

**FISHING FOR A SOLUTION:  
CANADA'S FISHERIES RELATIONS WITH  
THE EUROPEAN UNION, 1977-2013**  
Donald Barry, Bob Applebaum, and Earl Wiseman

ISBN 978-1-55238-779-5

**THIS BOOK IS AN OPEN ACCESS E-BOOK.** It is an electronic version of a book that can be purchased in physical form through any bookseller or on-line retailer, or from our distributors. Please support this open access publication by requesting that your university purchase a print copy of this book, or by purchasing a copy yourself. If you have any questions, please contact us at [ucpress@ucalgary.ca](mailto:ucpress@ucalgary.ca)

**Cover Art:** The artwork on the cover of this book is not open access and falls under traditional copyright provisions; it cannot be reproduced in any way without written permission of the artists and their agents. The cover can be displayed as a complete cover image for the purposes of publicizing this work, but the artwork cannot be extracted from the context of the cover of this specific work without breaching the artist's copyright.

**COPYRIGHT NOTICE:** This open-access work is published under a Creative Commons licence.

This means that you are free to copy, distribute, display or perform the work as long as you clearly attribute the work to its authors and publisher, that you do not use this work for any commercial gain in any form, and that you in no way alter, transform, or build on the work outside of its use in normal academic scholarship without our express permission. If you want to reuse or distribute the work, you must inform its new audience of the licence terms of this work. For more information, see details of the Creative Commons licence at: <http://creativecommons.org/licenses/by-nc-nd/3.0/>

**UNDER THE CREATIVE COMMONS LICENCE YOU MAY:**

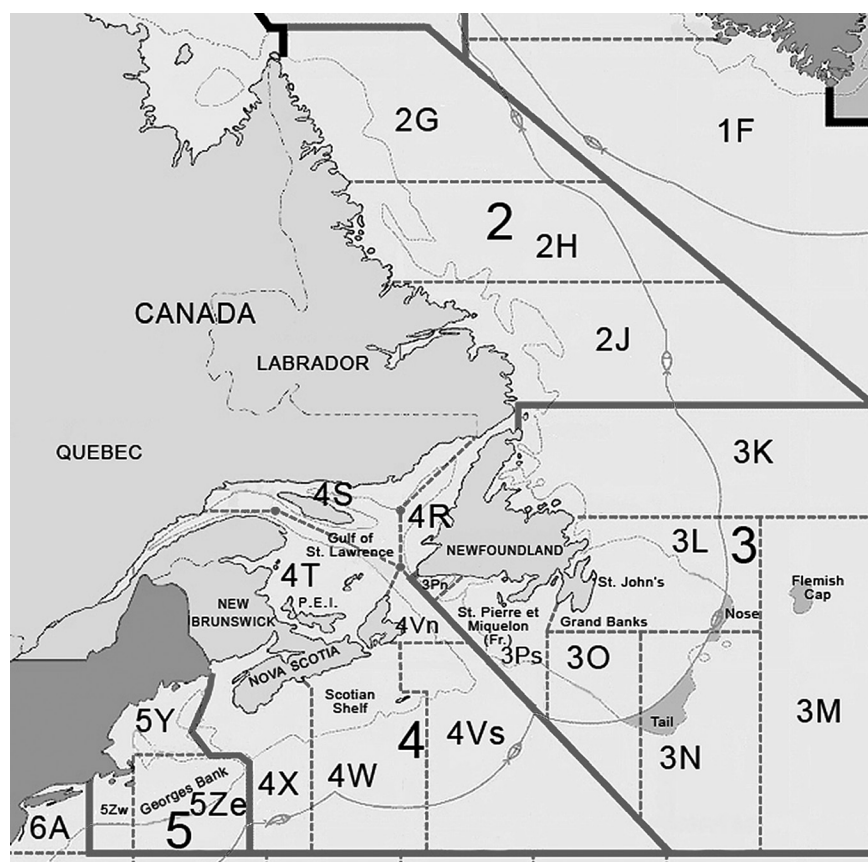
- read and store this document free of charge;
- distribute it for personal use free of charge;
- print sections of the work for personal use;
- read or perform parts of the work in a context where no financial transactions take place.

**UNDER THE CREATIVE COMMONS LICENCE YOU MAY NOT:**

- gain financially from the work in any way;
- sell the work or seek monies in relation to the distribution of the work;
- use the work in any commercial activity of any kind;
- profit a third party indirectly via use or distribution of the work;
- distribute in or through a commercial body (with the exception of academic usage within educational institutions such as schools and universities);
- reproduce, distribute, or store the cover image outside of its function as a cover of this work;
- alter or build on the work outside of normal academic scholarship.



# APPENDIX I: MAP OF NAFO CONVENTION AREA



Source: Fisheries and Oceans Canada



## **APPENDIX II: MEMBERS OF NAFO**

### **Current members**

Canada (1978)  
Cuba (1978)  
Denmark, on behalf of the Faroe Islands and Greenland (1979)  
European Union (1978)  
France, on behalf of St. Pierre and Miquelon (1996)  
Iceland (1978)  
Japan (1980)  
South Korea (1993)  
Norway (1978)  
Russian Federation (1992)  
Ukraine (1999)  
United States (1995)

### **Former members**

Bulgaria (1979–2006)  
Estonia (1992–1994, joined the EU)  
Latvia (1992–2004, joined the EU)  
Lithuania (1992–1994, joined the EU)  
Poland (1979–2004, joined the EU)  
Romania (1979–2002)  
Portugal (1979–1986, joined the EU)  
Spain (1983–1986, joined the EU)  
East Germany (1978–1990, joined the EU following  
reunification of Germany)  
Soviet Union (1978–1991, succeeded by the Russian Federation)

