

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 effort 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.

The enforcement scheme provided for in the Agreement 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.

The Agreement as a whole is a comprehensive body of rules which should go a long way towards ensuring the sustainable use of 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. Fifty-nine (59) States have now signed the Agreement and fifteen (15), including the United States and the Russian Federation, and deposited their instruments of ratification. Ratification is a priority for Canada. Canada intends to deposit its instrument of ratification once the legislation to implement it in domestic law has been adopted. The bill to do so (Bill C-96) was tabled in the House on April 17, 1997. It died on the order paper upon dissolution of the House for the federal election. It is intended that the implementing legislation will be re-introduced in the current Parliament. Implementing regulations will also be required.