



news release

Date **December 24, 1992**

No. 247

For release

McDOUGALL AND CROSBIE WELCOME UN HIGH SEAS CONFERENCE DECISION

The Secretary of State for External Affairs, the Honourable Barbara McDougall, and the Minister of Fisheries and Oceans, the Honourable John Crosbie, today welcomed the decision by the United Nations General Assembly to convene an International Conference on High Seas Fishing in April in New York. A second session will be held in July, and the Conference should aim to complete its work by the fall of 1994.

"This Conference will provide a long overdue opportunity to develop rules for the management of high seas fisheries, in accordance with principles of conservation and sustainable development," Mrs. McDougall said.

"The International High Seas Fishing Conference is one of the recommendations of Agenda 21, the blueprint for sustainable development in the 21st century, adopted in June by the United Nations Conference on Environment and Development (UNCED)," Mrs. McDougall pointed out.

"This conference must establish rules for the management of high seas fisheries of straddling and highly migratory fish stocks," said Mr. Crosbie.

Fishing by distant-water fleets outside Canada's 200-mile limit on the "Nose" and "Tail" of the Grand Banks has been an important factor in the decline of several fish stocks that extend out of Canadian waters into the high seas.

"During the lengthy period leading up to UNCED, Canada worked with other countries that shared our objectives to make other nations aware of the devastating effects of overfishing by foreign fleets outside the 200-mile exclusive zones of coastal states," Mr. Crosbie said. "Together with these countries, Canada is working to ensure that the UN Conference is successful in developing rules that will bring an end to overfishing on the high seas."

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For further information, media representatives may contact:

Media Relations Office
External Affairs and International Trade Canada
(613) 995-1874

BACKGROUND

THE LEGAL INITIATIVE

The Issue

The United Nations Convention on the Law of the Sea (UNCLOS) provides a framework for co-operation on management and conservation for the high seas beyond the limits of national jurisdiction. It leaves legal rights and obligations applicable to straddling stocks -- and other stocks not under the exclusive management of coastal states, such as highly migratory species -- in an ambiguous state. The specific rights of coastal states and the obligations of the high seas fishing states are only vaguely sketched out. The resulting legal uncertainty leaves these stocks vulnerable to overfishing on the high seas by fleets from distant-water fishing countries.

The question is how to give practical effect to the obligations of distant-water fishing states to co-operate with each other and the appropriate coastal states in the conservation of fish stocks on the high seas.

A Possible Solution: Canada's Legal Initiative

Canada has been seeking a global solution. The international dimension of the solution for Canada has been to seek an effective, enforceable framework for conservation and management of resources beyond the 200-mile limit: rules consistent with the Law of the Sea by which all states fishing on the high seas agree to abide, that will end unsustainable exploitation of fish stocks.

The attainment of such rules is the purpose behind what has been called Canada's Legal Initiative. These rules would clarify and lend substance to the vague provisions in UNCLOS.

Canada took the lead in pursuing this goal by convening an International Conference of Law of the Sea Experts in St. John's in September 1990. The Experts agreed on certain fundamental principles, including that:

- Members of the international community whose nationals fish in areas of the high seas must co-operate with each other and the adjacent coastal states on conservation including enforcement and dispute settlement;
- Members of regional fisheries organizations have a duty to ensure that their nationals comply with all conservation measures, and that they not resort to techniques such as reflagging vessels to escape controls;

- Distant-water fishing nations must ensure that fishing by their nationals on the high seas does not have an adverse effect on the living resources under the jurisdiction of coastal states; and
- The management regime applied on the high seas to straddling stocks and highly migratory species should be consistent with the management regime of the coastal states applicable to such stocks and species in their exclusive economic zones.

The next significant step in the quest for effective controls on high seas fisheries was achieved at a meeting of experts held in May 1991, in Santiago. At that meeting, Chile, New Zealand and Canada developed a text of principles and measures, based on the St. John's conclusions, which became known as the "Santiago Text."

During the lengthy negotiations leading up to the United Nations Conference on Environment and Development, Canada took the lead in the preparation of the initial UNCED text concerning high seas fisheries problems that was eventually incorporated into Chapter 17 of Agenda 21 -- the Oceans chapter -- for adoption by UNCED. That draft included the Santiago text.

Because of the diversity of subjects that UNCED had to address and the fact that the outcome was to be a series of non-binding recommendations, the coastal state group concluded that a UN conference devoted exclusively to high seas fisheries of straddling stocks and highly migratory species should be one of the UNCED recommendations.

The UN Conference on Straddling and Highly Migratory Fish Stocks

Canada led the effort at the 1992 United Nations General Assembly, which resulted in a resolution formally convening the UN Conference on Straddling and Highly Migratory Fish Stocks. The Conference will provide, for the first time, a forum to develop rules for the management of high seas fisheries in accordance with conservation and sustainable development principles within the framework for international co-operation established by UNCLOS. It will also continue to focus international attention on current overfishing on the high seas, thus increasing the pressure to stop this practice.

The Conference will start its work early in 1993 and aim to complete it before the 49th session of the UN General Assembly in the fall of 1994.