Source: Northwest Atlantic Fisheries Organization



---

## TABLE I

---

TABLE I

Comparison of EU Unilateral Quotas, EU NAFO Quotas, and EU Catches Reported to NAFO for NAFO Groundfish Stocks and 2J3KL Cod for 1986–1992  
(Quantities in Tonnes)

Stock	1986				1987				1988			
	EU NAFO Quota	EU Unilateral Quota	EU Catch Reported to NAFO	EU NAFO Quota	EU Unilateral Quota	EU Catch Reported to NAFO	EU NAFO Quota	EU Unilateral Quota	EU NAFO Quota	EU Unilateral Quota	EU Catch Reported to NAFO	EU Catch Reported to NAFO
3M Cod	6,465	7,500	11,079	6,465	7,500	6,441	0	0	0	0	562	562
3NO Cod	12,345	26,400	30,285	12,345	26,400	19,896	14,750	26,400	14,750	26,400	19,816	19,816
3M Redfish	3,100		11,571	3,100		22,648	3,100	12,000	3,100	12,000	7,247	7,247
3LN Redfish	0		23,388	0		28,179	0	20,000	0	20,000	12,722	12,722

3M American Plaice	350	2,789	350	5,106	350	3,000	2,549
3LNO American Plaice	700	21,122	610	16,992	510	9,000	9,831
3LNO Yellowtail	300	5,887	300	1,183	300	5,000	3,205
3NO Witch	0	3,788	0	2,954	0	4,000	2,888
3+4 Squid	NS <sup>1</sup>	25,000	NS <sup>1</sup>	25,000	NS <sup>1</sup>	25,000	
3NO Capelin			375	375	250	250	
Totals	23,260	109,909	23,545	103,399	19,260	104,650	58,820
2J3KL Cod	0	60,446	0	33,607	0	84,000	26,559
Grand Totals	23,260	170,355	23,545	137,006	19,260	188,650	85,379



TABLE I (CONT'D)

Comparison of EU Unilateral Quotas, EU NAFO Quotas, and EU Catches Reported to NAFO for NAFO Groundfish Stocks and 2J3KL Cod for 1986-1992

(Quantities in Tonnes)

Stock	1989				1990		
	EU NAFO Quota	EU Unilateral Quota	EU Catch Reported to NAFO	EU NAFO Quota	EU Unilateral Quota	EU Catch Reported to NAFO	
3M Cod	0	0	548	0	0	638	
3NO Cod	9,220	26,400	18,817	6,860	7,000	6,825	
3M Redfish	3,100	12,000	13,225	7,750	12,000	13,672	
3LN Redfish	0	20,000	6,344	0	6,000	7,311	

3M American Plaice	350	3,000	3,404	350	500	461
3LNO American Plaice	385	6,820	11,492	317	500	650
3LNO Yellowtail	100	1,670	1,131	100	200	130
3NO Witch	0	4,000	1,990	0	1,200	1,411
3+4 Squid	NS <sup>1</sup>	25,000	350	NS <sup>1</sup>	NS <sup>1</sup>	
3NO Capelin	700	700		750	750	
Totals	13,855	99,590	57,301	16,127	28,150	31,098
2J3KL Cod	0	58,400 <sup>4</sup>	35,595	0	32,000	23,759
Grand Totals	13,855	157,990	92,896	16,127	60,150	54,857

TABLE I (CONT'D)

Comparison of EU Unilateral Quotas, EU NAFO Quotas, and EU Catches Reported to NAFO for NAFO Groundfish Stocks and 2J3KL Cod for 1986-1992

(Quantities in Tonnes)

Stock	1991				1992			
	EU NAFO Quota	EU Unilateral Quota	EU Catch Reported to NAFO	EU NAFO Quota	EU Unilateral Quota	EU NAFO Quota	EU Catch Reported to NAFO	EU Catch Reported to NAFO
3M Cod	6,465	6,465	4,280	6,465	6,465	6,465	6,421	6,421
3NO Cod	5,016	5,016	6,511	5,016	5,016	5,016	2,377	2,377
3M Redfish	7,750	7,750	10,502	6,665	6,665	6,665	6,845	6,845
3LN Redfish	0	6,000	11,201	476	6,000	476	4,148	4,148
3M American Plaice	350	350	1,603	350	350	350	704	704
3LNO American Plaice	328	328	973	328	328	328	605	605

3LNO Yellowtail	140	140	246	140	140	122
3NO Witch	0	1,000	1,100	0	1,000	586
3+4 Squid	NS <sup>1</sup>	NS <sup>1</sup>		NS <sup>1</sup>	NS <sup>1</sup>	
3NO Capelin	750	750		750	750	
Totals	20,799	27,799	36,416	20,190	26,714	21,808
2J3KL Cod	0	27,000	23,512	0	26,300	7,523
Grand Totals	20,799	54,799	59,928	20,190	53,014	29,331

1. Quota to the EU was not specified
2. Includes 9,500t of 2J3KL cod allocated by Canada to the EU under the Canada-EU Long Term Fisheries Agreement.
3. The EU did not set unilateral quotas for all stocks.
4. Amended by the EU in July 1989. Set initially at 84,000t.

