

## PACIFIC SALMON TREATY

The implementation of the 1985 Pacific Salmon Treaty (PST) and the accompanying Memorandum of Understanding (MOU) has been a source of strong disagreement between Canada and the USA.

The Parties agreed in the PST to conduct their fisheries within the framework of two broad principles: conservation and equity. The conservation principle requires each Party to conduct its fisheries and its salmon enhancement programs so as to prevent overfishing and provide for optimum production. The equity principle provides that each Party should receive benefits equivalent to the production of salmon from its waters.

The MOU gives definition to the equity principle. It establishes and expands upon the Parties' obligations to identify and rectify any existing equity imbalance. At the time of signing of the PST and the MOU in 1985, the Government of Canada articulated its belief that an imbalance of interceptions existed in favour of the USA. However, disagreement about the relevant scientific data and valuation techniques meant that equity could only be fully implemented once more data was collected. Since 1985, data collected indicates that the imbalance does indeed favour the USA and has been increasing consistently for every salmon species. While there is agreement between the Parties that an imbalance exists, the Parties have yet to agree on how to value and redress that imbalance.

Following two years of unsuccessful government-level negotiations, Canada made a proposal to submit the equity dispute to binding arbitration in 1995. The USA rejected that proposal but agreed to non-binding mediation. The mediation process took place between October 1995 and February 1996, but ultimately failed, although the mediator, Ambassador Chris Beeby of New Zealand, did submit a proposal for a solution to the equity issue (the Agreement between the Parties specified that it could not be released publicly).

Canada illustrated its continued commitment to solving the Pacific salmon dispute in April 1996 when John Fraser, Canada's Ambassador for the Environment, was appointed to take on special responsibility for salmon. At present, discussions with the USA are ongoing in an attempt to develop an independent public panel process to solve the PST dispute. The future viability of the salmon stocks on the west coast depends in great part on the ability of Canada and the USA to cooperate and reach agreement on this issue.