

## THE EFFECTS OF MARITIME LAW ON INTERNATIONAL FISH PRODUCTION AND TRADE

ADEL ALI RAGHEB RADY\*

*Department of Economic Geography  
A. József University, Szeged, 6722, Hungary*

71% of the earth surface, that is an area of 362,000 square kilometres, is covered by seas and oceans.

The significance of the exploitation of the fishing areas has been duly recognized only recently. However, the latest statistical data show that 25—30 million people are already employed directly in fishing (Gunda, 1984). According to FAO data, the total number of people working in areas connected with fishing is 100 million (AFFP, 1983). The majority of them work in developing countries, using traditional technology. In these developing countries, fish is one of the most important protein sources. In Asia, for instance, fish accounts for 36% of the total consumption of animal protein. In three-quarters of the developing countries, that is in 39 countries, fish accounts for 20% of the total animal sources. In certain East or West-African countries, the figure is even higher than 50% (FAO, 1984). When all the countries of the world are considered together, fish accounts for a substantial proportion of the total protein consumption: 24%. For comparison, it may be mentioned that the other kinds of animal protein provide 40%. Sea-fish constitutes 85% of the fish consumed by humans.

This whole field currently requires extremely fast and effective measures. One such step is the control of the fishing areas through the newly formulated maritime law, the results of which have already brought about significant changes.

### **The maritime law and the efforts of the United Nations Organization**

Since 1958, the UNO has been making efforts to stop the large fishing companies exploiting the fish stocks of the world. The stocks were controlled by the large companies, which fished along the shores of the developing countries. The following factors were mentioned in the summary of the first United Nations Organization conference, held in Geneva in 1958:

- territorial waters
- high seas

\* Scientific scholar of Hungarian Academy of Sciences

- fishing
- protecting the fish reserves of rough seas
- continental shelf

The sixth point dealt with the problems which arise in the course of solving the conflicts connected with fishing. However, the solution arrived at were only theoretical ones because most of the developing countries still had a colonial status at that time (*Abdul Amir*, 1983). In 1970 a new concept emerged the „world food crisis”, which became a subject frequently discussed at various world conferences. Another problem for the developing countries was that their stocks of fish were exploited along the coast by the large companies. It was also then that the conflict between Iceland and Great Britain started, the „fish-war”.

At that time, the problem of the maritime law was debated at the conference of the Third World Countries (Venezuela, 1974).

At this conference a concrete decision was taken concerning the distribution of fish stocks among the coastal countries. The efforts bore fruit, for by 1980 all countries accepted and adhered to the decision.

In the course of the 6th UNO General Assembly, held in 23rd May 1977, the Secretary-General proclaimed in this introductory speech that the Organization would take an active part in supporting the formation of the new world economic system insofar as the maritime law made it possible for the coastal countries to utilize the fish stocks to a distance of 200 nautical miles from the shore. As a result of this, the fish production by the developing countries could be expected to increase, and the production by countries with large fishing companies to decrease, on account of the loss of their free fishing areas. This is explained by the fact that 90% of the fish stocks are located in the coastal zones.

In 1977 the total amount of fish production in the world was 68.2 million tons, broken down into 37.8 and 30.5 million tons by the developed and the developing countries, respectively. The difference was 7.3 million tons when the new maritime law was passed. In 1983 the world production was 76.5 million tons, broken down into 39.9 and 36.5 million tons by the developed and the developing countries, respectively. This indicates a difference of only 3.4 million tons. The decrease in the difference is due to the new maritime law (Table 1).

*As a result of the maritime law, some countries have lost their fishing areas, while other, mostly developing, countries have gained substantial new fishing territories (FAO, 1983). The Table illustrates that the local fish production has increased, but it has declined in areas farther from the shore. The reason for this is that fish-producing countries have increased their stocks of fish near the shores, while in more distant areas intensive fishing has reduced the stocks. (This is shown in Table 2, where the figures are given in 1,000 tons.)*

In developing countries fishing provides employment for more than 12 million people, and about the same number of people make their living by producing fishing equipment and by fish trading.

Table 1.

