

**No. 8164**

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**AFGHANISTAN, ARGENTINA, AUSTRALIA,  
BOLIVIA, CANADA, etc.**

**Convention on Fishing and Conservation of the Living Resources of the High Seas. Done at Geneva, on 29 April 1958**

*Official texts: English, French, Chinese, Russian and Spanish.*

*Registered ex officio on 20 March 1966.*

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**AFGHANISTAN, ARGENTINE, AUSTRALIE,  
BOLIVIE, CANADA, etc.**

**Convention sur la pêche et la conservation des ressources biologiques de la haute mer. Faite à Genève, le 29 avril 1958**

*Textes officiels anglais, français, chinois, russe et espagnol.*

*Enregistré d'office le 20 mars 1966.*

No. 8164. CONVENTION<sup>1</sup> ON FISHING AND CONSERVATION OF THE LIVING RESOURCES OF THE HIGH SEAS. DONE AT GENEVA, ON 29 APRIL 1958

*The States Parties to this Convention,*

Considering that the development of modern techniques for the exploitation of the living resources of the sea, increasing man's ability to meet the need of the world's expanding population for food, has exposed some of these resources to the danger of being over-exploited,

Considering also that the nature of the problems involved in the conservation of the living resources of the high seas is such that there is a clear necessity that they be solved, whenever possible, on the basis of international co-operation through the concerted action of all the States concerned,

Have agreed as follows :

*Article 1*

1. All States have the right for their nationals to engage in fishing on the high seas, subject (a) to their treaty obligations, (b) to the interests and rights of

<sup>1</sup> In accordance with article 18, paragraph 1, the Convention came into force on 20 March 1966, that is to say, on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession. The following States have deposited their instruments of ratification or accession (a) on the dates indicated :

United Kingdom of Great Britain and Northern Ireland*	14 March	1960	Portugal . . . . .	8 January	1963
Cambodia . . . . .	18 March	1960 (a)	South Africa . . . . .	9 April	1963 (a)
Haiti . . . . .	29 March	1960	Australia . . . . .	14 May	1963
Malaysia . . . . .	21 December	1960 (a)	Venezuela . . . . .	10 July	1963
United States of America** . . . . .	12 April	1961	Jamaica . . . . .	16 April	1964
Senegal . . . . .	25 April	1961 (a)	Dominican Republic	11 August	1964
Nigeria . . . . .	26 June	1961	Uganda . . . . .	14 September	1964 (a)
Sierra Leone . . . . .	13 March	1962	Finland . . . . .	16 February	1965
Madagascar . . . . .	31 July	1962 (a)	Upper Volta . . . . .	4 October	1965 (a)
Colombia . . . . .	3 January	1963	Malawi . . . . .	3 November	1965 (a)
			Yugoslavia . . . . .	28 January	1966
			Netherlands . . . . .	18 February	1966

\* With the following declaration :

" In depositing their instrument of ratification... Her Majesty's Government in the United Kingdom of Great Britain and Northern Ireland declare that, save as may be stated in any further and separate notices that may hereafter be given, ratification of this Convention on behalf of the United Kingdom does not extend to the States in the Persian Gulf enjoying British protection. Multilateral conventions to which the United Kingdom becomes a party are not extended to these States until such time as an extension is requested by the Ruler of the State concerned. "

\*\* The instrument of ratification of the Government of the United States of America specifies that the ratification is subject to the following understanding : " that such ratification shall not be construed to impair the applicability of the principle of ' abstention ', as defined in paragraph A.1 of the documents of record in the proceedings of the Conference above referred to [United Nations Conference on the Law of the Sea, held at Geneva from 24 February to 27 April 1958], identified as A/CONF. 13/C.3/L.69, 8 April 1958 ".

coastal States as provided for in this Convention, and (c) to the provisions contained in the following articles concerning conservation of the living resources of the high seas.

2. All States have the duty to adopt, or to co-operate with other States in adopting, such measures for their respective nationals as may be necessary for the conservation of the living resources of the high seas.

#### *Article 2*

As employed in this Convention, the expression "conservation of the living resources of the high seas" means the aggregate of the measures rendering possible the optimum sustainable yield from those resources so as to secure a maximum supply to food and other marine products. Conservation programmes should be formulated with a view to securing in the first place a supply of food for human consumption.

#### *Article 3*

A State whose nationals are engaged in fishing any stock or stocks of fish or other living marine resources in any area of the high seas where the nationals of other States are not thus engaged shall adopt, for its own nationals, measures in that area when necessary for the purpose of the conservation of the living resources affected.

