

International Legal Instruments Relevant to Fisheries and Fishing Communities: A Handbook

Introduction



International Collective in Support of Fishworkers
27 College Road, Chennai, India

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Contents

1. Introduction	1
2. Acknowledgement	3
3. Acronyms	4
4. Glossary	10
Timeline	

Introduction

In 2003, the International Collective in Support of Fishworkers (ICSF) conducted “Empowerment through Information: Training Programme for Fishworker Organizations and Non-governmental Organizations (NGOs)”. As part of the preparations for the training programme, a draft handbook and companion CD-ROM on “International Legal Instruments Relevant to Fisheries” were produced and distributed to participants. The draft handbook classified 57 instruments into legally binding and non-binding types, and provided the following information: long title of the instrument, short title, acronym, legal status, objectives, date of opening for signature, date of entry into force, signatories, ratifications, contents, additional instruments, initiating body, decision-making body, periodicity, participation in decision-making body, secretariat, relevance to fisheries, relevance to small-scale fisheries, keywords and relevant articles.

Based on feedback from the participants of the training programme and other readers, it was decided to revise the handbook. It was also realized that the handbook could be important in the advocacy and campaign activities of fishworker organizations, NGOs and others working in the sector.

This is the revised version of the handbook. It provides more detailed information for a wider range of legal instruments relevant to fisheries and fishworkers. It covers 114 legal instruments, categorized into seven themes, namely, human rights, food security, women and development; environment and sustainable development; oceans and fisheries management; environmental pollution; fishing vessels and safety at sea; labour; and trade.

This version also contains information on the working of the instruments (decision-making bodies, monitoring and implementation agencies, periodicity of meetings, rules for participation in meetings of the decision-making bodies and implementation agencies for States and NGOs), regional instruments/agencies and follow-up to the instrument.

Most of these instruments were initiated either through discussions at, or from a resolution of, the United Nations (UN) General Assembly or by UN programmes like the United Nations Environment Programme (UNEP); specialized agencies of the UN like the Food and Agriculture Organization of the United Nations (FAO); the International Labour Organization (ILO); the

International Maritime Organization (IMO); and the World Trade Organization (WTO). Each theme classifies the instruments based on their legal status (binding and non-binding) and type (treaty, convention, agreement, protocol, resolution, recommendation, voluntary guidelines, conference declaration and plan of action). The most important of all treaties is the Vienna Convention on the Law of Treaties, 1969, which, while recognizing the fundamental role of treaties in international relations, provides the framework for the formation of a treaty/agreement.

This revised edition of the handbook is far more extensive and comprehensive than the draft version. It also features a glossary that explains the various terms used in treaty-making. Apart from being a ready reckoner to the instruments, it highlights the important sections of relevance to fisheries/small-scale fisheries/fishworkers. The companion CD-ROM provides the full texts of all the instruments in a searchable format, along with details of the working of the instruments and the decisions of the various committees.

The contents of both the handbook and the CD-ROM are current as on March 2005. In cases where some information fields are absent (e.g., Short Title, Acronym), this is because they are not officially used or available. It is also available online at www.icsf.net

The Selected Paragraphs/Articles sections contain unedited excerpts, copied verbatim, from the relevant instruments and may not be stylistically consistent with the rest of the publication.

Comments and suggestions on this handbook are welcome for possible incorporation in future editions. They may be sent to icsf@icsf.net

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- Secretariat of the Convention on Biological Diversity (CBD)
- Secretariat of the Convention on Wetlands (Ramsar)
- Secretariat of the World Heritage Convention (WHC)
- Secretariat of the Convention on Migratory Species (CMS)
- Secretariat of the United Nations Framework Convention on Climate Change (UNFCCC)
- Division for Ocean Affairs and the Law of the Sea, United Nations (DOALOS)
- International Labour Office of the International Labour Organization (ILO)
- World Trade Organization (WTO)

