

Chapter 7

INTERNATIONAL LAW

Fisheries

During 1983, Canada continued its efforts to resolve boundary disputes and to expand its bilateral fisheries relationships. In October 1983, Canada ratified the International Convention for the Conservation of Salmon in the North Atlantic Ocean, thereby permitting the Convention to enter into force on November 1, 1983. The Convention was the culmination of several years of negotiation with the other North Atlantic salmon-producing and salmon-fishing nations. The other parties to the Convention are Denmark (in respect of the Faroe Islands), the EEC, Finland, Iceland, Norway, Sweden and the United States. Its objective is to promote the conservation, restoration, enhancement and rational management of salmon stocks in the North Atlantic. The North Atlantic Salmon Conservation Organization (NASCO) created by the Convention has its headquarters in Edinburgh, Scotland. Controlling salmon interceptions will be one of the Organization's prime functions. This is of particular importance to Canada since many salmon originating in Canadian rivers are caught along their migratory route in waters off West Greenland.

On January 1, 1984, an Agreement in the form of an Exchange of Letters between Canada and the EEC concerning their fisheries relations entered into force. This agreement confirmed that the undertakings contained in the 1981 Canada-EEC long-term agreement on fisheries continue in effect subject to certain understandings, the most important of which deals with tariff quotas for Canadian cod entering the EEC market.

Negotiations continued between Canada and the USSR on a new treaty to replace the 1976 Agreement on their mutual fisheries relations. Much progress was made and it was expected that a new treaty would be signed during 1984.

In the field of maritime boundary delimitation, Canadian and French officials held discussions in Paris in January 1983 on the delimitation of the maritime boundary off the French islands of St. Pierre and Miquelon. The two sides agreed to continue their talks in Ottawa in the spring of 1984.

Gulf of Maine Case

Canada and the United States referred the delimitation of their maritime boundary in the Gulf of Maine areas to the International Court of Justice. This boundary will divide the continental shelf and 200-mile economic zone appertaining to each country. The case is being heard by a special five-member Chamber of the Court in The Hague, whose decision will be final and binding. In June 1983, Canada and the United States simultaneously filed the second set of written pleadings ("Counter-Memorials") in the case. In December 1983, the third and final written pleadings (Replies) were filed. Oral proceedings opened in The Hague on April 2, 1984.

The Gulf of Maine case involves the first determination by

an international tribunal of a single maritime boundary dividing both seabed and water-column jurisdiction beyond the limits of the territorial sea. It also marks Canada's first appearance as a party in proceedings before the International Court of Justice.

At the heart of the Gulf of Maine dispute lie the valuable fishery and potential hydrocarbon resources of Georges Bank. The Canadian claim — an equidistance line — would divide the bank so as to allocate about one-half to Canada. The US claim, on the other hand, would give the whole of Georges Bank to that country.

Outer space law

The Legal Subcommittee of the UN Committee on the Peaceful Uses of Outer Space had three items on the agenda for its twenty-third session held in March 1984.

Discussion on the first item, "Legal Implications of Remote Sensing of the Earth from Space", centred on the issues that are at the core of the proposed remote sensing regime: access by a "sensed" state to data and analyzed information on its territory obtained by remote sensing. Fundamental disagreement exists between countries favouring a regime that would require the consent of a "sensed" state before information on its territory obtained by remote sensing could be disseminated, and those (including Canada) that favour an "open skies" policy with assurances that "sensed" states would receive all information on their territory obtained by remote sensing.

Some progress was made on developing rules relating to the use of nuclear power sources in outer space. This item was on the Legal Subcommittee's agenda as the result of a Canadian initiative following the disintegration over Canadian territory in 1978 of the USSR satellite *Cosmos 954*. Canada, together with China, the Netherlands and Sweden, submitted to the Subcommittee a working paper on safety measures concerning radiological protection. The paper was favourably received but no decision had been taken on it by the end of the year.

The third agenda item contained two separate subjects: the definition and delimitation of outer space, and the character and utilization of the geostationary orbit. Discussion on these subjects did not lead to any conclusions or decisions as positions remained seriously divided.

Legal aspects of development

The Sixth Committee of the UN General Assembly reviewed an analytical study concerning the "progressive development of the principles and norms relating to the new international economic order" first authorized by General Assembly Resolution 35/166. Canada continued to attach importance to an examination of state practice, treaties and conventions in iden-