Based on reports from the European Commission, Fisheries and Oceans Canada, and the Northwest Atlantic Fisheries Organization



---

## NOTES

---

### INTRODUCTION

- 1 Quoted in Elizabeth Brubaker, "Unnatural Disaster: How Politics Destroyed Canada's Atlantic Groundfisheries," in Terry Lee Anderson, ed., *Political Environmentalism* (Stanford: Hoover Institution Press, 2000), 164.
- 2 Brubaker, "Unnatural Disaster," 164–65.
- 3 The European Union (EU) was known as the European Economic Community (EEC), or simply as the European Community (EC), from its establishment in 1958 until 1993, when it acquired its present name following the conclusion of the Treaty on Economic Union (Maastricht Treaty). The contemporary title is used throughout the book, except where it is found in documents and statements from the pre-1993 era.
- 4 Barbara Johnson, "Canadian Foreign Policy and Fisheries," in Barbara Johnson and Mark Zacher, eds., *Canadian Foreign Policy and the Law of the Sea* (Vancouver: University of British Columbia Press, 1977), 52–99; Christian Lequesne, "Fisheries Policy: Letting the Little Ones Go?" in Helen Wallace, William Wallace and Mark A. Pollack, eds., *Policy-Making in the European Union*, 5th ed. (New York: Oxford University Press, 2005), 353–76.
- 5 Lequesne, "Fisheries Policy," 358. Lequesne writes with reference to Europe, but the point applies equally to Canada.
- 6 Peter Clancy, "Chasing Whose Fish? Atlantic Fisheries Conflicts and Institutions," in Mark

- Sproule-Jones, Carolyn Johns and B. Timothy Heinmiller, eds., *Canadian Water Politics: Conflicts and Institutions* (Montreal and Kingston: McGill-Queen's University Press, 2008), 262–65.
- 7 William E. Schrank, "The Newfoundland Fishery: Ten Years After the Moratorium," *Marine Policy* 29 (2005): 417–18; Report of the Independent Chair: MOU Steering Committee, "Newfoundland and Labrador Fishing Industry Rationalization and Restructuring, February 2011," i.
- 8 Johnson, "Canadian Foreign Policy and Fisheries," 54.
- 9 The history of the term and its antecedents is discussed in Advisory Panel on the Sustainable Management of Straddling Fish Stocks in the Northwest Atlantic, "Breaking New Ground: An Action Plan for Rebuilding The Grand Banks Fisheries," June 2005, 60–71.
- 10 Lequesne, "Fisheries Policy," 354. For extended discussions of the Common Fisheries Policy see: Michael Leigh, *European Integration and the Common Fisheries Policy* (London: Croom Helm, 1983); M.J. Holden and David Garrod, *The Common Fisheries Policy*, 2nd ed. (Oxford: Fishing News Books, 1996); and Robin R. Churchill and Daniel Owen, *The EC Common Fisheries Policy* (Oxford: Oxford University Press, 2010).
- 11 Lequesne, "Fisheries Policy," 362–63; Europa/Summaries of Legislation/Glossary, Coreper, [http://europa.eu/legislation\\_summaries/glossary/coreper\\_en.htm#](http://europa.eu/legislation_summaries/glossary/coreper_en.htm#).
- 12 Lequesne, "Fisheries Policy," 362, 366.
- 13 Jesús Iborra Martin, Policy Department B: Structural and Cohesion Policies, European Parliament, "The Common Fisheries Policy: Practical Guide" (Provisional version), 2009, 17.
- 14 European Parliament, "MEPs back international agreements on fishing in the North Atlantic," *Press Release*, October 18, 2010.
- 15 European Commission, "The Common Fisheries Policy: A User's Guide" (2009), 22. See also Constance Johnson, "Fisheries Enforcement in European Community Waters Since 2002—Developments in Non-Flag Enforcement," *International Journal of Marine and Coastal Law* 23 (2008): 249–70.
- 16 Lequesne, "Fisheries Policy," 361; ORCA Inc., "Select Drivers in the European Union in Relation to NAFO Management and Decisions," prepared for the Advisory Panel on Sustainable Management of Straddling Stocks in the Northwest Atlantic (February 2005), 12; Victor Vázquez Seijas, "The Future for Fisheries-Dependent Communities: The Fisheries-Dependent Region of Galicia," *Journal of Northwest Atlantic Fisheries Science* 23 (October 1998): 175–84.
- 17 European Parliament, Directorate General Internal Policies of the Union, "Fisheries in Portugal," IPOL/B/PECH/NT/2006\_04, 26/07/2006; ORCA Inc., "Select Drivers," 12.

- 18 Article XI. 3 requires that the Fisheries Commission “seek to ensure consistency between:
- any proposal that applies to a stock or group of stocks occurring both within the Regulatory Area and within an area under the fisheries jurisdiction of a coastal State, or any proposal that would have an effect through species interrelationships on a stock or group of stocks occurring in whole or in part within an area under the fisheries jurisdiction of a coastal State; and
- any measures or decisions taken by the coastal State for the management and conservation of that stock or group of stocks with respect to fishing activities conducted within the area under its fisheries jurisdiction.”
- Article XI. 4 requires that “Proposals adopted by the Commission for the allocation of catches in the Regulatory Area shall take into account the interests of Commission members whose vessels have traditionally fished within that Area, and, in the allocation of catches from the Grand Bank and Flemish Cap, Commission members shall give special consideration to the Contracting Party whose coastal communities are primarily dependent on fishing for stocks related to these fishing banks and which has undertaken extensive efforts to ensure the conservation of such stocks through international action, in particular, by providing surveillance and

inspection of international fisheries on these banks under an international scheme of joint management.” (The Contracting Party referred to is Canada.)

Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (NAFO Convention), <http://www.nafo.int/about/frames/about.html>.

The EU was a reluctant signatory to the NAFO Convention, having opposed Canada’s special interest outside 200 miles through the “consistency” and “special consideration” clauses. Throughout the UN Law of the Sea negotiations the Union had taken the position that coastal states should have no more rights outside 200 miles than other states. It decided to adopt the Convention for other reasons, including the fact that it was the first international agreement it signed to which the Soviet Union was also a party. The Soviet Union had not yet recognized the EU. The Soviets’ acceptance of the EU as an equal member of NAFO was an important step for the EU in achieving international acceptance.

- 19 Scott Parsons, “Governance of Straddling Stocks in the Northwest Atlantic: A Review of the Northwest Atlantic Fisheries Organization,” Prepared for the Advisory Panel on Straddling Stocks (March 5, 2005), 5.
- 20 Adela Rey Aneiros, “Spain, the European Union, and Canada: A New Phase in the Unstable Balance in the Northwest Atlantic Fisheries,” *Ocean Development*



- and International Law* 42, nos. 1–2 (2011): 162. For the text of the proposed new Convention see “Amendment to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries,” GC 07/4, <http://www.nafo.int/about/frames/activities.html>.
- 21 The UN Fish Agreement, sometimes referred to as the UN Fish Stocks Agreement (UNFSA), is formally known as the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention for the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.
- Agreement on Fisheries Between the Government of Canada and the European Economic Community, July 28, 1978; *Financial Post* (Toronto, ON), July 14, 1978; confidential sources.
- 4 Agreement on Fisheries Between the Government of Canada and the European Economic Community, July 28, 1978.
- 5 *European Report*, no. 526, July 26, 1978, no. 535, September 23, 1978, no. 570, February 7, 1979, and no. 573, February 17, 1979; *Europe*, no. 2555, November 8, 1978; Leigh, *European Integration*, 129.
- 6 *European Report*, no. 574, February 21, 1979, and no. 608, June 30, 1979.
- 7 *International Canada*, March 1979, 102, and June 1979, 153; Agreement in the Form of an Exchange of Letters Between the Government of Canada and the European Economic Community, Concerning their Agreement on Fisheries, Brussels, June 28, 1979.
- 8 *Europe*, no. 2782, November 5/6, 1979, and no. 2824, January 11, 1980; *European Report*, no. 646, December 15, 1979, and no. 654, January 23, 1980; Agreement in the Form of an Exchange of Letters Between the European Economic Community and the Government of Canada, Concerning the Amendment and Extension of their Agreement on Fisheries of June 28, 1979, *Official Journal of the European Communities (OJEC)*, no. L 312, December 8, 1979. See also Council of the European Communities, *Press Release*, April 14, 1980.

## 1 | THE LONG-TERM FISHERIES AGREEMENT

- This chapter draws on Donald Barry, “The Canada-European Community Long Term Fisheries Agreement: Internal Politics and Fisheries Diplomacy,” published in the *Journal of European Integration* 9, no. 1 (Autumn 1985): 5–28.
- 1 Terence C. Bacon, Director General, Bureau of Legal Affairs, Department of External Affairs, “Canada’s 200-Mile Fishing Zone: The First Five Years,” Chilean Conference on EEZ and Fisheries Regime,” October 28–30, 1981.
- 2 Michael Leigh, *European Integration and the Common Fisheries Policy* (London: Croom Helm, 1983), 128, 130.
- 3 *European Report*, no. 524, July 19, 1978, and no. 528, August 3, 1978;

- 9 Canada, Task Force on Atlantic Fisheries, Navigating Troubled Waters: A New Policy for the Atlantic Fisheries (Ottawa: Minister of Supply and Services Canada, 1983), 23.
- 10 *International Canada*, February 1979, 66; *Eurofish Report*, no. 61, September 5, 1979; *European Report*, no. 646, December 15, 1979; confidential sources.
- 11 Leigh, *European Integration*, 92–93, 129–30; *Eurofish Report*, no. 82, June 25, 1980.
- 12 *European Report*, no. 695, June 21, 1980; *Eurofish Report*, no. 81, June 25, 1980; confidential sources.
- 13 The EU's apparent concession would provide little benefit to Canada. Under GATT this quantity was open to all exporting countries, including those with even more preferential quotas. Thus, it would be largely used up before Canada could take advantage of it. Norway and Iceland could use this tariff rate quota when theirs were filled or even, as they did, use it first to keep others out of the EU market, after which they would use their own quotas.
- 14 Agreement on Fisheries Between the European Economic Community and the Government of Canada, December 30, 1981, *OJEC*, no. L 379, December 31, 1981. In Article VII. 1, "The two Parties reaffirm their attachment to the cooperation provided for in the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, to which they are Contracting Parties and, in particular, in Article XI, paragraph 4, thereof."
- 15 *Eurofish Report*, no. 97, February 18, 1981; confidential sources.
- 16 *Eurofish Report*, no. 93, December 10, 1980, no. 97, February 18, 1991, and no. 98, March 14, 1981.
- 17 *Evening Telegram* (St. John's, NL), December 11, 1980; confidential sources. The Nova Scotia industry was also affected by the LTA, although in a more limited way than its Newfoundland counterpart. Opinion within the Nova Scotia industry was divided. Inshore fishers, who did not fish in areas assigned to the EU but expected to gain from the LTA tariff concessions, supported the pact. However, offshore fishers and processors, many of whom operated trawlers in the Union's designated fishing zones, opposed it. The Nova Scotia government initially supported the LTA but later came out against it. *Chronicle Herald* (Halifax, NS), March 4, 1981 and October 27, 1981.
- 18 *Globe and Mail* (Toronto, ON), January 1, 1981; *Europe*, no. 3079, February 16/17, 1981; *Eurofish Report*, no. 96, February 4, 1981, and no. 97, February 18, 1981; Leigh, *European Integration*, 130–31.
- 19 *Europe*, no. 3080, February 18, 1981; *Eurofish Report*, no. 96, February 4, 1981; *European Report*, no. 752, February 18, 1981.
- 20 *Eurofish Report*, no. 97, February 18, 1981.
- 21 *The Times* (London, UK), March 7, 1981.

