

# High Seas Fishery Management: Its Evolution and Recent Development in the Post-UN Fish Stocks Agreement Era

Shih-Ming Kao  
MAST 873 Marine Policy Seminar  
December 3, 2009

## Abstract

High seas fishery management was never an issue until the end of the World War II. Under the *marine liberum* doctrine, oceans, including the natural resources therein, are open to all States and their people except a belt of seas adjacent to their coastlines. The improvement of vessel tonnage, fishing technology and the emergence of distant water fishing nations (DWFNs) caused fishery resources in the oceans to significantly decline. Coastal States thus began extending their national jurisdiction to the marine resources on the high seas adjacent to their coastlines in order to protect them from being utilized (or destroyed) by DWFNs. This activity, however, contradicted the “open access regime” on the high seas and resulted in many conflicts between DWFNs and coastal States.

To solve these controversies, three UN Conferences on the Law of the Sea were held from 1958 to 1982, and the adoption of the UN Convention on the Law of the Sea (UNCLOS), “a constitution for the oceans”, established a set of universal rules on ocean-related issues. Although UNCLOS was successful in many other ocean-related issues, it failed on the management of highly migratory and straddling stocks. Meanwhile, regional fishery management organizations (RFMOs) were designated as the primary actors for high seas fishery management, no further regulations and clear instructions, however, were provided in the UNCLOS. In order to fill the gap between the Convention and high seas fishery, the UN Fish Stocks Agreement (UNFSA) was adopted in 1995. It greatly enhanced the power of RFMOs, expanded the responsibility of flag States, and created new law enforcement schemes such as port States and monitoring, control, and surveillance (MCS) measures on the high seas. Since then, the high seas fishery regime entered into a brand new era.

In this seminar, I will firstly review the evolution of high seas fishery regime. Secondly, I will discuss the types and classification of RFMOs, and giving the Western and Central Pacific Fishery Commission (WCPFC) as an example to understand how a new RFMO currently manages a high seas fishery. Thirdly, I will analyze recent development of high seas fishery management, focusing on the events and issues of the past five years. Lastly, I will make conclusions and provide some observations for possible development of the high seas fishery regime in the foreseeable future.