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COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND THE
LIMITS OF NATIONAL JURISDICTION

Dual Distribution

FAO Statement on its Possible Contribution to Preparations
for the Conference on the Law of the Sea

By Resolution 2750 C (XXV), the General Assembly of the United Nations decided on 17 December 1970 to convene a new Conference on the Law of the Sea. In accordance with operative paragraph 2 of the Resolution, and subject to further decisions to be made by the General Assembly at its twenty-sixth and twenty-seventh sessions regarding the precise agenda of the Conference, the issues to be dealt with by the Conference cover fishing and conservation of the living resources of the high seas, including the question of the preferential rights of coastal states.

In operative paragraph 13 of the Resolution, the General Assembly invited the Food and Agriculture Organization of the United Nations (FAO) and its Committee on Fisheries, among other international organizations, to co-operate fully with the enlarged Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, which was designated to act as preparatory committee for the Conference. FAO and the organizations concerned were invited in particular to prepare such scientific and technical documentation as the Committee may request.

The object of this Statement is to review briefly significant developments that occurred with respect to sea fisheries since the first United Nations Conference on the Law of the Sea took place in 1958.

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The period since the previous Conference has been one of rapid development of fisheries throughout the world. The production of marine fish (including shellfish) has increased from 27 million tons in 1958 to 56 million tons in 1969. Problems of over-exploitation have become intensified, and this has increased the need for measures for conservation and management. In 1955, when the International Technical Conference on the Conservation of the Living Resources of the Sea met at FAO Headquarters in Rome in preparation for the Conference on the Law of the Sea, virtually all fish stocks outside the North Atlantic and the North Pacific were under-exploited, or not exploited at all. Now there are few stocks of the types of fish readily caught and marketed which are not heavily exploited, many by large fleets of long-range vessels capable of fishing anywhere in the world. The number of countries involved in long-range fishing beyond the vicinity of their own coasts is also increasing and includes already, often as a result of bilateral and multilateral assistance programmes^{1/}, several developing countries. This last trend constitutes an important development since the 1958 Conference, as more countries with strong and sometimes conflicting fishery interests will take part in the new Conference.

Even though many of the more valuable stocks are being over-exploited, some to a serious extent, the living resources of the sea as a whole are still under-exploited. It may be worth noting here that according to the FAO Perspective Study of World Agricultural Development, the total demand for fish for both human consumption and for animal feed is projected at 74 million tons in 1975 and 107 million tons in 1985. This compares with an estimated potential from conventional marine species of a little over 100 million tons. Among the policies required in reaching such a target, the Study emphasizes the importance of management measures aimed at a more rational utilization of fish stocks, since the full potential can only be achieved if each stock is harvested at the optimum rate.

^{1/} The report on "Exploitation and Conservation of Living Marine Resources" (doc. E/4842) prepared by the Secretary-General of the United Nations and the Director-General of FAO pursuant to General Assembly Resolution 2413 (XXIII) and submitted to the Twenty-Fifth Session of the General Assembly, contains information on technical assistance provided by countries and by the specialized agencies concerned.

In the past years, fishing has diversified into a wider range of species so that management has to take more account of ecological interactions between different species in the same region. It is also becoming more generally recognized that effective use of the fish resources requires more than the mere maintenance of the yield from certain individual stocks at high level. Particularly for developing countries with scarce resources of capital, the costs of harvesting the resources must be kept low. In fact an increasing emphasis is being placed on economic considerations in management schemes formulated by governments either individually or within the framework of regional fishery bodies. In particular, it has become more widely appreciated that the introduction of certain restrictions on fishing will not necessarily be economically beneficial and that some limitation of entry into the fishery is required if fisheries are to be exploited to maximum economic advantage.

Improvements and innovations in fishing equipment and methods, in fish handling and processing, and development of new products and markets since the First United Nations Conference on the Law of the Sea have brought additional fishery resources within the range of commercial exploitation and indeed have led to important cost reductions. Technical progress, however, has not always been an unmixed blessing for fisheries since it is also being accompanied by an intensification of exploitation.

The most important developments that have taken place are probably in the field of fish location and particularly in the use of sonar in purse seining and aimed trawling. The fishing industry has also adopted a number of new fishing gear and gear handling techniques, such as mid-water trawls, mechanized devices for net handling, and fish pumps. The generalized use of synthetic fibres for net construction has also had a significant impact on the development of fisheries. New freezing and processing techniques make it possible to handle and store the fish on board, so that a large fleet of freezer and factory trawlers has been built and equipped to operate anywhere in the world. Other characteristics of the long-range fishery are mothership operations, with one large factory vessel supported by a number of smaller catchers and a worldwide network of fishing ports for unloading, bunkering, repair, or exchange of crews. In the traditional small scale fisheries, the most significant changes have been the use of synthetic fibres, the mechanization of small craft and the use of glass-fibre and ferro-cement as hull material.

Reference should also be made to recent developments in other uses of the ocean, including the disposal of wastes, and in industrial exploration and exploitation of the resources of the seabed and its subsoil. Many of these activities affect fishery resources and fishing activities, thus increasing the possibility of conflicts between the various uses. It becomes necessary to give consideration to the measures required to minimize any harmful interference with fishing, especially that resulting from pollution.

The magnitude, nature and distribution of the living resources of the sea, as well as the effects of fishing effort on them, are much better known today than they were in 1955. It is also better realized that in view of the migratory nature of many species, any fishing effort exerted on resources in areas under one national jurisdiction affects these resources under other jurisdictions and on the high seas and conversely. This points to the need for a closely integrated approach to the problem of management of the living resources of the sea. In this respect, reference could be made to another important development since the 1958 Conference and that is the establishment in 1965 of the FAO Committee on Fisheries which is mentioned in Resolution 2750 C (XXV). This inter-governmental body is in fact the only global forum concerned with the development of fisheries and one of its main functions is to review fishery problems of an international character and appraise such problems and their possible solution with a view to concerted action by nations and by other inter-governmental bodies.

Mention should also be made of the increasing number of fishery management bodies established to cover specific areas of the high seas or particular species of living resources. Many of these bodies were set up after the 1958 Conference, e.g. the Joint Commission for Black Sea Fisheries, the Northeast Atlantic Fisheries Commission, the Joint Commission for Fisheries Co-operation and the Japan-Republic of Korea Joint Fisheries Commission; in addition, the Regional Fisheries Advisory Commission for the Southwest Atlantic, the Fishery Committee for the Eastern Central Atlantic and the Indian Ocean Fishery Commission were created within the framework of FAO; FAO also convened two Conferences of Plenipotentiaries which adopted Conventions providing for the establishment, outside the framework of the Organization, of the International Commission for the Conservation of Atlantic Tunas and of the International Commission for the

Southeast Atlantic Fisheries. Regional fishery bodies fulfil a most useful function in promoting and co-ordinating research and in ensuring the rational management of resources in their area of competence^{2/}. As increased exploitation brings greater pressure to bear on these bodies, ways and means to strengthen their effectiveness, where necessary, could be considered.

With a view to assisting the Committee in its examination of the various aspects of fishery matters, it would be possible for FAO to prepare concise working papers on such topics as the Committee may consider relevant to its work. Within the framework outlined above, FAO stands ready to meet the requests of the Committee.

^{2/} The report quoted in footnote^{1/} provides information on recent activities and trends of regional fishery bodies.