## PRODUCTION OF FISHES IN THE WORLD DURING THE YEARS 1977—1983 (IN THOUSAND TONS)

Geographical distribution	1977	1978	1979	1980	1981	1982	1983	1982—1983 % change
World total	68224	70154	71060	72009	74777	76464	76471	+ 0,01
Developed countries	37756	37311	37136	38233	38826	39203	39957	+ 1,9
North America	4216	4786	4926	4982	5184	5391	5480	+ 1,7
Western Europe	12073	11439	11162	11250	11301	10887	11132	+ 2,3
Eastern Europe and USSR	10562	10062	10195	10705	10779	11216	11163	-0,5
Oceania	208	216	227	228	254	286	310	+ 8,4
Japan	10123	10179	9945	10427	10676	10775	11250	+ 4,4
others	574	629	681	641	632	648	622	-4,0
Developing Countries	30468	32843	33924	33776	35951	37261	36514	-2,0
Africa	3630	3613	3406	3321	3472	3283	3565	+ 8,6
Latin America	6843	9033	10261	9675	10605	11416	9165	-19,7
Near east (Asia and Africa)	655	725	897	992	1011	1039	1122	+ 8,0
Asia	19250	19341	19239	19659	20734	21420	22538	+ 5,2
others	90	131	121	129	129	104	124	+ 19,2

Table 2.

**CATCHES (1000 TONS) BY LOCAL AND LONG-RANGE FLEETS IN SELECTED REGIONS  
IN WHICH FISHING BY COUNTRIES OUTSIDE THE REGIONS IS PARTICULARLY IMPORTANT**

Area	1970—74		1975—79		1980		1981		1982		1983	
	Local	Long Range	Local	Long Range	Local	Long Range	Local	Long Range	Local	Long Range	Local	Long Range
NW Atlantic	2014,5	2209,0	2125,8	1040,2	2560,3	307,1	2537,1	290,7	2507,3	294,7	2456,9	251,9
% of total area catch	47,7	52,3	67,1	32,9	89,3	10,7	89,7	10,3	89,4	10,6	90,7	9,3
EC Atlantic	1144,5	1935,4	1268,9	2108,6	1284,8	2147,6	1382,4	1855,6	1405,8	1800,5	1551,7	1620,8
% of total area catch	37,2	62,8	37,6	62,4	37,4	62,6	42,7	57,3	43,8	56,2	48,9	51,1
NE Pacific	509,7	1882,3	651,0	1407,3	797,1	1177,5	989,7	1383,6	1002,9	1157,3	1200,5	1291,5
% of total area catch	21,3	78,7	31,6	68,4	40,4	59,6	41,7	58,3	46,4	53,6	48,2	51,8

Resource: FAO Review of the State of World Fishery Resources. Fish. circ., (710) Rev. 4, Rome, March 1985. p.39

The areas gained after the passing of the maritime law are of great importance for the developing countries, since they do not perform such intensive fishing as the developed countries do (due to the lack of the desired technology). Thus, the areas used for fishing can regenerate and later, when the desired equipment becomes available, these sources can be utilized. Due to the maritime law, the fish production by developing countries has increased substantially. These countries have therefore set out to develop their fish products and their fishing industry. However, member-states of the Common Market are trying to deter them by setting excessive quality requirements for the products coming from the developing countries, and also by imposing too high taxes on their products; in this way, they hope to force the developing countries to export fresh fish, which would enable the fish-processing factories of the developed countries to continue operating.

### **Structural changes in international fish trade between 1980 and 1983**

#### *Total production of the world*

The total production increased from 72 million tons to 76.4 million tons from 1980 to 1983, thus resulting in an annual increase of 2.1%.

The export production of fish and fish products in the exporter countries in the world increased from 10.1 million tons in 1980 to 10.8 million tons in 1983. The rate of the annual increase was 1.1%. Consequently, the importer countries paid 15,905 million dollars in 1980, and 16,609 million dollars in 1983. The annual increase was 1.5% (Table 3).

#### *Production by the developed countries*

The developed countries fulfilled the following proportions in international fish production (expressed in terms of money).

The *imports* were 84.9% in 1980, which increased to 87% in 1983. The rate of annual increase was 2.3%. The *exports* decreased from 60.5% to 57.1%. Thus, the rate of the annual increase was -0.8%.

The *index of the difference between the export and import production* shows a deficit in this period: 4,311 million dollars in 1980 and 5,456 million dollars in 1983. The annual increase of the deficit was 8.9%.

#### *Production by the developing countries*

The production by the developing countries compared to the total world production was as follows, expressed in terms of money. The *imports* decreased from

15.1% to 13%. The annual increase was -3.2%. The *exports* increased from 39.5% to 42.9% during the same period of time. The rate of the annual increase was 4.1%.

*The index of the difference between the export and import productions* in 1980 was 3,613 million dollars, while in 1983 it was 4,587 million dollars. The annual increase was 9% (Table 3).

This positive change is explained by the effects of the maritime law, which extended the fishing territories and thus increased the exploitable sea areas of the developing countries, and at the same time decreased those of the developed countries. It became possible for every sea-fish producing country to enlarge her own fishing territories. The total production by the developing countries increased from 33.8 million tons to 36.5 million tons. The annual increase was 2.7%. The annual growth of production by the developed countries in the same period was only 1.5%.

