

It is also very clear that global environmental problems require global mechanisms to deal with them. Consequently, in order to implement global sustainable development policies, one needs to establish global instruments to manage both the environment and the international economy.

We should consider the present WTO situation as a pilot phase which needs to be followed by a restructuring phase, much as the process which reformed the Global Environment Facility after the Rio Conference. In particular, there is a need for greater openness for standard-setting bodies (on sanitary and phytosanitary standards, for example) and for the decision-making process of the dispute panels.

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URS P. THOMAS  
*Seminar on Business and the Environment*  
*Faculty of Administration*  
*University of Ottawa*  
*Ottawa*  
*Ontario K1N 6N5*  
*Canada.*

## GUEST COMMENT

**Canada–EU Reach Agreement to Conserve and Protect Straddling Stocks\***

Canada's Minister of Fisheries and Oceans, Brian Tobin, and Minister of Foreign Affairs, André Ouellet, on 15 April 1995 announced an agreement on the conservation and management of fish stocks that straddle Canada's 200-miles' limit. The agreement was negotiated by senior officials of the Government of Canada and of the European Commission.

The Ministers congratulated Canadian and European Union negotiators on their success in reaching an agreement to settle the dispute over the fishing of Greenland Halibut. 'This agreement is not just about providing immediate protection for Turbot† stocks', Minister Tobin said, 'It's also about rebuilding Cod [*Gadus morhua*] and flatfish stocks currently under moratoria.' Minister Ouellet said 'Our negotiators did a superb job in ensuring that conservation of fragile fish-stocks, and the strict enforcement of fishing rules, are now basic preconditions that must be met by all vessels and by all fishing fleets in advance of any harvesting activity', noting that Canada's bottom-line concerns about proper conservation and enforcement measures are central elements in the agreement.

## THE NEW ENFORCEMENT AGREEMENT

Under the Canada–EU Control and Enforcement Agreement, a new mandatory enforcement regime will govern all Canadian and EU vessels fishing in specific areas regulated by the Northwest Atlantic Fisheries Organization (NAFO). 'This agreement reflects a bilateral commitment to introduce a better set of rules, and, for the first time, an effective system to enforce the rules and provide for more severe penalties for those who break them', Minister Ouellet said.

Major components of the new enforcement agreement include:

- independent, full-time observers on board vessels at all times;
- enhanced surveillance *via* satellite tracking;
- increased inspections and quick reporting of infractions;
- verification of gear and catch records;
- timely and significant penalties to deter violations;
- new minimum fish size-limits, and
- improved dockside monitoring.

Under the agreement, Canada will harvest 10,000 tonnes of Turbot, subject to further information about the health of the stock. The EU will limit further catches of Turbot by its vessels in 1995 to 5,013 tonnes from April 15.

'While Canada will harvest less Turbot than its February quota from NAFO, the 10,000 tonnes now available in 1995 is three times greater than last year's catch. While the EU will receive more than the NAFO quota recommended in February, its harvesting level is about five times less than what the EU harvested in 1994', Minister Tobin said. 'We have achieved a total enforcement regime. For the first time, we have a way of monitoring EU catches, controlling EU fleets, preventing the use of liners in nets, stopping the catch of undersized fish, and controlling the catches of fish under moratoria.' 'We can now put this dispute behind us, secure in the knowledge that we have a fair, workable and sensible agreement', Minister Ouellet said: 'We can also be pleased that our strong stand on conservation will contribute to the formulation of stronger international rules covering the harvesting of endangered fish-stocks elsewhere in the world.'

\* Further to the Editorial (on page 3) and news item (on p. 77) in our preceding issue. We hereby express the ardent hope that countries and unions in all continents will conform, and that this splendid breakthrough will soon be followed by others — and not only covering the world's oceans and seas. — Ed.

† An alternative popular name for Greenland Halibut (*Reinhardtia hippoglossoides*). — Ed.

## IMPROVED CONSERVATION AND ENFORCEMENT MEASURES

The Canada–EU fisheries agreement resolves the dispute that Canada has had with the EU over the past 10 years regarding control of vessels fishing for straddling stocks in waters regulated by NAFO (the Northwest Atlantic Fisheries Organization) outside Canada's 200-miles zone (in the NAFO Regulatory Area, NRA). The EU and Canada have agreed to a greatly improved system of conservation and enforcement to protect not only Turbot, but also Cod, Flounder (*Pleuronectes flexuosa*), and other straddling stocks.

The agreement will be jointly presented by Canada and the EU to STACTIC (the NAFO Standing Committee on International Control) and then to the NAFO Fisheries Commission for incorporation in NAFO Conservation and Enforcement Measures. Canada and the EU will call for an early meeting of STACTIC, and then for a meeting of the Fisheries Commission. The goal is to achieve the adoption of these measures by NAFO at the earliest possible time.

*(a) Key Control Measures*

Key control measures applicable to vessels fishing in the NRA include:

- (1) 100% observer coverage (*i.e.* observers on all vessels),
- (2) a satellite tracking system (to be tested by placing locational transponders on 35% of each Contracting Party's vessels),
- (3) dockside inspections of all vessels at each port of call,
- (4) special powers to order a vessel to port for a thorough inspection, and
- (5) authority to seal fish-holds and otherwise preserve evidence of apparent infringements.

As well, a minimum fish-size will be established to help protect juvenile Turbot. These and other related measures will build on existing conservation and enforcement measures (such as at-sea inspections) and constitute a system for ensuring that NAFO conservation and management decisions are complied with.

*(b) Greater Transparency and Cooperation*

Central to achieving greater transparency and more effective enforcement is increased cooperation, especially in the timely sharing of information. In this regard, the key measures are:

- (1) Reports by all observers within 24 hours of any apparent infringement of NAFO Conservation and Enforcement Measures to NAFO inspection vessels and to the NAFO Executive Secretary.
- (2) The observer will provide the report prepared at the end of each voyage to the NAFO Executive Secretary.
- (3) Sharing of information on the location and identity of vessels, and from dockside inspections with other Contracting Parties.
- (4) The option to have Canadian officials present during the thorough inspection of an EU vessel when the vessel is ordered to port by an EU inspector.
- (5) Sharing of information by all Contracting Parties regarding follow-up action where a vessel has been cited for an infringement.

These measures, along with cooperation by Canadian and EU officials at the operational level, will allow all those involved to have confidence that the system is working to achieve effective control and, thereby, good conservation.

*(c) Immediate Action*

The overall improvements agreed to by Canada and the EU will have to be adopted by NAFO to be implemented in all respects. Canada and the EU will call for an early meeting of the NAFO Fisheries Commission for this purpose. However, in order to achieve more effective control immediately, certain measures will be implemented now by Canada and the EU. The key measure to be implemented in this way is 100% observer coverage.

Within 15 days of the signing of the Canada–EU agreement, observers were to be placed on all vessels from Canada and the EU fishing in the NAFO Regulatory Area (that is, the Nose and Tail of the Grand Banks and the Flemish Cap). This will provide a basic level of improved control until the overall set of measures can be implemented with NAFO approval and applied to other NAFO Contracting Parties.

CANADIAN MISSION  
TO THE UNITED NATIONS IN GENEVA  
1 Pré-de-la-Bichette  
1202 Geneva  
Switzerland.