



A bucket full of fish is lowered into the hull of a net-dragger off the coast of Nova Scotia.

property aspect. The EEZ approach, as opposed to the functional one, at least assigns unambiguous property rights among states. Indeed, under the "functional" approach, about the only way a coastal state could exercise full property rights over a stock would be by reducing the surpluses to zero. There is no guarantee that such a policy would be valid on economic grounds.

#### Contentious issue

The conference considered many other matters besides fisheries. Of these other matters, deep-sea mining has proved to be exceedingly contentious and has so far prevented the conference from bringing forth a convention. Canada made it clear that, though it would have preferred to move to extended-fisheries jurisdiction (EFJ) under a law-of-the-sea convention, in view of the urgency of its problems it would move unilaterally if the conference failed to make sufficient progress towards a convention. When the conference failed to make such progress, Canada announced its unilateral move (with the United States) early in June 1976. It should be stressed, however, that the Law of the Sea Conference made this action possible. Indeed, it is quite clear that the fishery clauses of the SNT have provided Canada with the basic framework within which to establish a 200-mile fisheries zone.

Prior to announcing formally its intention of implementing EFJ, Canada set out to win the co-operation of distant-water

nations by encouraging them to sign bilateral agreements. The first such agreement, concluded with Norway in December 1975, has served as the model for those that followed.

The agreement, couched in the language of the SNT, first sets out Canada's intention eventually to extend its fisheries jurisdiction. The distant-water nation acknowledges Canada's sovereign rights with respect to managing and exploiting the fishery resources encompassed by the extended jurisdiction. The distant-water nation is promised, in turn, access to an unspecified fraction of the TACs surplus to Canada's harvesting capacity. The vessels of the distant-water nation will be required to obtain licences from Canadian authorities and comply with – to quote the agreement – "the conservation measures and other terms and conditions established by the Government of Canada".

The problem of high-seas harvesting of salmon is dealt with by having the distant-water nation accept the principle that anadromous species (e.g. salmon) should be harvested only within the EFJ of the country in whose rivers the fish spawn.

Agreements have now been reached with many distant-water nations besides Norway, among them the Soviet Union, Poland, France, Spain and Portugal. An interim agreement is in effect with Japan. All the agreements signed so far are very broad in nature, thereby allowing Canada considerable flexibility in future planning.