

## **Bluefin Tuna: Provisional Measures Prescribed**

On 27 August, the International Tribunal for the Law of the Sea issued its Order in the Requests for the prescription of provisional measures in the Southern Bluefin Tuna Cases (see last issue at page 248).

The Tribunal prescribed five provisional measures and ordered the parties each to submit an initial report on the steps they have taken, or propose to take, in order to ensure prompt compliance with the measures prescribed. The report is to be submitted not later than 6 October 1999. The Tribunal also decided that the Registrar of the Tribunal should notify all States that are involved in the fishery for Southern Bluefin Tuna that are Parties to the United Nations Convention on the Law of the Sea of the Order.

The Tribunal, after it had found that it had jurisdiction over the disputes, prescribed the following provisional measures:

- **Parties to prevent aggravation or extension of the dispute**

By 20 votes to 2, the Tribunal decided that Australia, Japan and New Zealand shall each ensure that no action is taken which might aggravate or extend the disputes submitted to the arbitral tribunal.

- **Parties to prevent prejudice to the decision on the merits**

By 20 votes to 2, the Tribunal decided that Australia, Japan and New Zealand shall each ensure that no action is taken which might prejudice the carrying out of any decision on the merits which the arbitral tribunal may render.

- **Parties to keep catches to levels last agreed**

By 18 votes to 4, the Tribunal decided that Australia, Japan and New Zealand shall ensure, unless they agree otherwise, that their annual catches do not exceed the annual national allocations at the levels last agreed by the parties of 5,265 tonnes, 6,065 tonnes and 420 tonnes, respectively; in calculating the annual catches for 1999 and 2000, and without prejudice to any decision of the arbitral tribunal, account shall be taken of the catch during 1999 as part of an experimental fishing programme.

- **Parties to refrain from conducting an experimental fishing programme**

By 20 votes to 2, the Tribunal decided that Australia, Japan and New Zealand shall each refrain from conducting an experimental fishing programme involving the taking of a catch of Southern Bluefin Tuna, except with the agreement of the other parties or unless the

experimental catch is counted against its annual national allocation.

- **Parties to resume negotiations**

By 21 votes to 1, the Tribunal decided that Australia, Japan and New Zealand should resume negotiations without delay with a view to reaching agreement on measures for the conservation and management of Southern Bluefin Tuna.

- **Parties to seek agreement with others engaged in fishing for Southern Bluefin Tuna**

By 20 votes to 2, the Tribunal decided that Australia, Japan and New Zealand should make further efforts to reach agreement with other States and fish-ing entities engaged in fishing for Southern Bluefin Tuna, with a view to ensuring conservation and promoting the objective of optimum utilisation of the stock. □