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NOTES FOR A STATEMENT BY CANADA ON PLENARY AGENDA ITEM 15

The Canadian position with regard to both the conduct and significance of the present meeting of ICNAF and the future of ICNAF was fully set out in the statement of the Hon. Roméo LeBlanc at our opening session. In the light of statements by other delegations on these matters, I wish to reiterate the Canadian approach, to attempt to answer various questions that have been raised, and to comment on certain proposals.

The Canadian delegation considers it an important development that this meeting is proceeding with what we might call "business as usual". We are here developing recommendations for sound conservation measures, including allocations, for 1977 in accordance with the usual ICNAF procedures, while taking into account the positions expressed by the two principal coastal states. Those recommendations, in keeping with a fundamental commitment we all share, must also satisfy the principle of optimum utilization, as a number of delegations have urged. For Canada's part, both the Secretary of State for External Affairs and the Minister of State (Fisheries) have underlined our commitment to this principle.

As was stated by Mr. LeBlanc, Canada has undertaken to give effect within its 200-mile zone, in 1977, to those measures agreed at the present ICNAF meeting with Canadian concurrence. This means that Canada would adopt, apply and enforce the measures in question as Canadian regulations under Canadian law. As to allocations to other countries agreed upon with Canadian concurrence,

Canada would issue appropriate permits on the basis of those allocations relating to stocks of the Canadian 200-mile zone.

To answer a number of questions raised by the representative of the Federal Republic of Germany, I wish to make the following additional points on this matter:

- (1) As a transitional measure for 1977 at least, Canada has made clear that it would issue such permits even to those ICNAF member states with which Canada does not have bilateral agreements. The Canadian Government's approach to this question for the years beyond 1977 remains under consideration.
- (2) Canada sees no reason why the ICNAF vessel registration scheme should not continue in 1977, although that scheme could not prejudice or be a substitute for the permits to be issued by Canada as a Canadian requirement. Indeed the ICNAF vessel registration scheme will remain most valuable for the area beyond 200 miles.
- (3) As to flag state licences for fishing within Canada's 200-mile zone, it must be understood that these cannot substitute for Canadian permits. I must stress here Canada's view that even under a system of coastal state regulation and enforcement, flag states would not be relieved of their responsibility to ensure that their vessels comply with the applicable regulations, including strict adherence to quota allocations.
- (4) More generally, I would reply to the questions raised by the representative of the Federal Republic of Germany by assuring him and all others here that Canada would undertake to carry

out appropriate consultations later this year with the countries concerned on the modalities of implementation of jurisdiction, especially as to licensing procedures and, where appropriate, enforcement procedures - recalling of course that enforcement will fall within Canadian authority.

The representative of the Federal Republic of Germany also enquired what additional regulatory measures might be established by Canada in 1977 beyond those agreed at the present meeting with Canadian concurrence. I am not certain that it would be possible or useful to try to give examples at this time. In any event, as stated by Mr. LeBlanc, any additional Canadian regulations in 1977 would take into account and be consistent with agreements reached here with Canadian concurrence.

As to the future of ICNAF, we have already stated that Canada is committed to continued multilateral cooperation in the management of stocks beyond 200 miles and wishes to negotiate as soon as possible new multilateral arrangements to this end. Obviously the ICNAF Convention in its present form cannot apply to the 200-mile zone. However, the sort of system we have developed in ICNAF would be valuable and indeed necessary for the conservation and management of stocks within the ICNAF area beyond 200 miles. We have an open mind as to whether new arrangements should be negotiated by way of amendments to the present Convention or otherwise. In either case a basic change would be in the geographic area of application of these multilateral arrangements. In addition the Canadian Government believes that the new arrangements would have to take into account the relationship between the stocks of the 200-mile limit and those beyond.

As to arrangements concerning stocks of the 200-mile zone, I would reaffirm Canada's commitment to consult annually with other countries fishing in the zone, in the development of Canadian regulations for conservation and

management of the stocks and the allocation of surpluses. We attach the highest importance to maintaining the kind of scientific cooperation that has developed in ICNAF. Canada proposes to establish an appropriate mechanism or forum for consultations on these matters. The precise form of that mechanism, and its possible relationship to the multilateral organization for the area beyond 200 miles, are questions that remain under consideration in Canada. It would seem desirable at any rate for consultations regarding regulations in the 200-mile zone to be carried out in conjunction with meetings of the international commission dealing with stocks beyond 200 miles. Certainly we would be pleased and grateful to hear the views and suggestions of other countries on these possible approaches, although I must emphasize that the establishment by Canada of a consultative mechanism for stocks of the 200-mile zone will not be a matter for negotiation as such.

I should like at this point to recall Mr. LeBlanc's suggestion that a special meeting to deal with the future of ICNAF may be necessary later this year. The Canadian delegation hopes that all here would agree on the usefulness of such a meeting, either of the Commission itself or of plenipotentiaries. Any delay could seriously prejudice the future of multilateral consultation and cooperation to which we are all committed. Mr. LeBlanc stated a few days ago Canada's hope that we can make an uninterrupted transition from the old to the new regime, and to do this it would be imperative to set to work immediately on the elaboration of a new regime. For Canada to remain a member of ICNAF in 1977, we must have adequate assurance that management measures for 1978 will be developed under the new arrangements.

As to the Cuban suggestion, which has already been supported by some members, that we create a working group that would meet at an early date to produce a draft of what might be a modified ICNAF Convention, this idea is a useful one and I would like to set out Canada's views on it.

The group should have a wide mandate. We believe that it should examine what new arrangements will be necessary in order to ensure the continuance of multilateral cooperation in the management of stocks found outside expanded national fishery limits. This might well be accomplished by modifications to the present ICNAF Convention, but Canada for its part has an open mind on this question, as I have already indicated. What we want to ensure is that the lessons of ICNAF are not lost whatever the arrangements arrived at, and that particular attention be paid in such arrangements to ensure that stocks which straddle the outer limit of national jurisdiction - or migrate back and forth across the limit - are managed in cooperation with the coastal state.

It is important, in the Canadian view, that the proposed group have a certain degree of flexibility. It would be our suggestion, therefore, that those taking part in the group do so in a personal capacity, as experts in this field, and not as representatives of governments. We would also suggest that the group be convened soon enough to be in a position to submit their report to the special ICNAF meeting our meeting of plenipotentiaries we have proposed be held later this year. We would be pleased to act as hosts for both the group of experts meeting and the special meeting of the Commission or of plenipotentiaries here in Canada.

