

ABSTRACT

**CONSERVATION & MANAGEMENT OF LIVING RESOURCES AND
LAW OF THE SEA**

Analysing the legitimacy and effectiveness of the legal efforts taken by the South Pacific coastal states in prohibiting High Seas Driftnet Fishing

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Driftnet fishing on the high seas has always been a common technique utilised by numerous States around the world, with the aim of effectively exploiting the living sea resources for economic gain. However, the rapid development of this activity during the second half of the twentieth century has attracted worldwide concern over its devastating impact on the conservation and management of the living resources of the South Pacific.¹ Given the unsustainable and indiscriminate nature of this fishing technique, it is considered to be inconsistent with the international legal principles as codified in United Nations Convention on the Law of the Sea (*UNCLOS*).² Consequently, numerous coastal states have attempted to completely prohibit this activity in the South Pacific region through international and regional agreements. For the purposes of this essay, the legitimacy and effectiveness of the legal efforts in prohibiting high seas driftnet fishing will be discussed with reference to regional agreements and *UNCLOS*.

¹ Jonathon A. Gurish, 'Pressures to Reduce Bycatch on the High Seas: An Emerging International Norm' (1992) 5 *Tulane Environmental Law Journal* 473, 476.

² M R Islam, 'Coastal States' Control Over Driftnet Fishing in the South Pacific and the Freedom of Fishing on the High Seas' (1989) 17 *Melanesian Law Journal* 81, 82.