



Ocean Law Memo

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The 200-Mile Limit Controversy

For the past few years, the tide of opinion favoring a U.S. 200-mile exclusive fishing zone has been rising, and not only among coastal fishermen. Very little, in fact, has been said against the notion that this country should immediately claim a 200-mile limit, despite the fact that an international Law of the Sea Conference is now addressing the problem in Caracas, Venezuela. There are currently several bills in Congress--the main one is Senator Magnuson's S. 1988--that would, if passed, establish such a zone pending an eventual fishing treaty. Testimony to date has been nearly unanimously favorable.

Yet there are serious arguments on both sides of the question, and it should not automatically be assumed that a 200-mile fishing limit, established either now by Congress or later by treaty, is necessarily a good thing for the U.S. or even for its coastal fishermen. A capsulized version of the debate should demonstrate this point:

FOR a 200-mile zone

The fisheries that our coastal fishermen depend upon are being overfished because of the increasing amount of foreign fishing. The fish stocks are rapidly being depleted, and conservation regulations are needed now. International agreement on fishing rules is not likely to be achieved, at least not for several years.

Therefore, each coastal nation should manage the fisheries in well-defined zones off its coast, both to conserve the living resources and to protect its own fishermen against foreign fishing activities. The coastal fishermen are entitled to preference because of their long-term economic dependence on the offshore fisheries and, in the case of anadromous fish such as salmon, because of the coastal nation's past efforts to protect and maintain spawning areas.

Other nations are claiming 200-mile limits and are getting away with it. In fact, the U.S. seems to support these claims by reimbursing U.S. fishermen for fines levied as a result of their fishing activities within the 200-mile zones.

For the sake of conserving the fish and protecting our fishing industry, the U.S. should join the 200-mile limit trend.

AGAINST a 200-mile zone

Conservation rules are undoubtedly needed for some high seas fisheries off our coasts. But beyond 12 miles offshore, the problem is an international one and must be resolved on the international level, by agreement among the concerned nations.

A 200-mile zone is not a rational approach to the problem: it is probably impossible to enforce effectively; fish do not recognize boundaries; and the result in the world ocean would be a patchwork quilt of dissimilar management schemes for many of the same fisheries. In the long run, it is not a workable solution to the problem. It would certainly cause great harm to our distant water fishing industry.

Moreover, if coastal nations can get away with 200-mile fishing zones, why not similar zones for controlling ship navigation, over-flight by aircraft, and oceanographic research? The U.S., as one of the principal maritime nations, could be crippled at sea by the 200-mile precedent.

Enactment of a 200-mile limit now would also torpedo current U.S. efforts in the Law of the Sea Conference to achieve an ocean treaty of long term benefit to all ocean users. A 200-mile limit, by dividing the seas into "national lakes," will set the stage for generations of international strife at sea. International cooperation on fisheries and other ocean problems will help prevent future ocean conflicts.

As is true in most debates, the best answer probably lies somewhere between the arguments on both sides. Perhaps, for example, it would be better to stop thinking in terms of national zones or boundaries in the ocean and instead begin by identifying the fisheries that are overfished and therefore need management. The U.S. might then temporarily act as a sort of custodian of the depleted fisheries off its shores and set management rules for all fishermen--domestic and foreign--who fish the resources, pending the outcome of the Law of the Sea Conference.

Please use the attached page to let us know how you feel about the 200-mile limit controversy.

Jon L. Jacobson
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