a year.

Vol. I, No. 1 of The New-York Daily Times, as the newspaper was known, cost only a penny when it appeared on Thursday, Sept. 18, 1851. There were no Sunday issues until No. 2,990 on April 21, 1861. But each day brought a new number, and the continuity was preserved even when the paper was not published. After strikes in 1923, 1953 and 1958, special sections were printed containing pages that had been made up when the paper was not published.

Continuity was also preserved during a 114-day strike in 1962 and 1963. The Time's West Coast edition kept the numbers going. (The West Coast edition had no Sunday issue, but for the sake of continuity, the numbers skipped one between Saturday and Monday.)

In 1965, when a 24-day strike halted The Times's operations in New York, its international edition in Paris kept publishing. That justified keeping the numbers going, even though the international edition had its own different sequence. For that reason, the number of the issue published in New York on Sept. 16, 1965, the last day before the strike, was No. 39,317. The first day after the strike was No. 39,342. The numbers from 39,318 to 39,341 were never used.

No such attempt at continuity was made during an 88-day strike in 1978. By then, the Times had suspended its international edition and become a partner in The International Herald Tribune. The last issue of The Times before the strike was No. 44,027. The first issue after the strike was No. 44, 028.

The Times is one of the last papers in America to print the volume number (in Roman numerals) and the issue number (in Arabic) on its front page. Dr. Holt Parker, an associate professor of classics at the University of Cincinnati, knows when this tradition began: in the Middle Ages, when scribes copied texts by hand.

Why does it continue? Dr. Parker can think of only one reason. ''Because,'' he said, ''it looks good.''

THE DEATH OF JUDGE VINCENT L. BRODERICK

Mr. MOYNIHAN. Mr. President, New York and the Nation lost a most distinguished attorney, jurist, and public servant with the death on March 3 of the Honorable Vincent L. Broderick.

Judge Broderick, or Vince as he was known to family and friends, was born in 1920 into a family with a long tradition of public service. His father, Joseph A. Broderick, was Gov. Franklin D. Roosevelt's superintendent of banks, and was later appointed by President Roosevelt to the Federal Reserve Board. His uncle, James Lyons, served as Bronx borough president for 20 years. I might add that this tradition continues among other members of the family: Judge Broderick's nephew, Christopher Finn, who was my administrative assistant here in the Senate from 1987 to 1989, is now executive vice president of the Overseas Private Investment Corporation.