



Statements and Speeches

No. 76/29

CANADA EXTENDS ITS FISHING-ZONES

A Statement by the Secretary of State for External Affairs, the Honourable Don Jamieson, in the House of Commons, Ottawa, November 19, 1976.

I stated in the House on November 5, 1976, that I would be reporting on my recent talks in Paris regarding Canada-France fisheries questions. I propose to do that today, but first I think it would be useful to review in a more general way developments relating to the implementation of our 200-mile fisheries zones.

The decision to extend our fisheries zones on the Atlantic and Pacific coasts was taken in the light of the urgent need to halt the rapid depletion of our fish stocks and arrest the decline of our inshore-fisheries industry, a situation that had reached crisis proportions. The urgent nature of this problem required us to take action before conclusion of the Law of the Sea Conference, where fisheries questions are among the many matters being discussed. Nevertheless, the new extended jurisdiction is in conformity with the consensus emerging at the Law of the Sea Conference. The principle is now firmly embodied in the Revised Single Negotiating Text that a coastal state has the sovereign right to manage the living resources of the seas in a 200-mile zone adjacent to its shoreline. The main features of the new Canadian regime are based on the relevant provisions of the RSNT.

A number of countries have enacted, or are soon to enact, 200-mile zones, including Mexico, Norway, Denmark, France, Britain, and the U.S.A. Most recently, the foreign ministers of The Nine agreed that a European Economic Community 200-mile fisheries zone should be in place as of January 1, 1977. Altogether, there are now some 50 states that have already established or will soon establish extended fisheries zones beyond 12 miles and, in many cases, as far as 200 miles.

Thus, from the standpoint of both emerging treaty law and cumulative state practice, there is a sound basis in international law for the action Canada has taken to protect the living resources in waters contiguous to its shoreline.

Canada has not only acted in accordance with emerging international law but has also made every effort to take into account the interests of those states directly affected by our extended jurisdiction.

We have been conscious of the need to avoid disputes with other countries stemming from our new fisheries-management regime. For this reason, Canada has taken a number of steps internationally, aimed at achieving a smooth transition to our new 200-mile jurisdiction regime.

Our first priority was to obtain agreement within the International Commission for the Northwest Atlantic Fisheries ICNAF on fishing quotas for the calendar year 1977 that would correspond to Canadian requirements within the 200-mile zone. At Canada's insistence, total allowable catches of stock have been set at levels low enough to ensure rebuilding of threatened species over a period of time. There will be a further meeting of ICHAF in December in Spain to deal with the quotas on a few remaining stocks.

The Commission, at our urging, is in the process of examining the role it might play in future. We have given formal notice of Canada's intention to withdraw from the Convention, as has the U.S.A. I am hopeful, however, that ICNAF can make the necessary adjustment to Canada's exclusive jurisdiction, management and enforcement in the 200-mile zone, and that new arrangements will preserve the long tradition of international co-operation, particularly in the field of scientific research, that has grown up within the Commission. On this basis, Canada could continue to play a full and active part in the work of the Commission. After the December meeting, we shall be in a better position to assess what our attitude toward ICNAF should be for the coming year.

Our next priority was to negotiate bilateral agreements with those countries that together account for almost 90 per cent of the foreign fishing operations off our coasts. The Government has now concluded an intensive round of bilateral negotiations, and fisheries agreements are now in place with Norway, the U.S.S.R., Poland, Spain and Portugal. These agreements set out the terms and conditions that Canada will apply in permitting foreign fishermen, under Canadian management and control, to harvest certain stocks surplus to our needs.

In addition, we have required the submission of fishing programs from all members of ICNAF who wish to fish off our coasts in 1977. This information is essential in order to ensure that these projected fishing operations are compatible with the quotas established by ICNAF with Canadian concurrence.

The problems on the Pacific coast are no less important and we are taking the steps we consider necessary to ensure that Canadian jurisdiction in our new Pacific zone is effective. Our recent bilateral agreements with the U.S.S.R. and Poland cover the Pacific

coast, and we are engaging in consultations with other countries that have previously fished there.

The Government will also take early action to promulgate an extended fisheries zone in the Arctic. There is no foreign commercial fishing in waters off the Canadian Arctic coast, nor are there depleted stocks requiring urgent conservation measures. However, the Government is fully alive to the need to safeguard the fishing interests of the Inuit Eskimos and to provide for the future development of fisheries in the Arctic area. Consequently, the Government has decided to bring into force a 200-mile fisheries zone in the Arctic by March 1, 1977.