- 22 *European Report*, no. 759, March 14, 1981; *Eurofish Report*, no. 99, March 18, 1981; *Europe*, no. 3101, March 19, 1981.
- 23 *The Times*, March 21, 1981.
- 24 *The Times*, March 25, 1981.
- 25 *European Report*, no. 763, March 28, 1981.
- 26 Leigh, *European Integration*, 113–14; confidential sources.
- 27 *Daily News* (St. John's, NL), January 5, 1982; confidential sources.
- 28 *Eurofish Report*, no. 119, December 22, 1981; *European Report*, no. 832, December 24, 1981; confidential sources.
- 29 Agreement on Fisheries Between the European Economic Community and the Government of Canada, December 30, 1981, *OJEC*, no. L 379, December 31, 1981.
- 30 Confidential sources.
- 31 Leigh, *European Integration*, 132; *Eurofish Report*, no. 120, January 13, 1982, and no. 121, January 27, 1982; *Europe*, no. 3288, January 15, 1982, and no. 3293, January 22, 1982; confidential sources.
- 32 Confidential sources.
- 33 *Globe and Mail*, March 12, 1982; *Evening Telegram*, March 12, 1982; *Eurofish Report*, no. 125, March 24, 1982; Donald Barry, *Icy Battleground: Canada, the International Fund for Animal Welfare, and the Seal Hunt* (St. John's: Breakwater Books, 2005).
- 34 *European Report*, no. 903, November 6, 1982, and no. 920, January 15, 1983; *Globe and Mail*, January 28, 1983; confidential sources.
- 35 Department of Fisheries and Oceans, "Reduced Cod Allocation for EEC," *Press Release*, March 4, 1983.
- 36 *Globe and Mail*, March 1, 1983, and March 2, 1983.
- 37 Agreement in the Form of an Exchange of Letters Between the Government of Canada and the European Economic Community Concerning their Fisheries Relations, December 30, 1983.
- 38 *Chronicle Herald*, December 2, 1983; *Evening Telegram*, December 21, 1983; *Globe and Mail*, December 21, 1983.

## 2 | FROM CONFLICT TO COOPERATION

- 1 L.S. Parsons, *Management of Marine Fisheries in Canada*, Canadian Bulletin of Fisheries and Aquatic Sciences, no. 225, 1993, 273–74.
- 2 Parsons, *Management of Marine Fisheries in Canada*, 273–74; *Eurofish Report*, no. 204, May 9, 1985; *Evening Telegram* (St. John's, NL), May 11, 1985, June 18, 1985, and June 27, 1985; *Canadian Press*, January 23, 1986.
- 3 This discussion is based on Parsons, *Management of Marine Fisheries in Canada*, 265–71.
- 4 Commission Communication to the Council, "Guidelines and Initiatives for the Development of the Common Fisheries Policy," June 12, 1986, COM (86) 302 final. The implementation of this policy, which led to severe overfishing, was not only harmful to the Northwest Atlantic resources but also

- devastated many of the fisheries of developing countries with which the EU signed agreements. In these agreements the Union primarily provided money for quotas. Often the recipient countries lacked an adequate management system in their zones and the EU provided scientific “cooperation,” which generally overestimated the amount of fish available to catch. This, combined with the lack of effective controls, led to unrestricted fishing and unsustainable catch levels.
- 5 Tom Wray, “Spain to Harden EEC Line on Fisheries,” *National Fisherman*, November 1985, 5.
  - 6 Karl M. Sullivan, “Conflict in the Management of a Northwest Atlantic Transboundary Stock,” *Marine Policy* 13, no. 2 (April 1989): 128.
  - 7 *Evening Telegram*, October 2, 1985; *Times & Transcript* (Moncton, NB), October 8, 2005; Parsons, *Management of Marine Fisheries in Canada*, 274–75.
  - 8 Prior to this time, the Fisheries Council had routinely reviewed and adopted the results of the NAFO meetings. Although the Council had the authority to annul the European Commission’s objections, it did not do so in 1985 or any subsequent year.
  - 9 *Eurofish Report*, no. 235, July 31, 1986. Although the EU stated that it would set its unilateral quotas based on a higher,  $F_{\max}$ , level of fishing, it allocated to itself all of the increased fishing at the  $F_{\max}$  level and more. Even if the EU had limited its catches to its unilateral quotas, which it did not, while the other members of NAFO caught their legitimate shares of the TACs set by NAFO, the  $F_{\max}$  level would have been significantly overfished for some stocks. This unilateral claim had no basis in science but reflected the EU Common Fisheries Policy’s commitment to find fishing opportunities for its distant water fleet in apparent disregard for the costs.
  - 10 *Eurofish Report*, no. 226, March 27, 1986, and no. 230, May 22, 1986; *Toronto Star* (Toronto, ON), May 7, 1986; *Evening Telegram*, May 21, 1985.
  - 11 *Toronto Star*, May 27, 1986.
  - 12 Government of Canada, “New Fisheries Relations Policies Announced,” *News Release*, June 13, 1986. For many years the Spanish fleet had fished close to the 200-mile limit, and at times some of these boats followed the fish into Canada’s waters. This reflected the historic distribution of the stocks, which were primarily found in greater abundance inside the Canadian zone. When Canadian patrol vessels approached the Spanish vessels fled back across the line. Some were apprehended and fined. The owners were prepared to pay the fines as “a cost of doing business.” With the higher fines the Spanish fleet, their past claims of faulty navigation equipment resolved, suddenly found the boundary line, demonstrating that real financial penalties can restrain illegal fishing practices.
  - 13 *Eurofish Report*, no. 233, July 3, 1986.

