



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

Sub-Committee II

Canada, India, Kenya and Sri Lanka: draft articles on fisheries*

- Note: 1. The substance of this proposal is complementary to the concept of the exclusive economic zone and should be considered as a part thereof.
2. The proposal is presented to promote discussion on the subject around a concrete text and does not necessarily reflect the final views of the sponsoring delegations.

Article 1

A coastal State has a right to establish an exclusive fishery zone beyond its territorial sea. The coastal State shall exercise sovereign rights for the purpose of exploration, exploitation, conservation and management of the living resources, including fisheries, in this zone, and shall adopt from time to time such measures as it may deem necessary and appropriate. The living resources may be plant or animal, and may be located on the water surface, within the water column, on the sea-bed or in the subsoil thereof.

Article 2

The exclusive fishery zone may not extend beyond ... nautical miles** from the baseline from which the breadth of the territorial sea is measured.

Article 3

Each coastal State shall notify to the authority designated for the purpose by the Conference on the Law of the Sea the limits of the exclusive fishery zone defined by co-ordinates of latitude and longitude or by any other internationally recognized method and marked on large-scale charts officially recognized by that State.

Article 4

The coastal State may allow nationals of other States to fish in its exclusive fishery zone, subject to such terms, conditions and regulations as it may from time to time prescribe. These may, inter alia, relate to the following:

- (a) Licensing of fishing vessels and equipment, including payment of fees and other forms of remuneration;
- (b) Limiting the number of vessels and the number of gear that may be used;

- (c) Specifying the gear permitted to be used;
- (d) Fixing the periods during which the prescribed species may be caught;
- (e) Fixing the age and size of fish that may be caught;
- (f) Fixing the quota of catch, whether in relation to particular species of fish or to catch per vessel over a period of time or to the total catch of nationals of one State during a prescribed period.

Article 5

Neighbouring developing coastal States shall allow each other's nationals the right to fish in a specified area of their respective fishery zones on the basis of long and mutually recognized usage and economic dependence on exploitation of the resources of that area. The modalities of the exercise of this right shall be settled by agreement between the States concerned. This right will be available to the nationals of the State concerned and cannot be transferred to third parties by lease or licence, by establishing joint collaboration ventures, or by any other arrangement. Jurisdiction and control over the conservation, development and management of the resources of the specified area shall lie with the coastal State in whose zone that area is located.

Article 6

Nationals of a developing land-locked State shall enjoy the privilege to fish in the neighbouring area of the exclusive fishery zone of the adjoining coastal State on the basis of equality with the nationals of that State. The modalities of the enjoyment of this privilege and the area to which they relate shall be settled by agreement between the coastal State and the land-locked State concerned. This privilege will be available to the nationals of the land-locked State concerned and cannot be transferred to third parties by lease or licence, by establishing joint collaboration ventures, or by any other arrangement. Jurisdiction and control over the conservation, development and management of the resources of the specified area shall lie with the coastal State in whose zone that area is located.

Article 7

No State exercising foreign domination or control over a territory shall be entitled to establish an exclusive fishery zone or to enjoy any other right or privilege referred to in these articles with respect to such territory.

Article 8

A coastal State has a special interest in the maintenance of the productivity of the living resources of the area of the sea adjacent to the exclusive fishery zone, and may take appropriate measures to protect this interest. A coastal State shall enjoy preferential rights to the resources of this area and may reserve for its nationals a portion of the allowable catch of these resources corresponding to its harvesting capacity.

Article 9

Regulations may be made on a regional basis for the exploration, exploitation, conservation and development of the living resources of the area of the sea outside the limits of the exclusive fishery zone, where these resources are of limited migratory habits and breed, feed and survive on the resources of the region. The States of the region may establish these regulations by entering into an agreement or convention between themselves, or request the authority designated for the purpose by the Conference on the Law of the Sea to formulate these regulations for the region subject to ratification by them.

Article 10

In respect of fisheries of highly migratory habits outside the limits of the exclusive fishery zone, regulations for their exploration, exploitation, conservation and development shall be made by the authority designated for the purpose by the Conference on the Law of the Sea.

Article 11

(On anadromous species)

Article 12

All fishing activities in the exclusive fishery zone and the rest of the sea shall be conducted with due regard to the interests of the other States in the legitimate uses of the sea. In the exercise of their rights, the other States shall not interfere with fishing activities in the exclusive fishery zone.

Article 13

The jurisdiction and control over all fishing activities within the exclusive fishery zone shall lie with the coastal State concerned. Any difference or dispute concerning the limits of the zone or the interpretation or validity of the terms, conditions or regulations referred to in article 5 or the interpretation and application of these articles shall be settled by the competent institutions of the coastal State concerned.

Any difference or dispute concerning fishing activities outside the exclusive fishery zone shall be referred to the authority designated for the purpose by the Conference on the Law of the Sea.

Article 14

(Final clauses, etc.)