Acronyms

ACP	Africa, Caribbean and Pacific
AFTA	ASEAN Free Trade Area
ASEAN	Association of Southeast Asian Nations
AIDS	acquired immune deficiency syndrome
ASCOBANS	Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas
ACCOBAMS	Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area
AIMS	Atlantic, Indian Ocean, Mediterranean and the South China Sea
BPoA	Barbados Plan of Action
CAC	Codex Alimentarius Commission
CAP	conformity assessment procedures
CBD	Convention on Biological Diversity
CCAMLR	Convention on the Conservation of Antarctic Marine Living Resources
CCPR	(International) Covenant on Civil and Political Rights
CCRF	Code of Conduct for Responsible Fisheries
CCSBT	Convention for the Conservation of Southern Bluefin Tuna
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEPA	Committee on Education and Public Awareness
CEPTFA	Council of the Eastern Pacific Tuna Fishing Agreement
CESCR	Committee on Economic, Social and Cultural Rights
CFA	Committee on Freedom of Association (of ILO)
CFC	chlorofluorocarbons
CFS	Committee on World Food Security (of FAO)
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CMS	Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention)
COFI	Committee on Fisheries (of FAO)
COLREGs	Convention on the International Regulations for Preventing Collisions at Sea
COMESA	Common Market for Eastern and Southern Africa
COP	Conference of Parties
CPR	common property resources
CRTA	Committee on Regional Trade Agreements (of WTO)
CSD	Commission on Sustainable Development
CSW	Commission on the Status of Women (of UN)
CSocD	Commission for Social Development (of UN)
CTD	Committee on Trade and Development (of WTO)
CTE	Committee on Trade and Environment (of WTO)

Introduction

CTG	Committee on Trade in Goods (of WTO)
CTS	Committee on Trade in Services (of WTO)
DAW	Division for the Advancement of Women (of UN)
DESA	Department of Economic and Social Affairs (of UN)
DFP	destructive fishing practices
DFT	destructive fishing techniques
DOALOS	Department of Ocean Affairs and the Law of the Sea (of UN)
DSB	Dispute Settlement Body (of WTO)
DSD	Division for Sustainable Development (of UN)
DSU	disputes settlement understanding (of the Uruguay Round)
DTE	Decision on Trade and Environment
EAF	ecosystem approach to fisheries
EC	European Commission
ECOSOC	Economic and Social Council (of UN)
ECOWAS	Economic Community of West African States
EEC	European Economic Community
EEZ	exclusive economic zone
EGTT	Expert Group on Technology Transfer
EIA	environmental impact assessment
EMS	environmental management systems
ESM	environmentally sound management
ESP	Committee on Employment and Social Policy (of ILO)
EU	European Union
FAD	fish aggregating device.
FAO	Food and Agriculture Organization of the United Nations
FDI	foreign direct investment
FFA	Forum Fisheries Agency (of the South Pacific)
FIGIS	Fisheries Global Information System (of FAO)
FOC	flag of convenience
FSU	floating storage units
FPSO	floating production storage and offloading (unit)
FWCW	Fourth World Conference on Women (Beijing Conference)
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
GATTEMIT	GATT group on Environmental Measures and International Trade
GPA	Global Programme of Action
GPA-LBA	Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities
GCRMN	Global Coral Reef Monitoring Network
GEF	Global Environment Facility
GESAMP	Group of Experts on the Scientific Aspects of Marine Environmental Protection
GFCM	General Fisheries Council for the Mediterranean
GIS	geographic information system

GISP	Global Invasive Species Programme
GIWA	Global International Waters Assessment
GPS	global positioning system
GTI	Global Taxonomy Initiative
HCFC	hydrochlorofluorocarbon
HMS	highly migratory species
HRD	human resource development
HS	harmonized system
HIPC	heavily indebted poor countries
HIV	human immunodeficiency virus
IAEA	International Atomic Energy Agency
IBRD	International Bank for Reconstruction and Development (World Bank)
ICAM	integrated coastal area management
ICCAT	International Commission for the Conservation of Atlantic Tunas
ICCPR	International Covenant on Civil and Political Rights
ICCROM	International Centre for the Study of the Preservation and Restoration of Cultural Property
ICES	International Council for the Exploration of the Sea
ICESC	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ICOMOS	International Council on Monuments and Sites
ICPD	International Conference on Population and Development
ICRI	International Coral Reef Initiative
ICS	international code of signals
ICZM	integrated coastal zone management
IGO	inter-governmental organization
ILO	International Labour Organization
IMCAM	integrated marine and coastal area management
IMF	International Monetary Fund
IMCO	Intergovernmental Maritime Consultative Organization (former name of IMO)
IMO	International Maritime Organization
INC	Intergovernmental Negotiating Committee
IOC	International Oceanographic Commission
IOSEA	Indian Ocean and South-East Asia
IOTC	Indian Ocean Tuna Commission
IPCC	Intergovernmental Panel on Climate Change
IPOA	international plan of action
IPPC	International Plant Protection Committee
IPR	intellectual property rights
ISO	International Standards Organization
ITLOS	International Tribunal for the Law of the Sea
IUCN	International Union for the Conservation of Nature and Natural Resources (now called IUCN-The World Conservation Union)
IUU	illegal, unreported and unregulated (fishing)
IWC	International Whaling Commission
IWRB	International Wildfowl Research Bureau