- 14 Parsons, *Management of Marine Fisheries in Canada*, 275.
- 15 *Chronicle Herald* (Halifax, NS), September 12, 1986, and September 13, 1986; *Eurofish Report*, no. 248, February 19, 1987.
- 16 *Evening Telegram*, November 21, 1986; Fisheries Council of Canada, "Foreign Overfishing: A Strategy for Canada," February 1987; *Toronto Star*, February 14, 1987.
- 17 Parsons, *Management of Marine Fisheries in Canada*, 275; *Eurofish Report*, no. 254, May 14, 1987.
- 18 *Chronicle Herald*, September 18, 1987; *Eurofish Report*, no. 268, November 26, 1987.
- 19 *Times & Transcript*, January 29, 1988. See also *Europe*, no. 4683, December 17, 1987; *Eurofish Report*, no. 270, December 22, 1987. The EU's own NAFO reported quotas and catches show that although the Union increased its unilateral quotas, its actual catches fell, reflecting the declining state of the stocks. For example, for 1986 the EU fleet reported to NAFO cod catches at about the same level as its unilateral cod quotas of 103,176t. The EU's official NAFO cod quotas, not including any 2J3KL cod, were only 21,215t. For 1987, the Union unilaterally increased its cod quotas for 1988 to 110,300t, while its NAFO quota fell to 18,810t. It reported cod catches of 59,944t. For 1988, For 1988, the EU accepted the NAFO moratorium on 3M cod but also increased its unilateral quota for 2J3KL cod, bringing its unilateral cod quotas to 110,400t, and set for itself unilateral quotas for six

other NAFO stocks, bringing its total unilateral quotas to 188,650t compared to its NAFO quotas of 19,260t. However, that year the decline in the stocks started to hit the EU fleet. Its total cod catch reported to NAFO was only about 47,000t. Between 1986, when the Union began setting unilateral cod quotas until 1992, when it stopped, without external restraints its cod catches fell by more than 75 percent. While all other NAFO members respected the scientific advice, the Union continued to support its fleet's perceived immediate needs to the detriment of all other NAFO parties. Canada had similar problems with the decline in quotas and its effect on the Canadian fleet. However, strict conservation measures were adopted, even if their adoption may have been slow at times. The reduction in quotas in the Northwest Atlantic had a significant effect on most of Canada's fleet, which only fished in the Northwest Atlantic. The EU's distant water fleet in the NRA was significantly less affected.

- 20 *Eurofish Report*, no. 264, October 1, 1987, and no. 273, February 28, 1988; *Globe and Mail* (Toronto, ON), October 2, 1987.
- 21 *Eurofish Report*, no. 287, September 1, 1988.
- 22 *Eurofish Report*, no. 289, September 29, 1988; *Globe and Mail*, September 14, 1988, and September 15, 1988; *Ottawa Citizen* (Ottawa, ON), September 16, 1988.
- 23 *Ottawa Citizen*, December 14, 1988. See also *Eurofish Report*, no.

- 293, November 24, 1988, and no. 295, December 15, 1988.
- 24 Department of Fisheries and Oceans, "Northern Cod TAC for 1989 Announced," *News Release*, February 8, 1989.
- 25 John C. Crosbie, *No Holds Barred: My Life in Politics* (Toronto: McClelland & Stewart, 1997), 378.
- 26 William E. Schrank, "The Newfoundland Fishery: Ten Years After the Moratorium," *Marine Policy* 29, no. 5 (2005): 410. See also Alan Christopher Finlayson, *Fishing for Truth: A Sociological Analysis of Northern Cod Stock Assessments from 1977 to 1990*, Institute of Social and Economic Research, Memorial University, Social and Economic Studies, no. 52, 1994; Leslie Harris, "The East Coast Fisheries," in Bruce Mitchell, ed., *Resource and Environmental Management in Canada: Addressing Conflict and Uncertainty* (Toronto: Oxford University Press, 1995), 130–50; George A. Rose, *Cod: The Ecological History of the North Atlantic Fisheries* (St. John's: Breakwater Books, 2007); Alex Rose, *Who Killed the Grand Banks? The Untold Story Behind the Decimation of One of the World's Greatest Natural Resources* (Mississauga, ON: John Wiley & Sons Canada, 2008); and Gus Etchegary, *Empty Nets: How Greed and Politics Wiped Out the World's Greatest Fishery* (Portugal Cove–St. Philip's, NL: Boulder Publications, 2013).
- 27 In its retrospective analysis of the northern cod stock in 1989, the Canadian Atlantic Fisheries Scientific Advisory Committee determined that a major factor contributing to the perilous condition of the stock was that the Canadian TACs had been set too high because much of the catch reporting data of the 1960s and 1970s, on which the TACs had been based, was inaccurate. European fleets were blamed because of their blatant disregard for conservation after the EU decided, in 1985, to conduct an unrestricted fishery.
- 28 *Globe and Mail*, April 1, 1989; Michael Harris, *Lament for an Ocean: The Collapse of the Atlantic Cod Fishery: A True Crime Story*, updated ed. (Toronto: McClelland & Stewart, 1999), 111–15.
- 29 Department of Fisheries and Oceans, "Report on Northern Cod Released," *News Release*, May 20, 1989; confidential sources.
- 30 *Financial Post* (Toronto, ON), April 10, 1989.
- 31 *Eurofish Report*, no. 303, April 27, 1989, and no. 305, May 25, 1989.
- 32 *Eurofish Report*, no. 306, June 8, 1989.
- 33 *Eurofish Report*, No 306, June 8, 1989; *Globe and Mail*, June 3, 1989.
- 34 *Globe and Mail*, September 12, 1989; *Eurofish Report*, no. 314, September 28, 1989. The official's claim was incorrect. At the time, fishing vessels from NAFO members Norway, Iceland, and Denmark did not receive allocations in Canadian waters. The other NAFO parties did so as part of bilateral agreements signed between 1977 and 1979. These agreements as well as the

