Management Entities Institutions

- International
- National/Tribal
- State/Provincial
- Regional

Establishing Legal Basis

- Code developed and adopted
- Multilateral - Convention
- Unilateral
- Soft and Hard Laws

Some of the more famous Conventions and Treaties

- Those for North American most familiar to us, but many others now in existence
- Best source of details is web page
- **Internet Guide to International Fisheries Law**
- [www.oceanlaw.net](http://www.oceanlaw.net)
Law of the Sea

- THE UNITED NATIONS CONVENTION ON
  THE LAW OF THE SEA
- Montego Bay, Jamaica, 10 December 1982
  Entered into force, 16 November 1994

Activities of UN Law of the Sea

- Established the limits of jurisdiction for
  nations, and defined common terms rivers,
  bays, archipelagic State, Exclusive
  Economic Zone
- Not just fisheries issues but other things like
  submarines, innocent passage rights etc.
- Rights of merchant ships

Exclusive Economic Zone

- EEZ is an area beyond and adjacent to the
  territorial sea, subject to the specific legal
  regime established…, under which the
  rights and jurisdiction of the coastal State
  and the rights and freedoms of other States
  are governed by the relevant provisions of
  this Convention.
PART V- EXCLUSIVE ECONOMIC ZONE - EEZ

• The exclusive economic zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

State has Rights

• (a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the sea-bed and of the sea-bed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;

EEZ

• (b) jurisdiction as provided for in the relevant provisions of this Convention with regard to:
  • (i) the establishment and use of artificial islands, installations and structures;
  • (ii) marine scientific research;
  • (iii) the protection and preservation of the marine environment;
  • (c) other rights and duties provided for in this Convention.
Article 61

• CONSERVATION OF THE LIVING RESOURCES

• The coastal State shall determine the allowable catch of the living resources in its exclusive economic zone

Article 62

• UTILIZATION OF THE LIVING RESOURCES

• The coastal State shall promote the objective of optimum utilization of the living resources in the exclusive economic zone without prejudice to article 61.

Article 63

• Describes Rules for STOCKS OCCURRING WITHIN THE EXCLUSIVE ECONOMIC ZONES OF TWO OR MORE COASTAL STATES OR BOTH WITHIN THE EXCLUSIVE ECONOMIC ZONE AND IN AN AREA BEYOND AND ADJACENT TO IT
**Article 64**
HIGHLY MIGRATORY SPECIES

- The coastal State and other States whose nationals fish in the region for the highly migratory species shall cooperate directly or through appropriate international organizations with a view to ensuring conservation and promoting the objective of optimum utilization of such species throughout the region, both within and beyond the exclusive economic zone.

**Other Articles with Specific Management Policy**

- **65--MARINE MAMMALS**

- **66 - ANADROMOUS STOCKS**
  - States in whose rivers anadromous stocks originate shall have the primary interest in and responsibility for such stocks

**Article 67**
CATADROMOUS SPECIES

- A coastal State in whose waters catadromous species spend the greater part of their life cycle shall have responsibility for the management of these species and shall ensure the ingress and egress of migrating fish.
### Article 69
**RIGHT OF LAND-LOCKED STATES**

1. Land-locked States shall have the right to participate, on an equitable basis, in the exploitation of an appropriate part of the surplus of the living resources of the exclusive economic zones of coastal States of the same subregion or region, taking into account the relevant economic and geographical circumstances of all the States concerned and in conformity with the provisions of this article and of articles 61 and 62.

### Article 70
**GEOGRAPHICALLY DISADVANTAGED STATES**

1. Geographically disadvantaged States shall have the right to participate, on an equitable basis, in the exploitation of an appropriate part of the surplus of the living resources of the exclusive economic zones of coastal States of the same subregion or region, taking into account the relevant economic and geographical circumstances of all the States concerned and in conformity with the provisions of this article and of articles 61 and 62.

