

INTERNATIONAL FISHERIES LAW

In retrospect, 1976 can be considered the year that the international community generally accepted the theoretical concept of increased rights and duties of the coastal state within a 200-mile limit. By contrast, but complementary to previous development, 1977 saw the principle incorporated into numerous arrangements on unilateral, bilateral and multilateral levels. The 200-mile principle permeated nearly every aspect of fisheries policy and necessitated the re-evaluation and amendment of traditional fishing patterns and agreements worldwide.

For Canada, the 200-mile concept assumed a substantive character with the extension of fisheries jurisdiction by Order-in-Council on January 1, 1977. The Government considered that extension was necessary in order to ensure rational management of the dwindling fish stocks being decimated by the intensive fishing practices of foreign fleets. This action would ensure the survival of coastal communities heavily dependent on the fishery for their livelihood and permit the rebuilding of depleted fish stocks. As a result of the extension, Canadian officials alone are empowered to determine the level of fish stocks within the zone, to fix the total allowable catch for each stock and area, to assess the needs of Canadian fishermen and to assign, taking into account conservation measures, the surplus to foreign countries which have traditionally fished in Canadian waters.

To complement this extension of jurisdiction, Canada has continued to negotiate bilateral agreements with those countries that have customarily fished off its coasts. Canada already has agreements which contain recognition of the Canadian 200-mile zone with Norway, Poland, the USSR, Spain and Portugal. Additional agreements, known as "second generation" treaties to differentiate them from those negotiated before the extension of jurisdiction, were reached with Cuba, Romania, the German Democratic Republic and Bulgaria. These countries are permitted to fish within the 200-mile limit under a Canadian system of licences and annual quotas for stocks surplus to Canadian requirements. The importance of these treaties for Canada lies in the fact that the parties recognize the special interest that Canada has in the areas adjacent to and immediately beyond the 200-mile limit, known as the Flemish Cap and the tail of the Grand Banks. Canada now has agreements with all nations fishing off its coasts except Japan and the European Common Market. A timetable for negotiation is being