

The Article on anadromous species (Article 66 of the ICNT) remains unchanged from the RSNT provision. This Article is of importance to Canada because it establishes that the state of origin has the primary interest in and responsibility for stocks originating in its rivers and provides a basic prohibition on fishing for salmon on the high seas beyond 200 mile fishing limits. Canada is opposed to any alteration to Article 66 which could upset the present delicate balance in the text and jeopardize agreement on the entire anadromous stocks provision.

4. Lateral Delimitation of the Continental Shelf and Exclusive Economic Zone

Discussion focussed on the differing approaches to amending Articles 62 and 71 of the RSNT (delimitation of the exclusive economic zone and of the continental shelf, respectively, between opposite or adjacent states). Libya introduced a proposed revision reinforcing the RSNT text which provided for delimitation on the basis of equitable principles. Canada is concerned that by ascribing paramount importance to equitable principles a large element of uncertainty would be introduced into the law thus further complicating the resolution of marine boundary disputes. A Spanish proposal, co-sponsored by Canada and 20 other states, would stipulate the median line as the guiding principle for marine boundary delimitation along the lines of the present provision of the 1958 Continental Shelf Convention.

Despite intensive discussions, the Conference unfortunately remains polarized on this issue between the two opposing camps. As a consequence, the RSNT provisions have been incorporated unchanged in the ICNT. Canada is not in agreement with these provisions which by ascribing overriding importance to equitable principles and subordinating the median line concept constitutes an unfortunate departure from existing international law. Debate will continue at the Seventh Session and Canada together with like minded states will further efforts to obtain changes in the text aimed at confirming the median or equidistance principle as the paramount rule governing delimitation of continental shelves and establishing the same rule in respect of economic zones between adjacent or opposite states.