

Canada took a leading role in the establishment in 1977 of the Northwest Atlantic Fisheries Organization, NAFO, the regional organization established in accordance with the provisions of the Law of the Sea Convention to conserve and manage fish stocks outside Canada's 200 mile limit. The purpose as stated in the NAFO convention was "to contribute through consultation and cooperation to the optimum utilization, rational management and conservation of the fishery resources of the Convention area."

Canada's experience since may be instructive for other countries. For almost a decade after NAFO was founded, it seemed that in very large measure our concerns with over-harvesting of Grand Banks stocks were behind us, as NAFO functioned well in the management of these stocks. Indeed in many respects NAFO proved to be almost a model regional fisheries organization, based on cooperation, compromise and a desire to provide the best scientific base. However, in the past four years major problems have developed in the conservation and management of resources under NAFO's jurisdiction.

Some fleets have not complied with NAFO's conservation framework, but have harvested catches far in excess of NAFO quotas. That over-harvesting was severely compounded by the taking of immature fish in nursery areas just outside 200 miles. Another problem is the escalation of catches by fleets from states that are not NAFO members, particularly by vessels reflagged so as to avoid the application of NAFO's conservation and management measures. These flag-of-convenience fleets constitute, in my view, a serious abuse of the high seas fisheries provisions of the U.N. Law of the Sea Convention. While these problems were developing, Canada overestimated the regrowth of the depleted stocks, and permitted fishing levels within Canada's 200-mile limit which may in hindsight appear higher than the optimum sustainable yield.

This situation began to threaten the future of whole fishing communities, not only in Canada, but in all of the countries whose fleets adhere to NAFO conservation and management decisions, as well as those who don't. Thus, it even threatens the interests of those whose high seas overfishing is contributing so severely to the problem.

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In other parts of the world, in the North Pacific, the South Pacific, the South-east Atlantic, off the coasts of Africa and Asia, whether the problem is overfishing of commercial stocks or the use of ecologically dangerous fishing gear such as driftnets, coastal states have been facing threats similar enough to warrant global attention.

The concept of sustainable development is, in our view, the essence of the U.N. Law of the Sea Convention's provisions relating to high seas fisheries. The goal of effective conservation and resource management