### Article 71
**NON-APPLICABILITY OF ARTICLES 69 AND 70**

The provisions of articles 69 and 70 do not apply in the case of a coastal State whose economy is overwhelmingly dependent on the exploitation of the living resources of its exclusive economic zone.
Article 73

• ENFORCEMENT OF LAWS AND REGULATIONS OF THE COASTAL STATE The coastal State may, in the exercise of its sovereign rights to explore, exploit, conserve and manage the living resources in the exclusive economic zone, take such measures, including boarding, inspection, arrest and judicial proceedings, as may be necessary to ensure compliance with the laws and regulations adopted by it in conformity with this Convention.

Article 192

• GENERAL OBLIGATION
  • States have the obligation to protect and preserve the marine environment.

Article 193

Sovereign Right of States to Exploit their Natural Resources

• States have the sovereign right to exploit their natural resources pursuant to their environmental policies and in accordance with their duty to protect and preserve the marine environment.
Article 194

• MEASURES TO PREVENT, REDUCE AND CONTROL POLLUTION OF THE MARINE ENVIRONMENT
• 1. States shall take, individually or jointly as appropriate, all measures consistent with this Convention that are necessary to prevent, reduce and control pollution of the marine environment from any source, using for this purpose the best practicable means at their disposal and in accordance with their capabilities, and they shall endeavor to harmonize their policies in this connection.

Article 195

• DUTY NOT TO TRANSFER DAMAGE OR HAZARDS OR TRANSFORM ONE TYPE OF POLLUTION INTO ANOTHER
• In taking measures to prevent, reduce and control pollution of the marine environment, States shall act so as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another.

Article 196

• USE OF TECHNOLOGIES OR INTRODUCTION OF ALIEN OR NEW SPECIES
• 1. States shall take all measures necessary to prevent, reduce and control pollution of the marine environment resulting from the use of technologies under their jurisdiction or control, or the intentional or accidental introduction of species, alien or new, to a particular part of the marine environment, which may cause significant and harmful changes thereto.
Article 200

- STUDIES, RESEARCH PROGRAMMES AND EXCHANGE OF INFORMATION AND DATA
- States shall cooperate, directly or through competent international organizations, for the purpose of promoting studies, undertaking programmes of scientific research and encouraging the exchange of information and data acquired about pollution of the marine environment.

Article 237

- OBLIGATIONS UNDER OTHER CONVENTIONS ON THE PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT
- 1. The provisions of this Part are without prejudice to the specific obligations assumed by States under special conventions and agreements concluded previously which relate to the protection and preservation of the marine environment and to agreements which may be concluded in furtherance of the general principles set forth in this Convention.

PART XIII
MARINE SCIENTIFIC RESEARCH

- Article 238 - RIGHT TO CONDUCT MARINE SCIENTIFIC RESEARCH
- Article 239 - PROMOTION OF MARINE SCIENTIFIC RESEARCH
- Article 240 - GENERAL PRINCIPLES FOR THE CONDUCT OF MARINE SCIENTIFIC RESEARCH
SECTION 3. CONDUCT AND PROMOTION OF MARINE SCIENTIFIC RESEARCH

- **Article 245** - MARINE SCIENTIFIC RESEARCH IN THE TERRITORIAL SEA
- **Article 246** - MARINE SCIENTIFIC RESEARCH IN THE EXCLUSIVE ECONOMIC ZONE AND ON THE CONTINENTAL SHELF
- **Article 247** - MARINE SCIENTIFIC RESEARCH PROJECTS UNDERTAKEN BY OR UNDER THE AUSPICES OF INTERNATIONAL ORGANIZATIONS

North America International Fishery Management Entities

ICNAF

- International Commission for the Northwest Atlantic Fisheries (ICNAF) – convention 1948 to govern fishing in international North Atlantic
- Ratified 1950, two million square miles of ocean outside territorial waters of nations rimming northwest Atlantic
INPFC - North Pacific Anadromous Fish Commission (NPAFC)

- International Convention for high seas fisheries of the North Pacific Ocean formed in 1952 and established the International North Pacific Fisheries Commission with Canada, Japan, and the US.
- Dissolved and re-formed as Convention for Conservation of Anadromous Stocks in the North Pacific Ocean and Russian Fed joined. 1992

Great Lakes Fisheries Commission

- Great lakes 1/5th surface fresh water
- Established in 1955 to deal with Lamprey control
- Canada
- US
- Adjoining States