I have outlined the steps we have taken to ensure a smooth transition to the 200-mile jurisdiction regime. The response has been encouraging. Nations fishing off our coasts have shown a willingness to adapt to the facts of the resource crisis and to the new legal regime Canada is bringing in.

I now wish to draw your attention to an important aspect of the notice of Order-In-Council tabled by my colleague, the Minister of Fisheries and the Environment, on November 2, -- namely, the geographic co-ordinates defining the fishing-zones in which Canada will be exercising jurisdiction. If members agree, I should be prepared to table maps prepared by the Canadian Hydrographic Service illustrating the new zones as prescribed by the co-ordinates in the Order-In-Council. These co-ordinates raise maritime boundary implications with neighbouring countries. The Order-In-Council makes express reference to boundary-delimitation talks with the U.S., France and Denmark and affirms that the limits of the Canadian fishing-zones as defined in the Order are "without prejudice to any negotiations respecting the limits of maritime jurisdiction in such areas;....".

The United States Government has responded to the publication of the Order-In-Council by issuing in the form of a Notice in their Federal Register of November 4, 1976, a list of co-ordinates defining the lateral limits of its prospective fisheries zone, as well as its continental shelf in the areas adjacent to Canada. In a number of areas these lines differ from the Canadian co-ordinates. We do not accept these lines and we are so informing the United States Government through diplomatic channels. I am pleased to note, however, that the U.S. Government has mirrored the approach taken in the Order-In-Council by making it clear in the Federal Register Notice that the co-ordinates listed therein are without prejudice to any negotiation with Canada or to any positions that may have been or may be adopted respecting the limits of maritime jurisdiction

in the boundary areas adjacent to Canada.

During my visit to France, I had the occasion to discuss with the French Foreign Minister our plans for extension of jurisdiction by January 1 in the area off our east coast. At that time precisely, on November 3, the European Community officially announced the decision taken by all member countries to extend their jurisdiction over fisheries to 200 miles by January 1, 1977. While the new management regime will be decided by the Community, the determination of the exact areas to be brought under extended jurisdiction, of course, continues to belong to the individual member countries, and the matter of delimitation of waters off St. Pierre and Miquelon remains a question for Canada and France to work out. What I particularly wished to underline in Paris, and my French colleague was quick to respond favourably, relates to the urgent need for both our countries to put in place by the end of this year interim arrangements in waters close to the French islands. Such arrangements would avoid conflicting fisheries regulations on matters such as enforcement and licensing. I am confident that, as a result of those discussions in Paris, both sides have a keener appreciation of the necessity of early agreement on these arrangements.

Interim arrangements are especially necessary in the absence of agreed maritime boundaries off the coasts of the French islands of St. Pierre and Miquelon. While France has given itself enabling legislation to extend jurisdiction off any of its coasts, there has been no indication to date by France of its intentions regarding the area off St. Pierre and Miquelon. In the preamble to the Order-In-Council extending jurisdiction, we clearly indicated that the establishment of an extended fishing-zone is not intended to prejudice ongoing consultations on the delimitation of waters with France, and this matter is also being pursued.

Another important factor in our fisheries relations with France is that the bilateral fisheries agreement concluded in 1972 grants certain rights to French vessels, and in particular to vessels registered in St. Pierre and Miquelon, in the areas that are now under Canadian jurisdiction -- that is, in our 12-mile territorial sea and in the Gulf. These rights, which are not modified by the creation of our new zones, were granted in exchange for the abandonment by France of important treaty rights in extensive areas dating back to the time of French settlement in the area. Similar rights were granted to Canadian vessels off the coast of St. Pierre and Miquelon. We have made very clear to the French that the rights granted to their vessels by this agreement are exclusive to France, and cannot in any way be claimed or exercised by other members of the European Community.

The 1972 bilateral agreement also refers to the possibility of extension by either country. In Article 2, the Agreement states that each country will, in the event of a modification of the areas under its jurisdiction, undertake on the basis of reciprocity to recognize the right of nationals of the other country to continue to fish in the modified areas, under rules and regulations to be applied by the country having jurisdiction, including, in our view, regulations on quotas, licensing and enforcement.

S/C