

U.N. AGREEMENT ON STRADDLING STOCKS

At the end of its sixth and final session, on 4 August, 1995, the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks adopted, without a vote, the Draft Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. This brought to a successful conclusion six years of efforts by Canada to fill the gaps in the United Nations Convention on the Law of the Sea (UNCLOS) concerning high seas fishing, in order to effectively control fishing activities beyond 200 nautical miles, in the Northwest Atlantic and elsewhere around the world.

During its last session, the Conference concentrated on the few problems that had been left unresolved at the end of its April 1995 session. The most important of these was the question of enforcement, to which time most of the time available was devoted and on which agreement was only reached at the eleventh hour. The enforcement scheme finally approved is a significant improvement over previous rules of international law. While maintaining primary flag State responsibility, Articles 21 and 22 of the Agreement provide for action to be taken by non-flag State inspectors when the flag State is unable or unwilling to act. Even reasonable use of force is authorized if inspectors are obstructed in the execution of their duties.

The Agreement as a whole is a comprehensive body of rules which should go a long way towards ensuring the sustainable use of a much endangered resource. With its legally binding character, its well-developed provisions on conservation and management, its solid and practical enforcement system and its compulsory and binding dispute settlement procedures, the Agreement fully meets the objectives Canada had set for itself in the Conference.

The Agreement will be opened for signature in New York on December 4, 1995. It will come into force after thirty States have ratified it. At the Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO), held in Dartmouth from 11 to 15 September, 1995, Canada stated that it will be among the first to do so and encouraged all NAFO Contracting Parties to ratify the Agreement in the coming year.