Introduction

JPoI	Johannesburg Plan of Implementation
LAR	living aquatic resources
LBA	land-based activities
LCA	life cycle analysis
LDC	least developed country
LDC	London Dumping Convention
LIFDC	low-income food-deficit countries
LILS	Committee on Legal Issues and International Labour Standards (of ILO)
LME	large marine ecosystem
MAFOR	marine (weather) forecast
MARPOL	International Convention for the Prevention of Pollution from Ships
MCFA	marine and coastal protected area
MCS	monitoring, control and surveillance
MDG	Millennium Development Goals
MEA	multilateral environmental agreements
MEPC	Marine Environment Protection Committee
MFN	most favoured nation
MNE	(Subcommittee on) Multinational Enterprises (of ILO)
MOP	Meeting of Parties
MoU	memorandum of understanding
MPA	marine protected area
MSC	Maritime Safety Committee
MSY	maximum sustainable yield
NAMA	non-agricultural market access
NEAFC	North East Atlantic Fisheries Commission
NEPAD	New Partnership for Africa's Development
NGLS	Non-Governmental Liaison Service (of UN)
NGMA	Negotiating Group on Market Access (of WTO)
NGO	non-governmental organization
NGR	Negotiating Group on Rules (of WTO)
NPAFC	North Pacific Anadromous Fish Commission
NPOA	national plan of action
NTB	non-tariff barriers
ODA	Overseas Development Aid
OECD	Organization for Economic Co-operation and Development
OIE	Office International des Epizooties (International Office of Epizootics)
OEWG	Open-Ended Working Group
PADH	physical alteration and destruction of habitats
PFA	Programme, Financial and Administrative Committee (of ILO)
PGE	Permanent Group of Experts
PHF	post-harvest fisheries
PIC	prior informed consent
PoA	plan of action

POPs	persistent organic pollutants
PSSA	particularly sensitive sea area
REIO	regional economic integration organization
RFMO	regional fisheries management organization
RFO	regional fisheries organization
RTA	regional trade agreements
SADC	Southern African Development Community
SAR	search and rescue (operations at sea)
SBI	Subsidiary Body for Implementation
SBSTTA	Subsidiary Body on Scientific, Technical and Technological Advice (to the CBD)
SCM	subsidies and countervailing measures
SEAFO	South East Atlantic Fisheries Organization
SFV	Safety of Fishing Vessels (The Torremolinos International Convention for the Safety of Fishing Vessels)
SIDS	small island developing States
SLF	Stability and Load Lines and Fishing Vessels Safety (a sub-committee of the MSC of IMO)
SNA	system of national accounts
SOLAS	Safety of Life at Sea
SPS	sanitary and phytosanitary standards (measures or regulations)
STCW-F	Standards of Training, Certification and Watchkeeping for Fishing (International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel)
STM	Committee on Sectoral and Technical Meetings and Related Issues (of ILO)
STRP	Scientific and Technical Review Panel (of the Ramsar Convention)
SWIOFC	Southwest Indian Ocean Fisheries Commission
TA	technical assistance
TAC	total allowable catch
TBPA	transboundary protected area
TBT	technical barriers to trade
TC	Committee on Technical Co-operation (of ILO)
TEAP	Technology and Economic Assessment Panel (of UNEP)
TEK	traditional ecological knowledge
TNC	transnational corporation
TRIPS	trade-related aspects of intellectual property rights
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCED	United Nations Conference on Environment and Development (Rio Summit or Earth Summit)
UNCHE	United Nations Conference on Human Environment
UNCLOS	United Nations Convention on the Law of the Sea
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme

