

PACIFIC SALMON MEDIATION

The operation of the Pacific Salmon Treaty (PST) and accompanying Memorandum of Understanding (MOU), signed in 1985, has been a source of frustration for the Canadian and B.C. governments for a number of years. Much of this frustration has stemmed from the difference of views between the Parties regarding the interpretation and implementation of the so-called "equity" principle.

The Parties agreed in the PST to conduct their fisheries within the framework of two broad principles, often referred to as the conservation and equity principles. The conservation principle requires the Parties to cooperate to ensure adequate conservation of salmon stocks originating in the waters of one Party which are subject to interception by fisheries of the other Party. The equity principle requires the Parties to conduct their fisheries in a manner that provides each Party with benefits equivalent to the production of salmon from its waters, thereby implying that there should be a balance in the value of the salmon intercepted by the two sides.

At the time of signing of the PST in 1985, it was the view of the Government of Canada that an imbalance of interceptions existed in favour of the U.S. However, as there was some disagreement about the relevant scientific data, it was expected that the equity principle would only be fully implemented once more data was collected. Since 1985, data collected indicates that the imbalance has in fact grown in the U.S.'s favour.

Following two years of fruitless negotiation, Canada made a proposal to submit the equity dispute to binding arbitration. The U.S. rejected that proposal but agreed to non-binding mediation.

The terms of reference and the choice of the mediator were settled in August. He is Christopher Beeby of New Zealand, a career diplomat and a renowned international lawyer with particular expertise in fisheries issues. The mediation will begin in October and is expected to be completed by the end of 1995. Its results will be taken into account in the negotiation of fisheries regimes for 1996 and beyond.