NAFO Convention had recognized the special interest of Canada as the coastal state in the NAFO Regulatory Area. The EU had refused such agreements, even though Spain and Portugal had signed similar pacts prior to their accession to the EU.

- 35 "Relative stability" was a key principle built into the EU's Common Fishery Policy. It meant that as TACs changed, the relative quota shares of the stocks would remain constant among the member states. The same principle applied in NAFO. However, the EU's unilateral quotas violated this principle. For example, in 1989, the NAFO TAC for the 3NO cod stock on the Tail of the Grand Banks was 25,000t. The EU's share at relative stability was 37 percent of the TAC. However, with its unilateral quota set at 26,400t, the Union claimed more than 100 percent of the TAC set by NAFO. Further, by its actions it created a new TAC of 42,180t (the NAFO TAC of 25,000t minus the EU's NAFO-allocated quota of 9,220t plus the Union's unilateral quota of 26,400t), and the EU claimed 62.2 percent of this EU-imposed TAC. For witch flounder in the same area the situation was even worse. The EU had no traditional fishery and hence a zero quota. However, through its objection it set a unilateral quota of 4,000t for this stock. The entire TAC for the stock was 5,000t. The EU claimed the right to 80 percent of its newly created TAC, even though it had no significant catches before it began

using the objection procedure in 1985. The most egregious attack on relative stability was on the 3LN redfish stock. The TAC in 1987 was 25,000t, which was allocated to Contracting Parties that had traditionally fished that stock. The EU's member states had never done so. Accordingly, the Union's quota was 0t, which it had always been, although as a result of its objection the EU allowed its fleet to catch 28,179t that year. The EU fleet caught more than the entire TAC itself. With these catches the EU raised its proportion from 0 to 53 percent of the total catch envisaged for that year. This attack on the principle of relative stability affected all NAFO members and prompted the unanimous support, except for the EU, for this resolution.

- 36 *Globe and Mail*, September 16, 1989.
- 37 Government of Canada, "Canada Announces Public Information Campaign to End EC Overfishing," *News Release*, October 6, 1989; Department of External Affairs, "Canada Appoints Ambassador for Marine Conservation," *Press Release*, October 6, 1989.
- 38 Department of External Affairs. "Information Campaign on Overfishing in the Northwest Atlantic, Activity Summary, June 1989–December 1009," *Globe and Mail*, October 14, 1989.
- 39 *Globe and Mail*, December 13, 1989; *Calgary Herald* (Calgary, AB), December 21, 1989.
- 40 *Calgary Herald*, December 20, 1989.

- 41 *Ottawa Citizen*, January 19, 1990, and January 2, 1990.
- 42 *Globe and Mail*, January 24, 1990.
- 43 *Globe and Mail*, January 20, 1990. The Spanish and Portuguese fishing effort for flatfish was a new development. The EU had received very small NAFO quotas because of a lack of a traditional fishery. These were based on the historical catches of the French fleet operating out of St. Pierre and Miquelon. The quotas assigned to the EU were in turn traditionally allocated to France. This changed when the EU onslaught on the fish stocks began in 1986, and Spain and Portugal massively entered the flatfish fishery.
- 44 *Globe and Mail*, January 23, 1990.
- 45 Independent Review of the State of the Northern Cod Stock, "Final Report," February 1990 (Ottawa: Minister of Supply and Services Canada, 1990); *Eurofish Report*, no. 327, April 12, 1990.
- 46 *Globe and Mail*, May 8, 1990; *Eurofish Report*, no. 330, May 24, 1990.
- 47 *Ottawa Citizen*, May 11, 1990; *Eurofish Report*, no. 330, May 24, 1990.
- 48 *Chronicle Herald*, May 16, 1990.
- 49 Institute of Fisheries and Marine Technology, "Conference on the Conservation and Management of the Living Resources of the High Seas," St. John's, NL, September 5-7, 1990.
- 50 *Eurofish Report*, no. 339, September 27, 1990. See also no. 336, August 16, 1990, and no. 338, September 13, 1990.
- 51 "Report of the Implementation Task Force on Northern Cod (Summary), October 1990 (Ottawa: Minister of Supply and Services Canada, 1990), 4-5; *Globe and Mail*, December 15, 1990.
- 52 *Eurofish Report*, no. 344, December 6, 1990.
- 53 *Globe and Mail*, December 1, 1990.
- 54 Government of Canada, "Canadian Ministers Object to EC Commission's Fishing Quota proposals," *News Release*, no. 286, December 11, 1990; *Eurofish Report*, no. 345, December 20, 1990. The EU's unilateral quotas for the redfish and witch flounder stocks were largely based on the EU's unrestricted catches of these stocks in 1986 and 1987, under the Union's objections to NAFO TACs and quotas. (The Commission had not set any quota limits for these stocks for those years.) Reported EU catches in 1986 and 1987 averaged about 26,000t and 3,400t for these stocks, respectively. These catch levels were used by the Union to set unilateral quotas for these stocks in 1988 and 1989 at 20,000t and 4,000t, respectively. However, the EU reported catches for these stocks in 1990 had declined to 7,311t and 1,411t. Therefore, the levels of the Union's unilateral quotas set for these stocks in 1991 (6,000t and 1,000t) were not a serious effort to cut the fleet's fishing possibilities. Since 1986, through the use of the objection procedure, the EU had created a dependency on two new fisheries for its fleets, which it could not eliminate. Further, despite the EU's