Pacific Salmon Commission (PSC)

- 1985 Forum for cooperation between the United States and Canada in conservation and management regimes for North Pacific salmon stocks. However, the United States and Canada have not been able to agree fully on long-term, coast-wide salmon fishing management regimes since 1992.
Convention for the Preservation of the Halibut Fishery

• 1923  Canada US

• In 1953 reorganized, and now the International Pacific Halibut Commission (IPHC) – Based in Seattle

North Atlantic Salmon Conservation Organization (NASCO) -1983

• The purpose of NASCO is: (a) to promote the acquisition, analysis, and dissemination of scientific information pertaining to salmon stocks in the North Atlantic Ocean; and (b) to promote the conservation, restoration, enhancement, and rational management of salmon stocks in the North Atlantic Ocean through international cooperation.

IATTC

• Inter American Tropical Tuna Commission created in 1950 to coordinate conservation and management of eastern Pacific tunas. Comprises Mexico, six central American countries, France, Japan, US, Vanuatu and Venezuela.

• Based in La Jolla CA
Other treaties throughout the world

Asia-Pacific Fishery Commission (APFIC)

1948 - Indo-Pacific Fisheries Commission Agreement
Membership: Australia, Bangladesh, Cambodia, China, France, India, Indonesia, Japan, Korea (Rep. of), Malaysia, Myanmar (Union of), Nepal, New Zealand, Pakistan, Philippines, Sri Lanka, Thailand, UK, USA, Vietnam.
Asia-Pacific area, although there is no precise definition in the Convention. Resources: all living marine resources as well as inland living aquatic resources.

The Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR)

Argentina, Namibia, New Zealand, Australia, Belgium, Norway, Brazil, Poland, Chile, Russia, S. Africa, European Community, Spain, France, Germany, Sweden, India, Ukraine, Italy, U. K., Japan, USA, Korea, Uruguay, …

1982, as part of the Antarctic Treaty System, in pursuance of the provisions of Article IX of the Treaty.
Patagonian toothfish (Dissostichus eleginoides
CCSBT

• Commission for the Conservation of Southern Bluefin Tuna (CCSBT)

• 1993 Convention for the Conservation of Southern Bluefin Tuna

• Australia, Japan, New Zealand

CECAF

• Committee for the Eastern Central Atlantic Fisheries (CECAF)

• Benin, Cameroon, Cape Verde, Congo (Democratic Republic of), Congo (Republic of), Côte d’Ivoire, Cuba, Equatorial Guinea, European Community, France, Gabon, Gambia, Ghana, Greece, Guinea, Guinea-Bissau, Italy, Japan, Korea (Republic), Liberia, Mauritania, Morocco, Netherlands, Nigeria, Norway,

Poland, Romania, Sao Tome and Principe, Senegal, Sierra Leone, Spain, Togo, USA

Observers: Angola, Portugal, Russia, UK

General Fisheries Commission for the Mediterranean

• Albania, Algeria, Bulgaria, Croatia, Cyprus, EC, Egypt, France, Greece, Israel, Italy, Japan, Lebanon, Libya, Malta, Monaco, Morocco, Romania, Slovenia, Spain, Syria, Tunisia, Turkey, Yugoslavia
Indian Ocean Tuna Commission (IOTC)

- Current members
- Australia, China, European Community, Eritrea, France, India, Japan, Republic of Korea,
- Madagascar, Mauritius, Malaysia, Oman, Pakistan, Seychelles, Sudan, Sri Lanka, Thailand, United Kingdom and Vanuatu.
- New:
- Vanuatu is now a member of the IOTC, as of 25 October 2002.

Other Entities

- International Baltic Sea Fishery Commission (IBSFC)
- Forum Fisheries Agency-
- Multiple membership to manage tuna within EEZ of countries
- North East Atlantic Fisheries Commission (NEAFC)
- Permanent Commission for the South Pacific (CPPS)

Entities Continued

- Regional Commission for Fisheries (RECOFI)
- Regional Fisheries Committee for the Gulf of Guinea (COREP)
- Southeast Atlantic Fisheries Organization