

Statement

Déclaration

Minister for
International
Trade



Ministre du
Commerce
extérieur

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NOTES FOR AN ADDRESS

BY THE MINISTER FOR INTERNATIONAL TRADE,

JOHN C. CROSBIE,

AT THE OPENING SESSION OF THE

ST. JOHN'S CONFERENCE ON THE CONSERVATION AND MANAGEMENT OF

THE LIVING RESOURCES OF THE HIGH SEAS

ST. JOHN'S, NEWFOUNDLAND
SEPTEMBER 5, 1990

Distinguished Ambassadors, ladies and gentlemen, let me extend a welcome to all those attending the St. John's Conference on High Seas Fisheries. A particular welcome is warranted for those eminent legal and scientific experts who have come from the United Nations, the FAO and many countries to participate in this conference. Your presence today reflects, I believe, the importance you accord to dealing with the challenges facing the operation of the United Nations Law of the Sea Convention as it relates to high seas fisheries.

My colleagues and I in the Government of Canada believe that through the proper application of the principles of international law embodied in the U.N. Law of the Sea Convention, the international community can achieve effective conservation and management of living resources of the high seas.

We believe that the U.N. Law of the Sea Convention can provide the basis, as it was intended to do, for the sustainable development of the living resources of the high seas, for the benefit of current and future generations. We believe that through the development of practical measures to give effect to the Law of the Sea regime for high seas fisheries and, equally importantly, through international acceptance of those measures, we can put an end to ecological tragedies that are developing, or that have already occurred in the Northwest Atlantic, the North Pacific, the South Pacific and off the coasts of Africa and other areas.

My colleagues, the Right Honourable Joe Clark, Secretary of State for External Affairs, the Honourable Bernard Valcourt, Minister of Fisheries and Oceans, and I wanted St. John's to be the site of this conference because of Newfoundland's vital and historic link with the fishery.

It was on June 24, 1497, the feast of Saint John the Baptist, that Giovanni Caboto, a Genoese explorer sailing under the commission of King Henry VII of England, entered St. John's harbour. Caboto reported on his return to England that the waters off this "new found land" teemed with fish, so that they could be taken merely by letting down a basket weighted with stones. Would that that were the case today.

From the earliest years after Caboto's discovery the fishery was prosecuted with great vigour off these coasts, including the Grand Banks of Newfoundland and the Flemish Cap, that extend almost 300 nautical miles to the East and Southeast of the island. Thus, for almost five centuries there has been a major fishery here. And, for almost three centuries, there has been permanent settlement based on the fishery.

From earliest times, it has been possible for man to over-exploit and deplete small bodies of fish. But it is only since the 1950's and 1960's that the fishing power of modern harvesting technology and of vast ocean-going fleets have developed the capacity to lay low the fisheries resources in many areas of the world.

In this part of the world, in the twenty years from the 1950's to the mid-1970's, the gross over-harvesting of fish stocks in the northwest Atlantic decimated those resources. The results for Newfoundland and for fishing communities all along Canada's Atlantic coast were devastating.

The international legal regime of the day, whereby the longstanding principle of freedom of the high seas became distorted into the right to overfish, was simply unable to cope with the pressures of new harvesting technologies and the enormous expansion in distant water fleets. Of course, Canada was not alone in facing these bitter consequences. Living resources in oceans around the globe were open to similar, virtually un-checked over-exploitation.

The international community, perhaps somewhat belatedly, responded to these challenges and to other new demands being placed on the world's oceans through the negotiations initiated in 1967 under United Nations auspices for a comprehensive Convention on the Law of the Sea. I know that many of you were actively involved in the negotiations leading to that milestone in the development of international law, the 1982 Law of the Sea Convention.

Canada strove to play a leading role in those negotiations. We sought to do so in no small measure because the outcome of those negotiations was so vital for our future as a fishing nation, in the Northeast Pacific, as well as in the Northwest Atlantic. The young international jurist and diplomat who undertook the task of leading Canada's delegation in those negotiations is with us today as the chairman of this conference.

As part of the development of the "new international law of the sea", Canada like many other states extended its fisheries jurisdiction to 200 miles in 1977. There was great rejoicing, probably nowhere more so than in Newfoundland, that a dark chapter in the history of our fishery seemed finally to be coming to an end. Major improvements followed from the 200 mile limit. Through strict conservation and increasingly refined management measures, many stocks off Canada's Atlantic coast were given the opportunity to rebuild toward historical levels. This meant major sacrifices, but there lay the promise of a better future. And throughout, Canada has fulfilled its obligations under the Law of the Sea Convention as the coastal state, including the allocation to other states of surplus resources within its 200 miles zone.

