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Title

Multilateralism and International Ocean-Resources Law: Chapter 6. Rethinking the Principle of Abstention: The North Pacific and Beyond

Permalink

<https://escholarship.org/uc/item/720284d1>

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Publication Date

2003-02-21

CHAPTER VI

Rethinking the Principle of Abstention: The North Pacific & Beyond

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From: *Multilateralism & International Ocean Resources Law*,
edited by Harry N. Scheiber with Kathryn J. Mengerink
(<http://www.lawofthesea.org>)
(Berkeley: Law of the Sea Institute, Earl Warren Legal Institute,
University of California, Berkeley, 2004)

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This paper was presented at a Law of the Sea Institute Conference, "Multilateralism and International Ocean-Resources Law," held February 21-22, 2003 at Boalt Hall School of Law, University of California, Berkeley. The full length article will be available in an upcoming issue of MARINE POLICY.

Rethinking the Principle of Abstention: The North Pacific & Beyond

Yasuko Tsuru*

ABSTRACT

The presentation consists of a brief look at the history of the principle of abstention and a comparison of the older concept with the new type of principle as it is being discussed and utilized today. While the principle of abstention was established as part of the International North Pacific Fishery Convention in 1952, it was generally overlooked for several decades afterwards. In the second part of my presentation I will look at the 1995 Straddling Stocks Agreement, which says that states parties to the Agreement enjoy a right of access to high seas fishery resources, but on the condition that they respect existing regional conservation and management measures. The new Agreement also introduces the concept of a precautionary approach. The end result is that the 1995 Agreement fulfilled the same intent of the original 1952 principle of abstention—that is, it placed some kinds of restrictions on high seas fishing. The degree of restrictions depends on the activities and policies of regional fishery organizations. It is hard for the distant fishing states to feel a sense of optimism about this trend, since new regional organizations like MHLCC (Multilateral High Level Conferences on South Pacific Tuna Fisheries) are generally suggesting increased restrictions on high seas fisheries. Even if the new version of the principle of abstention succeeds in excluding distant fishing states from high seas, it will do little to solve the larger problems facing today's ocean fishery resources.

**The full-length article will be available in an upcoming issue of
MARINE POLICY.**

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