Introduction

UNEP	United Nations Environment Programme
UNESCO	United Nations Economic, Social and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change
UNFSA	United Nations Fish Stocks Agreement
UNGA	United Nations General Assembly
UNHCHR	United Nations High Commissioner for Human Rights
UNICPOLOS	United Nations Informal Consultative Process on the Law of the Sea
VMS	vessel monitoring systems
WEAMU	West African Economic and Monetary Union
WCARRD	World Conference on Agrarian Reform and Rural Development
WCHR	World Conference on Human Rights
WCMC	World Conservation Monitoring Centre
WCPA	World Commission on Protected Areas (of IUCN)
WFS	World Food Summit
WHC	World Heritage Convention
WHO	World Health Organization
WIG	wing-in-ground
WIPO	World Intellectual Property Organization
WP/SDG	Working Party on the Social Dimension of Globalization (of ILO)
WRI	World Resources Institute
WSSD	World Summit on Sustainable Development
WTO	World Trade Organization

Glossary

acceptance: When a State becomes a party to a treaty; it may mean *either* by “signature subject to acceptance” (analogous to ratification) or by acceptance without prior signature (analogous to accession). The text of the treaty usually establishes which meaning of “acceptance” is meant. Also see **ratification**.

access to information: being able to obtain relevant information, especially with respect to environment

accession: the act whereby a State that has not signed a treaty expresses its consent to become a party to that treaty by depositing an “instrument of accession”. Accession has the same legal effect as ratification, acceptance or approval. The conditions under which accession may occur and the procedure involved depend on the provisions of the relevant treaty. Accession is generally employed by States wishing to express their consent to be bound by a treaty where the deadline for signature has passed. However, many modern multilateral treaties provide for accession even during the period that the treaty is open for signature.

action plan: a sequence of steps to achieve an endpoint

adoption: the formal act by which negotiating parties establish the form and content of a treaty. The treaty is adopted through a specific act expressing the will of the States and the international organizations participating in the negotiation of that treaty, e.g., by voting on the text, initialing, signing, etc. Adoption may also be the mechanism used to establish the form and content of amendments to a treaty, or regulations under a treaty.

agreement: a decision to do something made by two or more people, organizations, companies or governments. Agreements can be binding or non-binding. A binding agreement is one that everyone who has signed must follow or be punished. Non-binding agreements show that governments are trying to do something but they accept that they may not always be able to do so because of economic reasons.

amendment: the formal alteration of the provisions of a treaty by its parties. Such alterations must be effected with the same formalities that attended the original formation of the treaty. Multilateral treaties typically provide specifically for their amendment.

authentication: the procedure whereby the text of a treaty is established as authentic and definitive. Once a treaty has been authenticated, its provisions cannot be modified except by formal amendment.

authentic language: the language in which the meaning of a treaty's provisions is to be determined

authentic or authenticated text: the version of the treaty that has been authenticated by the parties

binding: for an agreement, one whose terms have to be complied with

certified true copy

certified true copy for depositary purposes: A certified true copy for depositary purposes means an accurate duplication of an original treaty, prepared in all authentic languages, and certified as such by the depositary of the treaty. The Secretary-General of the United Nations circulates certified true copies of each treaty deposited with the Secretary-General to all States and entities that may become parties to the treaty. For reasons of economy, the Secretary-General, as depositary, normally provides only two certified true copies to each prospective participant in the treaty. States are expected to make any additional copies required to fulfil their domestic needs. See article 77(1)(b) of the Vienna Convention 1969.

certified true copy for registration purposes: A certified true copy for registration purposes means an accurate duplication of a treaty submitted to the Secretariat of the United Nations for registration. The registering party must certify that the text submitted is a true and complete copy of the treaty and that it includes all reservations made by the parties. The date and place of adoption, the date and the method whereby the treaty has come into force, and the authentic languages must be included. See article 5 of the Regulations.

clearing-house: any agency that brings together seekers and providers of goods, services or information, thus matching demand with supply

Code of Conduct: FAO's Code of Conduct for Responsible Fisheries

COP (Conference of Parties): meetings of the parties who have signed, accepted or ratified a convention

contracting State: a State that has expressed its consent to be bound by a treaty where the treaty has not yet entered into force or where it has not entered into force for that State

correction: Correction of a treaty is the remedying of an error in its text. If, after the authentication of a text, the signatory and contracting States agree that an error exists, those States can correct the error by:

- a. initialling the corrected treaty text;
- b. executing or exchanging an instrument containing the correction; or
- c. executing the corrected text of the whole treaty by the same procedure by which the original text was executed.

