

## OCEANS LAW

### 1. THE UNITED NATIONS FISHERIES AGREEMENT (UNFA)

Canada ratified the *United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of December 19, 1982, relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks* (UNFA) on August 3, 1999. UNFA, once in force, will provide a comprehensive framework for conservation and management of straddling and highly migratory fish stocks on the high seas, including a strong enforcement regime. Canada was able to ratify UNFA after implementing legislation, Bill C-27 (S.C. 1999, c. 19), was proclaimed into force on July 28, 1999. Regulations pursuant to this Act (SOR/99-313) were made on the same date.

UNFA will enter into force 30 days after the thirtieth ratification. As of mid-September 1999, 24 states had ratified, or acceded to, UNFA: Bahamas, Canada, Cook Islands, Fiji, Iceland, Iran, Maldives, Mauritius, Micronesia, Monaco, Namibia, Nauru, Norway, Papua New Guinea, Russian Federation, Saint Lucia, Samoa, Senegal, Seychelles, Solomon Islands, Sri Lanka, Tonga, USA and Uruguay. Canada continues to encourage all states to ratify UNFA.

### 2. THE PACIFIC TUNA CONVENTION

The fifth Multilateral High Level Conference (MHLCC5) to negotiate a *Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific* ("Pacific Tuna Convention") was held in Honolulu on September 3 to 15, 1999. The next MHLCC is scheduled for March 2000. Canada was present as a full participant for the first time, having been admitted at the end of the fourth session. Other participants were: Australia, China, Cook Islands, Micronesia, Fiji, France, French Polynesia, Indonesia, Japan, Kiribati, Korea, Marshall Islands, Nauru, New Caledonia, New Zealand, Niue, Palau, Papua New Guinea, Philippines, Samoa, Solomon Islands, Chinese Taipei, Tonga, Tuvalu, USA, Vanuatu, and Wallis & Futuna. Observers included the European Commission, the Forum Fisheries Agency, the Inter-American Tropical Tuna Commission and Mexico.

The Convention will provide for a conservation and management regime for highly migratory fish stocks (mainly tuna) in the western and central Pacific. While the framework of the Convention has taken shape, some major issues remain outstanding and will be addressed in future negotiating sessions. These issues include: boundaries of the Convention area, species to be covered by the Convention, financial arrangements, decision-making procedures and the details of the compliance regime.

As part of the negotiations, Canada seeks to ensure that the Pacific Tuna Convention does not derogate from the 1995 *United Nations Fisheries Agreement* (UNFA), that Canadian fishermen are treated equitably, and that the precautionary approach is respected.

### 3. THE PACIFIC SALMON TREATY

On June 30, 1999, Canada and the United States concluded a comprehensive, long-term Agreement under the 1985 *Pacific Salmon Treaty*. The Agreement confirms a cooperative,