#### *Article 4*

1. If the nationals of two or more States are engaged in fishing the same stock or stocks of fish or other living marine resources in any area or areas of the high seas, these States shall, at the request of any of them, enter into negotiations with a view to prescribing by agreement for their nationals the necessary measures for the conservation of the living resources affected.

2. If the States concerned do not reach agreement within twelve months, any of the parties may initiate the procedure contemplated by article 9.

#### *Article 5*

1. If, subsequent to the adoption of the measures referred to in articles 3 and 4, nationals of other States engage in fishing the same stock or stocks of fish or other living marine resources in any area or areas of the high seas, the other States shall apply the measures, which shall not be discriminatory in form or in fact, to their own nationals not later than seven months after the date on which the measures shall have been notified to the Director-General of the Food and Agriculture Organization of the United Nations. The Director-General shall

notify such measures to any State which so requests and, in any case, to any State specified by the State initiating the measure.

2. If these other States do not accept the measures so adopted and if no agreement can be reached within twelve months, any of the interested parties may initiate the procedure contemplated by article 9. Subject to paragraph 2 of article 10, the measures adopted shall remain obligatory pending the decision of the special commission.

#### *Article 6*

1. A coastal State has a special interest in the maintenance of the productivity of the living resources in any area of the high seas adjacent to its territorial sea.

2. A coastal State is entitled to take part on an equal footing in any system of research and regulation for purposes of conservation of the living resources of the high seas in that area, even though its nationals do not carry on fishing there.

3. A state whose nationals are engaged in fishing in any area of the high seas adjacent to the territorial sea of a State shall, at the request of that coastal State, enter into negotiations with a view to prescribing by agreement the measures necessary for the conservation of the living resources of the high seas in that area.

4. A State whose nationals are engaged in fishing in any area of the high seas adjacent to the territorial sea of a coastal State shall not enforce conservation measures in that area which are opposed to those which have been adopted by the coastal State, but may enter into negotiations with the coastal State with a view to prescribing by agreement the measures necessary for the conservation of the living resources of the high seas in that area.

5. If the States concerned do not reach agreement with respect to conservation measures within twelve months, any of the parties may initiate the procedure contemplated by article 9.

#### *Article 7*

1. Having regard to the provisions of paragraph 1 of article 6, any coastal State may, with a view to the maintenance of the productivity of the living resources of the sea, adopt unilateral measures of conservation appropriate to any stock of fish or other marine resources in any area of the high seas adjacent to its territorial sea, provided that negotiations to that effect with the other States concerned have not led to an agreement within six months.

2. The measures which the coastal State adopts under the previous paragraph shall be valid as to other States only if the following requirements are fulfilled:
  - (a) That there is a need for urgent application of conservation measures in the light of the existing knowledge of the fishery;
  - (b) That the measures adopted are based on appropriate scientific findings;
  - (c) That such measures do not discriminate in form or in fact against foreign fishermen.
3. These measures shall remain in force pending the settlement, in accordance with the relevant provisions of this Convention, of any disagreement as to their validity.
4. If the measures are not accepted by the other States concerned, any of the parties may initiate the procedure contemplated by article 9. Subject to paragraph 2 of article 10, the measures adopted shall remain obligatory pending the decision of the special commission.
5. The principles of geographical demarcation as defined in article 12 of the Convention on the Territorial Sea and the Continuous Zone<sup>1</sup> shall be adopted when coasts of different States are involved.

#### *Article 8*

1. Any State which, even if its nationals are not engaged in fishing in an area of the high seas not adjacent to its coast, has a special interest in the conservation of the living resources of the high seas in that area, may request the State or States whose nationals are engaged in fishing there to take the necessary measures of conservation under articles 3 and 4 respectively, at the same time mentioning the scientific reasons which in its opinion make such measures necessary, and indicating its special interest.
2. If no agreement is reached within twelve months, such State may initiate the procedure contemplated by article 9.

#### *Article 9*

1. Any dispute which may arise between States under articles 4, 5, 6, 7 and 8 shall, at the request of any of the parties, be submitted for settlement to a special commission of five members, unless the parties agree to seek a solution by another method of peaceful settlement, as provided for in Article 33 of the Charter of the United Nations.
2. The members of the commission, one of whom shall be designated as chairman, shall be named by agreement between the States in dispute within three months of the request for settlement in accordance with the provisions of this article. Failing agreement they shall, upon the request of any State party,

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<sup>1</sup> United Nations, *Treaty Series*, Vol. 516, p. 205.