

SAINT-PIERRE-ET-MIQUELON (SPM)

The Saint-Pierre-et-Miquelon (SPM) archipelago is located less than 9.5 nautical miles west and southwest of Newfoundland's Burin Peninsula. Negotiations between Canada and France on the delimitation of the continental shelf off Newfoundland and SPM began in 1967. In 1978, after extensions of jurisdiction by both countries, the negotiations were expanded to include fisheries jurisdiction as well. After a number of unsuccessful rounds, it became clear to both countries by 1986 that efforts to reach a negotiated settlement of the maritime boundary off the south coasts of Newfoundland and SPM had been exhausted. The boundary between Newfoundland and SPM had been delimited as part of the 1972 Fisheries Agreement with France.

Canada's position is that France is entitled under international law to a twelve-mile maritime area. France has maintained since 1977 a claim to a 200-mile exclusive economic zone. The area in dispute comprises a large part of NAFO division 3Ps.

On March 30, 1989, after more than two years of discussions, Canada and France signed two Agreements which are designed to resolve the maritime boundary dispute. One Agreement (Compromis) established a Court of Arbitration, to which the boundary dispute will be submitted for binding settlement, as well as its terms of reference. The Court consists of five judges; one appointed by Canada (Mr. Allan Gotlieb) one appointed by France (Mr. Prosper Weil), and three appointed jointly by the two Governments: Mr. Eduardo Jimenez de Aréchaga, President; Mr. Gaetano Arangio-Ruiz, professor of law at the University of Rome and Mr. Oscar Schachter, professor of law at Columbia University.

The Court's proceedings include a written phase and an oral phase. The memorials are to be submitted by each party not later than June 1, 1990 and the counter-memorials not later than February 1, 1991. It is expected that the Court's decision will be rendered about the end of 1991.

The second Agreement (Procès-Verbal) sets out, inter alia, the fish quotas allocated to France for the arbitration period.

As part of the March 30, 1989 package Canadian ports, which had been closed to French fishing vessels (except in emergency) since March 17, 1987 because of serious overfishing, were reopened.

Negotiations on the two Agreements were carried out in consultation with representatives of the Atlantic fishing industry and the governments of Newfoundland and Labrador, Nova Scotia, New Brunswick, Prince Edward Island and Quebec.