Canada took a leading role in the establishment in 1977 of the Northwest Atlantic Fisheries Organization, NAFO, the regional organization established in accordance with the provisions of the Law of the Sea Convention to conserve and manage fish stocks outside Canada's 200 mile limit. The purpose as stated in the NAFO convention was "to contribute through consultation and cooperation to the optimum utilization, rational management and conservation of the fishery resources of the Convention area."

Canada's experience since may be instructive for other countries. For almost a decade after NAFO was founded, it seemed that in very large measure our concerns with over-harvesting of Grand Banks stocks were behind us, as NAFO functioned well in the management of these stocks. Indeed in many respects NAFO proved to be almost a model regional fisheries organization, based on cooperation, compromise and a desire to provide the best scientific base. However, in the past four years major problems have developed in the conservation and management of resources under NAFO's jurisdiction.

Some fleets have not complied with NAFO's conservation framework, but have harvested catches far in excess of NAFO quotas. That over-harvesting was severely compounded by the taking of immature fish in nursery areas just outside 200 miles. Another problem is the escalation of catches by fleets from states that are not NAFO members, particularly by vessels reflagged so as to avoid the application of NAFO's conservation and management measures. These flag-of-convenience fleets constitute, in my view, a serious abuse of the high seas fisheries provisions of the U.N. Law of the Sea Convention. While these problems were developing, Canada overestimated the regrowth of the depleted stocks, and permitted fishing levels within Canada's 200-mile limit which may in hindsight appear higher than the optimum sustainable yield.

This situation began to threaten the future of whole fishing communities, not only in Canada, but in all of the countries whose fleets adhere to NAFO conservation and management decisions, as well as those who don't. Thus, it even threatens the interests of those whose high seas overfishing is contributing so severely to the problem.

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In other parts of the world, in the North Pacific, the South Pacific, the South-east Atlantic, off the coasts of Africa and Asia, whether the problem is overfishing of commercial stocks or the use of ecologically dangerous fishing gear such as driftnets, coastal states have been facing threats similar enough to warrant global attention.

The concept of sustainable development is, in our view, the essence of the U.N. Law of the Sea Convention's provisions relating to high seas fisheries. The goal of effective conservation and resource management

is embodied in the principles of international conduct set out in the Convention. What is needed is international acceptance of the practical measures needed to make the U.N. Law of the Sea Convention work as it was intended to.

Canada took a prominent role along with the delegations of many of the countries represented at this meeting in support of the resolution on driftnet fishing adopted by the United Nations General Assembly in December, 1989. That resolution based its decision to call for a moratorium on high sea driftnetting by 1992 on certain principles. These included the duty of all members of the international community to cooperate globally and regionally in the conservation and management of living resources of the high seas, and the responsibility to cooperate with coastal states in where overexploitation of resources in zones adjacent to coastal states might have an adverse impact on stocks.

The eight leaders who met at the Houston Economic Summit agreed with the initiative of Canada's Prime Minister Brian Mulroney, to include in the final communique of the Summit a call for international co-operation in conservation of living marine resources, recognition of the importance of regional fisheries organizations and respect for conservation regimes. Significantly, this element of the final communique was included with other elements relating to the environment and sustainable development.

During a recent visit to Canada of Soviet Fisheries Minister Nikolai Kotlyar, a joint statement was signed by him and my colleague the Minister of Fisheries and Oceans, which iterated important principles respecting fisheries on the high seas and the duty of states to cooperate in ensuring that marine living resources are protected from over-exploitation. Earlier in Minister Kotlyar's visit, I had the pleasure of spending a day with him visiting fishing communities around St. John's.

Clearly there is a need to define in practical terms the specific international management regulations that should be adhered to in order to give effect to the conservation principles embodied in the Law of the Sea Convention as it relates to high seas fisheries. International co-operation in these matters will be assisted by having agreement on what is needed to achieve effective conservation and management of living resources of the high seas.

It is because of the combination of deep concern for the serious problems in high seas fisheries and optimism that these problems can be overcome through the proper application of the U.N. Law of the Sea Convention that the Government of Canada has sponsored this conference. By itself, the conference cannot provide solutions. You can, however,

on the basis of your collective experience and wisdom help define principles and propose practical steps that may lead to the resolution of abuses in high seas fishing. You can add to a climate of increased international awareness and co-operation that is needed to provide lasting solutions to the serious problems facing us today.

Newfoundlanders and all Canadians are pleased to welcome so distinguished a group of international legal and scientific experts from so many nations that have gathered here for the next three days to consider these important matters. Let me offer to you my sincere best wishes for your discussions.