

Aide-mémoire concerning amendments to the Magnuson Fishery Conservation and Management Act:
amendment to include highly migratory tuna as species of fish under United States jurisdiction,
22 May 1991

The Representative of the United States of America to the United Nations presents his compliments to the Special Representative of the Secretary General for the Law of the Sea and would like to draw his attention to the enactment of amendments to the Magnuson Fishery Conservation and Management Act.

The most significant change in the United States law is the amendment to include highly migratory tuna as species of fish under United States jurisdiction throughout the exclusive economic zone. Accordingly, the United States now recognizes coastal State claims of jurisdiction over highly migratory species of tuna within the exclusive economic zone. Prior to this amendment, the United States only claimed, and recognized claims of other countries to, jurisdiction over tuna out to 12 nautical miles. This change will make the United States position consistent with the overwhelming State practice subsequent to the 1982 United Nations Law of the Sea Convention, with regard to highly migratory species.

The effective date of enactment of the amendment is 1 January 1992. Upon that date the United States will assert management authority over such species in its exclusive economic zone. As a matter of international law, effective 28 November 1990, the United States recognized similar assertions by coastal nations regarding their exclusive economic zones.