

INTERNATIONAL FISHERIES LAW

Having consolidated the legal foundations of the fisheries regime within the 200-mile zones off the coasts of Canada through the development, in 1976, 1977 and 1978, of bilateral and multilateral co-operation agreements, the focus of attention in 1979 turned to the Canada/USA fisheries relationship. In addition, a bilateral fisheries agreement with the European Economic Community (EEC) was signed, as a result of which Canada now has only to negotiate an agreement with Denmark on behalf of the Faroe Islands in order to bring all its fisheries relations, other than those with the USA, under international agreement.

Urgent problems between Canada and the USA on maritime boundaries and fisheries arose with the extension by both countries of fisheries jurisdiction from 12 to 200 miles, early in 1977. The extension of jurisdiction created two problems: the first was how to draw boundaries between the fishing zones of the two countries and how to deal with fishing in the disputed areas pending agreement on boundaries; the second resulted from the fact that large areas which had previously been high seas and in which both countries had fished, now fell under the exclusive jurisdiction of either Canada or the USA, thus raising the question of whether fishing by one country off the coast of the other should continue and, if so, under what kind of arrangements.

Intensive bilateral negotiations began in 1976 to settle these issues. The negotiations resulted in March 1979, in the signing of an East Coast Fishery Resource Agreement, which reflects an accommodation reached by both Parties on three basic issues relating to fish stocks of common interest: the management regime, the area of access, and the entitlement or share which each country will take. The fisheries agreement, however, is linked to, and is to enter into force simultaneously with, a separate agreement on binding third party settlement of the boundary delimitation issue in the Gulf of Maine area. (For details concerning the agreement to resolve the boundary issue, refer to the section entitled Canada/USA Maritime Boundary Negotiations.)

Also signed in march 1979 were two Pacific Coast fisheries agreements. The first was a Protocol to the International Pacific Halibut Convention which will permit continued Canadian access to halibut off the coast of Alaska until April 1981. The second gives the USA access to ground-fish off British Columbia for a similar period.