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

SUB-COMMITTEE II

THE UNION OF SOVIET SOCIALIST REPUBLICS:  
DRAFT ARTICLE ON FISHING

(Basic provisions)

1. In the areas of the high seas directly adjacent to its territorial sea or fishery zone (not exceeding 12 miles), a developing coastal State may annually reserve to itself such part of the allowable catch of fish as can be taken by vessels navigating under that State's flag.

With the growth of the fishing fleet of the developing coastal State the above-mentioned part of the allowable catch of fish reserved by that State may increase accordingly.

The developing coastal State shall notify the size of the reserved part of the catch to the international fisheries organization whose competence covers the particular area, and also to States engaged in fishing in the above-mentioned areas.

2. In the areas of the high seas directly adjacent to its territorial sea or fishery zone (not exceeding 12 miles), any coastal State may annually reserve to itself such part of the allowable catch of the stock of anadromous fish spawning in its rivers as can be taken by vessels navigating under that State's flag.

3. The part of the allowable catch of fish which is not reserved in accordance with paragraphs 1 and 2 above may be taken by vessels navigating under the flags of other States, including land-locked States, without detriment to the reproduction of the stocks of fish.

4. In those of the areas referred to above where fishing regulatory measures are carried out through international fisheries organizations, such regulatory régime shall remain effective in the future.

Control over the observance of the fishing regulatory measures in such areas shall continue to be exercised on the basis of the provisions adopted within the framework of the respective international fisheries organizations.

5. In the areas referred to in this article which are not covered by the measures specified in paragraph 4, the coastal State may itself establish fishing regulatory measures on the basis of scientific findings. Such measures shall be established by the coastal State in agreement with the States also engaged in fishing in the said areas.

Regulatory measures shall not discriminate in form or in substance against fishermen of any of those States.

6. The coastal State may itself exercise control over the observance of the fishing regulatory measures initiated by it under paragraph 5.

In cases where the competent authorities of the coastal State have sufficient reasons for believing that a foreign vessel engaged in fishing is violating these measures, they may stop the vessel and inspect it, and also draw up a statement of the violations. The consideration of cases which may arise in connexion with violations of the said measures by a foreign vessel, as well as the punishment of members of the crew guilty of such violations, shall be effected by the flag-State of the vessel which has committed the violation. Such State shall notify the coastal State of the results of the investigation and of measures taken by it.

7. Disputes between States on matters connected with the application of the provisions of this article may, at the request of one of the parties to the dispute, be settled by arbitration unless the parties agree to settle it by another means of pacific settlement provided for in Article XX of the United Nations Charter.

## EXPLANATORY NOTE

The Soviet Union attaches great importance to reaching agreed decisions on problems of fishing on the high seas, which are under discussion in the United Nations Committee on the preparations for a conference on the law of the sea. The USSR considers that the solutions to these problems should ensure for all countries practical possibilities of using the fishery resources of the high seas to satisfy the needs of their peoples.

We regard with understanding the interest of developing countries in a rational use of fishery resources in the areas of the high seas adjacent to their coasts. We realize that, due to the prolonged colonial exploitation to which they have been subjected, the developing countries possess far less economic and technical means for fishing than the developed States possessing distant-water fishing vessels.

Taking all this into account, the Soviet Union favours the granting to the developing coastal States of such special rights in regard to fishing as would permit them to make extensive use of the fishery resources of the adjacent areas of the high seas in their interests and to develop their national fishing industries.

We believe that on the whole the solution of fishing problems at the international level could be found by ensuring reasonable harmony between the interests of the developing coastal States and the interests of other countries, including land-locked countries.

This position of the USSR has been set forth in the Committee on the preparations for a conference on the law of the sea, in particular at its third session held in New York in March last.

It has also found expression in the draft basic provisions for an article on fishing transmitted to the States members of the Committee together with this note.

The main provision of the draft is the one which states that a developing coastal State may annually reserve to itself in the areas of the high seas adjacent to its territorial sea or fishing zone (not exceeding 12 miles) such part of the stocks of fish as can be taken by vessels navigating under its flag.

The draft provides that, with the growth of the fishing fleet of a particular State, the part of the stock of fish reserved by it may increase accordingly.

Thus, a developing coastal State would be entitled to take all the fish which could be taken by its fishing vessels; at the same time, provision would be made for the future development of its national fishing industry and for the increase in its catch.

Of course, in solving the problems of fishing the legitimate interests of the peoples of other States to use the fishery resources of the world oceans should not be overlooked. It is our view that, should the stocks of fish not taken by a coastal State perish without being used by other States, it would be an unjustifiable waste of valuable food resources so necessary to mankind. The Soviet draft basic provisions for the article on fishing provide that the part of the stocks of fish

which is not reserved by a developing coastal State can be taken by other States without detriment to the reproduction of the stocks of fish.

The Soviet draft pays adequate attention to questions relating to the regulating of fishing and ensuring the conservation of stocks of fish.

It takes into account the fact that in certain areas of the high seas a system of fishing rules and control over fishing which has proved its value in practice is functioning and is being improved; these rules have been developed on the basis of scientific findings and are applied within the framework of the respective international fisheries organizations.

Since such a regulating and controlling system does not exist for all areas of the high seas, we deem it desirable that a coastal State be entitled to establish, on the basis of scientific findings, fishing regulatory measures for those areas of the high seas adjacent to its coast which are outside the competence of international fisheries organizations.

The coastal State would be entitled in the said areas to exercise control over the observance of the fishing rules so established, including the right to stop and inspect a vessel violating such rules. It is understood that in establishing the said rules coastal States will cooperate with the countries engaged in fishing in those areas.

The Soviet draft also contains a provision relating to the settlement of disputes which may arise in connexion with the application of the article on fishing.

We believe that the Soviet draft basic provisions for the article on fishing which, with regard to the recognition of special fishing rights for the developing countries, go further than the proposals advanced by other States in the Committee on the preparations for a United Nations conference on the law of the sea could serve as a basis for the elaboration by the Committee of agreed decisions on the problems of fishing.

As is known, the problem of fishing is being considered in the said Committee together with other problems of the law of the sea. The Soviet Union is willing to cooperate and is taking into account the wishes of the developing countries on these problems as well, and in particular with regard to the establishment of a sea-bed régime.

The Soviet draft treaty on the use of the sea-bed for peaceful purposes submitted to the Committee on 22 July 1971 provides that the exploitation of its resources shall be carried out "for the benefit of mankind as a whole irrespective of the geographical location of States, whether coastal or land-locked, and taking into particular consideration the interests and needs of the developing countries." The USSR would be agreeable to the inclusion of the sea-bed treaty of an article on the equitable distribution of benefits derived from the exploitation of the sea-bed resources, if an agreed solution were in evidence on the problems of fishing and also on such questions as the establishment of a 12-mile limit for the breadth of the territorial sea and the safeguarding of freedom of passage through straits used for international shipping.

The USSR has invariably shown its willingness to cooperate in settling questions of the law of the sea and will continue to seek an agreed solution to them.