If there is a depositary, the depositary must communicate the proposed corrections to all signatory and contracting States and States parties. In the practice of the United Nations, the Secretary-General, as depositary, informs all States of the error and the proposal to correct it. If, on the expiry of a specified time limit, no signatory or contracting State or State party objects, the Secretary-General circulates a *procès-verbal* of rectification and causes the corrections to be effected in the authentic text(s) *ab initio*. States have 90 days to object to a proposed correction. This period can be shortened if necessary.

See article 79 of the Vienna Convention 1969.

credentials: Credentials take the form of a document issued by a State authorizing a delegate or delegation of that State to attend a conference, including, where necessary, for the purpose of negotiating and adopting the text of a treaty. A State may also issue credentials to enable signature of the Final Act of a conference. Credentials are distinct from full powers. Credentials permit a delegate or delegation to adopt the text of a treaty and/or sign the Final Act, while full powers permit a person to undertake any given treaty action (in particular, signature of treaties).

covenant: a mutual agreement

convention: a formal multilateral treaty with a broad number of parties. In the last century, however, the term was regularly employed for bilateral agreements. Conventions are normally open for participation by the international community as a whole, or by

a large number of States. Usually, instruments negotiated under the auspices of an international organization are entitled conventions. The same holds true for instruments adopted by an organ of an international organization.

customary law: established patterns of behaviour that can be objectively verified within a particular social setting

date of effect: the time when a treaty action (such as signature, ratification, acceptance of an amendment, etc.) is undertaken with the depositary, in the depositary practice of the Secretary-General of the UN

decision: the act or process of deciding; determining after consideration

declaration: formal statement by a State or international organization while ratifying a convention

interpretative declaration: An interpretative declaration is a declaration by a State as to its understanding of some matter covered by a treaty or its interpretation of a particular provision. Unlike reservations, declarations merely clarify a State's position and do not purport to exclude or modify the legal effect of a treaty.

The Secretary-General, as depositary, pays specific attention to declarations to ensure that they do not amount to reservations. Usually, declarations are made at the time of signature or at the time of deposit of an instrument of ratification, acceptance, approval or accession. Political declarations usually do not fall into this category as they contain only political sentiments and do not seek to express a view on legal rights and obligations under a treaty.

mandatory declaration: A mandatory declaration is a declaration specifically required by the treaty itself. Unlike an interpretative declaration, a mandatory declaration is binding on the State making it.

optional declaration: An optional declaration is a declaration that a treaty specifically provides for, but does not require. Unlike an interpretative declaration, an optional declaration is binding on the State making it.

denunciation: the act, by a State, of declaring non-binding a convention that has previously been ratified by the same State

depository (depository) : The depository of a treaty is the custodian of the treaty and is entrusted with the functions specified in article 77 of the Vienna Convention 1969. The Secretary-General, as depository, accepts notifications and documents related to treaties deposited with the Secretary-General, examines whether all formal requirements are met, deposits them, registers them subject to Article 102 of the *Charter of the United Nations* and notifies all relevant acts to the parties concerned. Some treaties describe depository functions. This is considered unnecessary in view of the detailed provision of article 77 of the Vienna Convention 1969.

A depository can be one or more States, an international organization, or the chief administrative officer of the organization, such as the Secretary-General of the United Nations. The Secretary-General does not share depository functions with any other depository. In certain areas, such as dealing with reservations, amendments and interpretation, the Secretary-General's depository practice, which has developed since the establishment of the United Nations, has evolved further since the conclusion of the Vienna Convention 1969. The Secretary-General is not obliged to accept the role of depository, especially for treaties negotiated outside the auspices of the United Nations. It is the usual practice to consult the Treaty Section prior to designating the Secretary-General as depository. The Secretary-General, at present, is the depository for over 500 multilateral treaties.

