

U.N. AGREEMENT ON STRADDLING STOCKS

At the end of its sixth and final session, on August 4, 1995, the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks adopted, without a vote, the Draft Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of December 10, 1982, relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. This brought to a successful conclusion six years of efforts by Canada to fill the gaps in the United Nations Convention on the Law of the Sea (UNCLOS) concerning high seas fishing, in order to control effectively fishing activities beyond 200 nautical miles, in the Northwest Atlantic and elsewhere around the world.

During its last session, the Conference concentrated on the few problems that had been left unresolved at the end of its April 1995 session. The most important of these was the question of enforcement, to which most of the time available was devoted and on which agreement was only reached at the eleventh hour. The enforcement scheme finally approved is a significant improvement over previous rules of international law. While maintaining primary flag state responsibility, Articles 21 and 22 of the Agreement provide for action to be taken by non-flag state inspectors when the flag state is unable or unwilling to act. Even reasonable use of force is authorized if inspectors are obstructed in the execution of their duties.

The Agreement as a whole is a comprehensive body of rules which should go a long way towards ensuring the sustainable use of much endangered resources. With its legally binding character, its well-developed provisions on conservation and management, its solid and practical enforcement system and its compulsory and binding dispute settlement procedures, the Agreement fully meets the objectives Canada had set for itself in the Conference.

Canada was one of the twenty-five states which signed the Agreement when it was opened for signature in New York on December 4, 1995. The Agreement will come into force after thirty states have ratified it. So far four states (Vanuatu, Tonga, St. Lucia and the USA) have deposited their instruments of ratification to the Agreement. Canadian officials are currently reviewing domestic legislation for consistency with the Agreement in preparation for Canadian ratification, and are lobbying other states to encourage their signature and ratification.