

INTERNATIONAL FISHERIES LAW

While the tempo of consultations and negotiations in the field of international fisheries law has not slackened during the course of 1980, fewer agreements were concluded than in previous years given the existence of bilateral fisheries treaties with most countries traditionally fishing off Canadian coasts. An agreement was reached with Denmark on behalf of the Faroe Islands, so that all Canadian fisheries relations, other than those with the USA, are new under international agreement. In addition, consultations continued with a view to concluding a long-term fisheries agreement with the European Economic Community, as well as long-term fisheries arrangements with Spain and Portugal.

While awaiting U.S. Senate ratification of the March 1979 East Coast Fishery Resource Agreement and the Gulf of Maine Maritime Boundary Delimitation Agreement between Canada and the USA, emphasis in Canada/USA fisheries relations was placed on the settlement of west coast problems. In particular, agreement was reached in August 1980 on interim arrangements providing for reciprocal fishing of albacore tuna off the Pacific Coasts of the two countries during 1980. Accordingly, each government shall permit vessels of the other country to fish for albacore tuna in waters under its fisheries jurisdiction and to have access to its ports for the purpose of fuelling, repairs, and purchase of supplies. The agreement also provides for the negotiation of a longer term agreement which is intended to come into force by June 1981 and which would provide reciprocal access to both fisheries and designated ports of the other country.

The need for this agreement arose out of a dispute between Canada and the USA which had its roots in the different attitudes of the two countries regarding fisheries jurisdiction over highly migratory species of fish, including albacore tuna. Canada has consistently maintained that its fisheries jurisdiction extends over all species of fish within its 200-mile zone, a position in keeping with the regime developed by the United Nations Conference on the Law of the Sea and shared by virtually all states in the world except the USA and Japan. Those two countries, each with extensive long-distance fishing fleets, contend that highly migratory species are not subject to coastal state jurisdiction.

As a result of the tuna agreement, the USA lifted its embargo on Canadian tuna products, which had been imposed in August 1979 following the arrest by Canada of a number of U.S. tuna vessels which had illegally entered Canadian waters and