

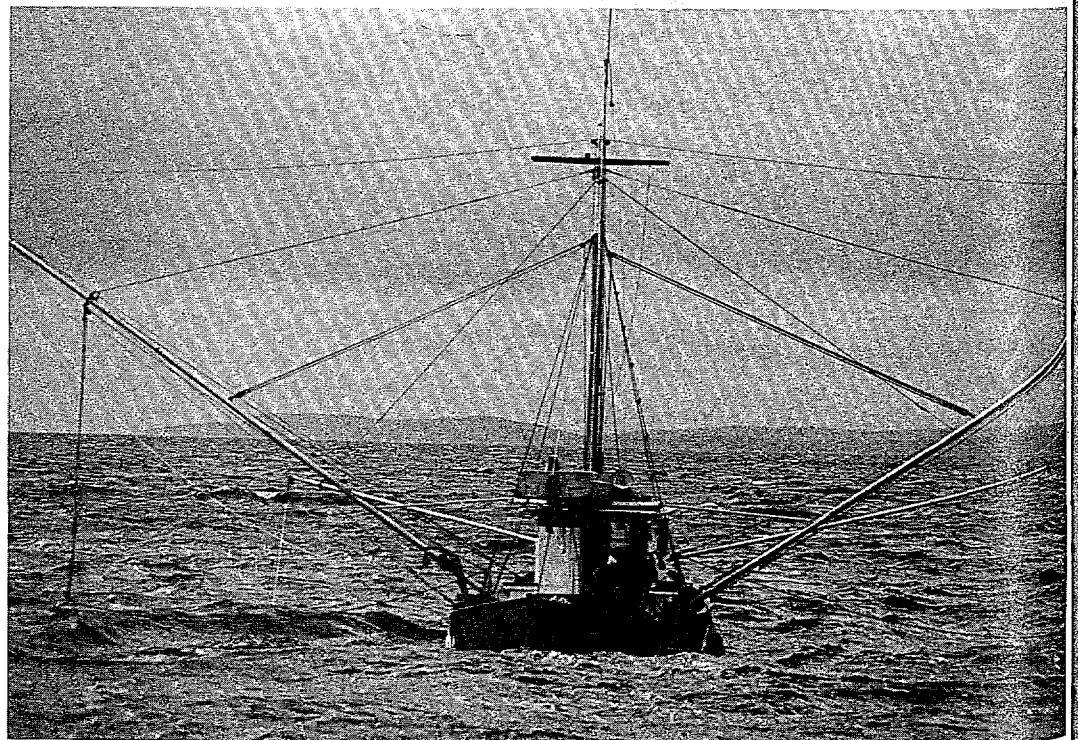
mile zone. Indeed, the harvesting of the most important species, salmon, takes place almost entirely within 12 miles of the shore. There were special bilateral problems involving the Americans, but these were not likely to be affected significantly by Canadian extended fisheries jurisdiction. On the other hand, there were a few species of groundfish beyond the 12-mile zone that were being exploited by the Soviets and the Japanese. Moreover, there was the fear that Canadian salmon might become the object of foreign harvesting activities on the high seas.

Events were occurring between 1974 and 1976 that would make it possible for Canada to extend its management control over its fisheries. The first two UN-sponsored Law of the Sea Conferences had not dealt effectively with fisheries, but there was reason to hope that the third conference would do so. In the preliminary negotiations leading up to the third conference, Canada indicated that it would be prepared to accept an extended fisheries-jurisdiction regime in which the coastal state would have management rights over fishery resources but not property rights to the resources. Using this approach, often referred to as the "functional" approach, the coastal state, as the managing authority, would establish the total allowable catches (TACs) for the stocks or stock complexes within its zone. Moreover, it would have first call on these resources. Surplus portions of TACs would then be at the disposal of distant-water nations.

After the conference officially began in 1974, the conception of the exclusive economic zone, advocated primarily by developing countries, began to take hold. The essential difference between the EEZ and the "functional" approaches was that, under the former approach, the coastal state would be given clear property rights over the fishing resources within its zone. Canada indicated that it would be prepared to accept the EEZ regime. It was agreed that the zone should extend 200 miles from shore.

The single negotiating text (SNT) that appeared at the end of the Geneva session of the conference in the spring of 1975 contained clauses pertaining to fisheries that have remained virtually unchanged up to the present time, though the SNT, now referred to as the informal composite negotiating text (ICNT), has been revised twice. The coastal state is given property rights to the fishery resources within its EEZ, is admonished to manage the resources in a responsible manner, and is required to make available to distant-water nations portions of the TACs that are surplus to its harvesting capacity. There is, however, nothing in the ICNT that restricts the terms and conditions a coastal state may impose on a distant-water nation seeking access to its surpluses.

Most economists prefer the EEZ regime to the "functional" approach once advocated by Canada. It will be recalled that many, if not most, of the problems encountered in fisheries arise from their common-



*Even within sight of the shore-line this picture captures the smallness of the boat and the vastness of the ocean. The boat is using gill-nets in the salmon fisheries off British Columbia's Queen Charlotte Islands.*