See articles 76 and 77 of the Vienna Convention 1969.

depository notification (C.N.): A depository notification (sometimes referred to as a C.N., an abbreviation for circular notification) is a formal notice that the Secretary-General sends to all Member States, non-member States, the specialized agencies of the United Nations, and the relevant secretariats, organizations and United Nations offices, as depository of a particular treaty. The notification provides information on that treaty, including actions undertaken. Such notifications are typically distributed by e-mail on the day that they are processed. Notifications with bulky attachments are transmitted in paper form.

entry into force:

definitive entry into force: Entry into force of a treaty is the moment in time when a treaty becomes legally binding on the parties to the treaty. The provisions of the treaty determine the moment of its entry into force. This may be a date specified in the treaty or a date on which a specified number of ratifications, approvals, acceptances or accessions have been deposited with the depositary.

entry into force for a State: A treaty that has already entered into force may enter into force in a manner specified in it for a State or international organization that expresses its consent to be bound by it after its entry into force.

provisional entry into force: Provisional entry into force may be allowed by the terms of a treaty, for example, in commodity agreements. Provisional entry into force of a treaty may also occur when a number of parties to a treaty that has not yet entered into force decide to apply the treaty as if it had entered into force. Once a treaty has entered into force provisionally, it creates obligations for the parties that agreed to bring it into force in that manner.

enforcement: submission to follow rules and regulations

guidelines: a set of instructions to be followed

final act: A Final Act is a document summarizing the proceedings of a diplomatic conference. It is normally the formal act by which the negotiating parties bring the conference to a conclusion. It is usually part of the documentation arising from the conference, including the treaty, the resolutions and interpretative declarations made by participating States. There is no obligation to sign the Final Act, but signature may permit participation in subsequent mechanisms arising from the conference, such as preparatory committees. Signing the Final Act does not normally create legal obligations or bind the signatory State to sign or ratify the treaty attached to it.

full powers

instrument of full powers: Full powers take the form of a solemn instrument issued by the Head of State, Head of Government or Minister for Foreign Affairs, empowering a named representative to undertake given treaty actions.

The Secretary-General's practice in relation to full powers may differ in certain respects from that of other depositaries. The Secretary-General does not accept full powers transmitted by telex or powers that are not signed.

The Head of State, Head of Government and Minister for Foreign Affairs are considered as representing their State for the purpose of all acts relating to the signature of, and the consent to be bound by, a treaty. Accordingly, they need not present full powers for those purposes.

See articles 2(1)(c) and 7 of the Vienna Convention 1969.

instrument of general full powers: An instrument of general full powers authorizes a named representative to execute certain treaty actions, such as signatures, relating to treaties of a certain kind (for example, all treaties adopted under the auspices of a particular organization).

legally binding: the requirement that contracting parties follow the provisions in the instrument and create legal rights and duties

legislation: a law or set of laws of a particular country

memorandum of understanding (MOU): a less formal international instrument than a typical treaty or international agreement. It often sets out operational arrangements under a framework international agreement. It is also used for the regulation of technical or detailed matters. An MOU typically consists of a single instrument and is entered into among States and/or international organizations.

modification: the variation of certain provisions of a treaty only as between particular parties to that treaty. As between other parties, the original provisions apply. If a treaty is silent as to modifications, they are allowed only to the extent that they do not affect the rights or obligations of the other parties to the treaty and do not contravene the object and purpose of the treaty.

multilateral trading system: the system operated by the WTO. Most nations—including almost all the main trading nations—are members of the system. But some are not, so “multilateral” is used to describe the system instead of “global” or “world”.

non-binding: an instrument that cannot be legally enforced on signatories or parties to it e.g. conference declaration

party: a State or other entity with treaty-making capacity that has expressed its consent to be bound by that treaty by an act of ratification, acceptance, approval or accession, etc., where that treaty has entered into force for that particular State. This means that the State is bound by the treaty under international law.

plenipotentiary: the person authorized by an instrument of full powers to undertake a specific treaty action

protocol: an agreement of a less formal nature than that entitled a treaty or convention. Generally, a protocol amends, supplements or clarifies a multilateral treaty.

provisional application

provisional application of a treaty that has entered into force:

Provisional application of a treaty that has entered into force may occur when a State unilaterally undertakes to give legal effect to the obligations under a treaty on a provisional and voluntary basis. The State would generally intend to ratify, accept, approve or accede to the treaty once its domestic procedural requirements for international ratification have been satisfied. The State may terminate this provisional application at any time. In contrast, a State that has consented to be bound by a treaty through ratification, acceptance, approval, accession or definitive signature generally can only withdraw its consent in accordance with the provisions of the treaty or, in the absence of such provisions, other rules of treaty law.