#### *Production by Arab countries*

The production by Arab countries during 1980—83, expressed in terms of money, was as follows. The imports increased from 1.4% to 1.5%. The rate of the annual increase was 3.1%. At the same time the exports increased from 1.6% to 2.8%. This means an annual increase of 30%. the index of the difference between the exports and imports increased from 3.1 million dollars to 193.3 million dollars, thus *resulting in an annual increase of 2040.9%* (Table 3).

This dramatic increase was presided by the maritime law. It therefore illustrates well the positive effect of the law on the production by the Arab countries. The reason for this positive effect lies in the possibilities of utilizing the extended sea territories and thereby increasing the exports. Naturally, this resulted in a flow of hard currency into the Arab countries, which contributed largely to the rise of the national income.

#### *Comparison of production by developing and developed countries with the help to Table 3*

*Imports:* The imports by the developed countries increased by 2.3% per year, while those by the developing countries decreased by 3.2%.

*Exports:* The exports coming from the developed countries decreased by 0.8% annually during this time, while the developing countries showed a 4.1% increase in their exports.

The maritime law states that every coastal country can possess her own fishing territory, which can extend to 200 miles from the shore. Thus, the law put an end to the exploitation by the developed countries of the fishing territories belonging to the developing countries.

The developing countries may choose between two alternatives: if thyme possess the required technology, they can export fresh fish and use the profit thus made, or they can transfer the right to fish production to other countries in return for taxes.

Table 3.

**EFFECTS OF "THE LOW OF THE SEAS" ON THE FISH-PRODUCTION,  
THE IMPORT AND THE EXPORT IN THE DEVELOPED,  
THE DEVELOPING AND THE ARABIC COUNTRIES  
(1980—1983)**

Production	World	Developed countries	Developing countries	Arabic countries
1980 total production (tons)	72008296	38232558	33775738	990472
1983 total production (tons)	76470639	39956647	36513992	1162387
(1980—1983) increase of the production in %	6.2	4.5	8.1	17.4
annual increase in %	2.1	1.5	2.7	5.8
1980 total import (tons)	9826912	7276833	2550079	171161
1983 total import (tons)	10167041	7898527	2268514	275999
(1980-1983) increase of the import in %	3.5	8.5	-11.0	61.3
annual increase in %	0.6	2.8	-3.7	20.4
1980 total export (tons)	10137512	6321443	3816069	183697
1983 total export (tons)	10780025	6719376	4060649	510243
(1980-1983) increase of the export in %	6.3	6.3	6.4	177.8
annual increase in %	1.1	2.1	2.1	59.3
1980 deference (tons)	310600	-955390	1265990	12536
1983 deference (tons)	612984	-1179151	1792135	234244
(1980-1983) change of the deference	97.4	23.4	41.6	1768.6
annual increase in %	32.5	7.8	13.9	589.5
1980 import (thousand dollars)	15905953	13511129	2394824	233034
1983 import (thousand dollars)	16609468	14442907	2166561	255002
(1980-1983) increase of the import in %	4.4	6.9	-9.5	9.4
annual increase in %	1.5	2.3	-3.2	3.1
1980 export (thousand dollars)	15207993	9200429	6007564	236141
1983 export (thousand dollars)	15740249	89862426	6753823	448339
(1980-1983) increase of the export in %	3.5	-2.3	12.4	89.9
annual increase in %	1.2	-0.8	4.1	30.0
1980 deference (thousand dollars)	-697960	-4310700	3612740	3107
1983 deference (thousand dollars)	-869219	-5456481	4587262	193337
(1980-1983) change of the deference	24.5	26.6	27.0	6122.6
annual increase in %	8.2	8.9	9.0	2040.9

Resource: 1. FAO Yearbook of Fishery Statistics-Catches and Landings. Vol. 56 Rome, 1983.  
2. FAO Yearbook of Fishery Statistics-Fishery Commodities. Vol. 57 Rome, 1983.

For example, the fish reserves in the area of the East-Middle Atlantic Ocean are estimated to be about 4.5 million tons. An amount of 2.5 million tons may be caught without causing damage to the reserves (*Hussain*, 1981). Morocco and Mauritania have the right to do fishing in this area. Morocco in possession of the required technology, produced 440,000 tons in 1983, so she can enter into export contracts with various developed countries who in turn provide an adequate position for Morocco in the world market. On the other hand, the annual production by Mauritania was only 53.8 thousand tons, because of the lack of the proper fishing technology. Thus, Mauritania chose the second of the above-mentioned possibilities and transferred her fishing rights to other countries. However, her profits from fishing still increased considerably: in 1978 the income was only 20 million dollars, which increased to 159.5 million dollars by 1983. This example clearly illustrates the effect of the maritime law.

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