

CHAPTER - I.

I N T R O D U C T I O N

Thou madest him (man) to have dominion over the works of thy hands; thou hast put all things under his feet :

The fowl of the air, and the fish of the sea, and whatsoever passeth through the paths of the seas.

The Bible: Psalms ( 8:6 & 8 )

Regime of oceanic fisheries constitute an important branch of the public order of the Oceans. Starke has correctly observed that ".... the law of the sea, sea-bed, and ocean floor stands on the threshold of a complete recasting of its principles"<sup>1</sup> Customary norms relating to fishing rights in the oceanic zones are not settled, and conventional regime could not be established despite the commendable efforts by the first U.N. Law of the Sea Conference 1958, and the second U.N. Law of the Sea Conference 1960. The whole matter would be the subject for consideration by the third Law of the Sea Conference. "The fishing problem" says Knight, "because of the complex legal-political-biological

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1. Starke, Introduction to International Law P. VIII

economic- social factors involved, is generally considered to be the real chess-game of the current L O S negotiations"<sup>2</sup>

In this dissertation on the regime of oceanic fisheries emphasis has been placed on the evolution and evaluation of certain basic concepts and principles relevant to the regime. A provision of the structural pattern of this dissertation can be had from the perusal of the following :

Chapter	Title	Topic
I	Introduction	Analysis of the scheme of the dissertation.
II	Regime of the Sea before the U.N. Conference on the Law of the Sea 1958 (with special reference to Fisheries)	Historical analysis of the triumph of the concept of the freedom of the sea and emergence of new issues produced by an interaction of this fundamental principle with other interests recognised by norms <u>lex lata</u> or <u>lex ferenda</u>

2. H.Gray Knight, " Law of the Seas Negotiations 1971-72" The San Diego Law Review Vol. 9, No. 3, P. 386

Chapter	Title.	Topic
III	Public order of Oceanic Fisheries in the Light of the Results of the U.N. Conference on the Law of the Sea 1958.	Analysis and examination of the relevant norms codified or adopted by the Conventions adopted by the Conference. The Chapter deals with the concept of freedom of the sea, conservation of natural resources (with special reference to fisheries), nature and extent of the protection of the interests of coastal state and rules relating to sedentary fisheries .
IV	Trends after the Conference on the Law of the Sea 1958.	Besides the examination of the performance of the second Law of the Sea Conference 1960, the Chapter deals with the state practices and contentions of Iceland, Canada, the United Kingdom, the U.S.A. and of a number of Latin American and other developing countries.
V	Fish Patterns in the Oceans and the concept of conservation.	As any legal regime must consider the facts of the biological order of the Oceanic fish, this Chapter is devoted to certain technical aspects of fish patterns in the marine Environment. Section 'B' of this Chapter deals with

Chapter	Title	Topic
		the concept of Conservation in relevant biological and juridical contexts.
VI.	A Case Study	The Chapter deals with a fictional case study (Redland Vs. Ruritania) through which conflicting socioeconomic and politico-juridical aspects of the subject-matter under <sup>study</sup> have been analysed.
VII	A Reflective Analysis	This Chapter is devoted to the analysis of the juridical nature and effect of the practices of the States measured in terms of their approval <u>opinio juris sive necessitatis</u> . This Chapter classifies the burning problems to be solved by creation or evolution of norms- conventional or <u>lex societatis</u> .
VIII	Conclusion	"I have my own fish to fry". Cervantes (1547-1616) in <u>Don Quixote</u> (I.25)

Examination of the forms and forces of various organisations set up under bilateral and multilateral agreements for the conduct, management and conservation of oceanic fisheries

has been avoided as the prime concern in this dissertation is with the fundamental aspects and issues of the regime of oceanic fisheries rather than with administrative organs under lex interpartes.<sup>3</sup> In Chapter VIII an outline of certain organizational pattern has been formulated which a fortiori must remain tentative till some broad consensus is arrived at.

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3. Viz. US-Canada International Pacific Salmon Fisheries Commission;  
North-East Atlantic Fisheries Commission ;  
International Commission for the Northwest Atlantic Fisheries Commission ( ICSAF);  
Japan-USSR Fisheries Commission for the Northwest Pacific;  
International North Pacific Fisheries Commission (INPFC);