See article 24 of the Vienna Convention 1969.

provisional application of a treaty that has not entered into force:

Provisional application of a treaty that has not entered into force may occur when a State notifies the signatory States to a treaty that has not yet entered into force that it will give effect to the legal obligations specified in that treaty on a provisional and unilateral basis. Since this is a unilateral act by the State, subject to its domestic legal framework, it may terminate this provisional application at any time.

A State may continue to apply a treaty provisionally, even after the treaty has entered into force, until the State has ratified, approved, accepted or acceded to the treaty. A State's provisional application terminates if that State notifies the other States among which the treaty is being applied provisionally of its intention not to become a party to the treaty.

See article 25 of the Vienna Convention 1969.

ratification, acceptance, approval: the act undertaken on the international plane, whereby a State establishes its consent to be bound by a treaty. Ratification, acceptance and approval all require two steps: the execution of an instrument of ratification, acceptance or approval by the Head of State, Head of Government or Minister for Foreign Affairs, expressing the intent of the State to be bound by the relevant treaty; and, for multilateral treaties, the deposit of the instrument with the depositary; and for bilateral treaties, the exchange of the instruments between parties.

registration: the function of the UN Secretariat in effecting the registration of treaties and international agreements under Article 102 of the Charter of the United Nations

reservation: statement made by a State by which it purports to exclude or alter the legal effect of certain provisions of a treaty in their application to that State. A reservation may enable a State to participate in a multilateral treaty that it would otherwise be unable or unwilling to participate in. States can make reservations to a treaty when they sign, ratify, accept, approve or accede to it. When a State makes a reservation upon signing, it must confirm the reservation upon ratification, acceptance or approval.

revision/ review: an amendment. However, some treaties provide for revisions/reviews separately from amendments (see, e.g., Article 109 of the Charter of the United Nations). In that case, revision/ review typically refers to an overriding adaptation of a treaty to changed circumstances, whereas the term amendment refers to changes to specific provisions.

signature:

definitive signature: signature not subject to ratification. Definitive signature occurs where a State expresses its consent to be bound by a treaty by signing the treaty without the need for ratification, acceptance or approval. A State may definitively sign a treaty only when the treaty so permits.

simple signature: signature subject to ratification. Simple signature applies to most multilateral treaties. This means that when a State signs the treaty, the signature is subject to ratification, acceptance or approval. The State has not expressed its consent to be bound by the treaty until it ratifies, accepts or approves it. In that case, a State that signs a treaty is obliged to refrain, in good faith, from acts that would defeat the object and purpose of the treaty.

treaty: a generic term embracing all instruments binding under international law, regardless of their formal designation, concluded between two or more international juridical persons. Thus, treaties may be concluded between States; international organizations with treaty-making capacity and States; or international organizations with treaty-making capacity.

The Vienna Convention 1969 defines a treaty as “an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation” (article 2(1)(a)). Accordingly, conventions, agreements, protocols and exchange of letters or notes may all constitute treaties.

bilateral treaty: a treaty between two parties

multilateral treaty: a treaty between more than two parties

plurilateral treaty: a treaty between a few States

Source: United Nations Treaty Collection
<http://untreaty.un.org/English/TreatyHandbook/glossary.htm>

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International Legal Instruments Relevant to Fisheries and Fishing Communities: A Handbook

International Legal Instruments Relevant to Fisheries and Fishing Communities: A Handbook provides detailed information for a wide range of legal instruments relevant to fisheries and fishworkers. It covers 114 legal instruments, categorized into the following seven themes:

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- Environment and Sustainable Development
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The handbook also includes the working of the instruments (decision-making bodies, monitoring and implementation agencies, periodicity of meetings, rules for participation in meetings of the decision-making bodies and implementation agencies for States and non-governmental organizations), regional instruments/agencies and follow-up. Apart from being a ready reckoner to the instruments, it highlights the important sections of relevance to fisheries/small-scale fisheries/fishworkers.

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ICSF is an international NGO working on issues that concern fishworkers the world over. It is in status with the Economic and Social Council of the UN and is on ILO's Special List of Non-Governmental International Organizations. It also has Liaison Status with FAO. Registered in Geneva, ICSF has offices in Chennai, India and Brussels, Belgium. As a global network of community organizers, teachers, technicians, researchers and scientists, ICSF's activities encompass monitoring and research, exchange and training, campaigns and actions, as well as communications.

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