

## FISHERIES ON THE HIGH SEAS

Until the middle of this century, the traditional international law of fisheries provided for a territorial sea of three nautical miles and the remainder of the oceans, the high seas, for which there was freedom of fishing. Although the Convention retains freedom of fishing on the high seas,<sup>1</sup> the results are considerably different.

Of greatest impact is the fact that the coastal states have the right to establish an exclusive economic zone which extends for 200 nautical miles from the coast<sup>2</sup> within which they have fishing rights.<sup>3</sup> About 90% of the commercially exploitable fish stocks can be found in such zones if they are universally established.

Consequently, the Convention requires measures for the high seas supplementary to those for the exclusive economic zone. These measures can be summarized as conservation measures implemented by the state for its nationals<sup>4</sup> and measures for co-operation between the states for conservation and management of resources in the high seas.<sup>5</sup> The guidelines which apply for determining allowable catch and establishing conservation measures are similar to those for the coastal states in their exclusive economic zones;<sup>6</sup> furthermore, such measures must avoid the discrimination of fishermen of any other state.<sup>7</sup> States must also have due regard for stocks and species which move from coastal state zones to the high seas and back and consider whether these stocks are subject to coastal state conservation and management measures<sup>8</sup>. In particular, coastal states and states concerned with fishing on the high seas are to co-operate in respect to highly migratory species<sup>9</sup> listed in Annex I.

The limited resources of the high seas, together with the various measures to be taken, make it essential to reach a balance between the conflicting principles of freedom of fishing and cooperative conservation and management of the resources of the high seas.<sup>10</sup> The Convention provides for the establishment of subregional or regional fisheries organizations to achieve this end.<sup>11</sup>

## FREEDOM OF FISHING

### ARTICLE 87, SUBPARAGRAPH 1(e)

subject to

State treaty obligations (Article 116, Subparagraph (a))	High Seas Fishing Provisions Articles 117-120 (Article 116, Subparagraph (c))	Rights, duties and Interests of coastal states (Article 116, Subparagraph (b))
--	---	--

<sup>1</sup> Art. 87, Subpara. 1(e)

<sup>2</sup> Art. 57

<sup>3</sup> Art. 56, Subpara. 1 (a)

<sup>4</sup> Art. 117, 119, 120

<sup>5</sup> Art. 117, 119, 120

<sup>6</sup> Art. 119, 61

<sup>7</sup> Art. 119, Para. 3

<sup>8</sup> Art. 116, Subpara. (b); 63, Para. 2; 64-67

<sup>9</sup> Art. 64

<sup>10</sup> Art. 117

<sup>11</sup> Art. 118