- agreement to accept most of the NAFO quotas for 1991, its reported catches show that most of its own unilateral and NAFO quotas were exceeded.
- 55 *Eurofish Report*, no. 345, December 20, 1990, and no. 344, December 6, 1990.
- 56 *Eurofish Report*, no. 350, March 14, 1991.
- 57 Government of Canada, "Canada Calls for Emergency Decision to Improve Controls on Fishing," *News Release*, February 28, 1991.
- 58 Department of Fisheries and Oceans, "Monitoring of Fishing Activity Outside 200 Miles," *News Release*, May 14, 1991.
- 59 *Globe and Mail*, July 13, 1991, August 28, 1991, September 14, 1991, December 17, 1991, and December 19, 1991; *Eurofish Report*, no. 364, September 26, 1991, and no. 370, December 19, 1991.
- 60 *Globe and Mail*, January 6, 1992 and January 10, 1992.
- 61 *Globe and Mail*, February 18, 1992, February 25, 1992, and February 29, 1992; *Eurofish Report*, no. 374, February 27, 1992.
- 62 *Globe and Mail*, March 3, 1992, March 4, 1992, March 30, 1992, April 1, 1992, and April 2, 1992; confidential sources.
- 63 European Community "EC/ Canada Relations in the Fisheries Sector," NR (92) 5, April 2, 1992.
- 64 *Globe and Mail*, April 2, 1992. See also Government of Newfoundland and Labrador, "Questions and Answers on Foreign Overfishing," 21 May 1992.
- 65 *Globe and Mail*, April 3, 1992, April 22, 1992, and April 24, 1992; *Europe*, no. 5717, April 25, 1992.
- 66 *Globe and Mail*, May 16, 1992; *Europe*, no. 5742, June 3, 1992; European Community, "The Scientific Council of NAFO Assesses the Status of Cod," NR (92) 10, June 5, 1992; *Eurofish Report*, no. 382, June 18, 1992.
- 67 Raymond B. Blake, *From Fishermen to Fish: The Evolution of Canadian Fisheries Policy* (Toronto: Irwin Publishing, 2000), 86; *Globe and Mail*, July 3, 1992
- 68 J. Alan Beesley and Malcolm Rowe, "Canada and Spain: A Conservation Dispute," L.O.S. Lieder, reprinted in the *Telegraph-Journal* (St. John, NB), May 16, 1995; *Eurofish Report*, no. 395, December 21, 1992.
- 69 *The Packet* (Clareville, NL), December 29, 1992, and January 5, 1993; Crosbie, *No Holds Barred*, 396; Agreement in the Form of an Exchange of Letters Between the European Community and the Government Concerning Fisheries Relations, *Official Journal of the European Communities (OJEC)*, no. L 340, December 12, 1993.

### 3 | THE TURBOT WAR

This chapter draws upon Donald Barry, "The Canada-European-Union Turbot War: Internal Politics and Transatlantic Bargaining," published in the *International Journal* 53, no. 2 (Spring 1998): 253–84.

- 1 House of Commons, *Debates*, January 18, 1994, 10.
- 2 *Eurofish Report*, no. 421, January 20, 1994; *Chronicle Herald* (Halifax, NS), January 25, 1994.
- 3 *Evening Telegram* (St. John's, NL), February 26, 1994.
- 4 *Globe and Mail* (Toronto, ON), April 4, 1994.
- 5 Government of Canada, "Canada Takes Action to End Foreign Overfishing," NR-HQ-94-30E, May 10, 1994; *Chronicle Herald*, May 11, 1994; *Eurofish Report*, no. 432, June 23, 1994. For a discussion of the Coastal Fisheries Protection Act and its impact, see Douglas Day, "Tending the Achilles' Heel of NAFO: Canada Acts to Protect the Nose and Tail of the Grand Banks," *Marine Policy* 19, no. 4 (1995): 257–70.
- 6 Claude Emery, "Overfishing Outside the 200-mile Limit: Atlantic Coast," *Current Issue Review* 90-6E, Research Branch, Library of Parliament, September 17, 1996, 13–14 and App. 3.
- 7 Northwest Atlantic Fisheries Organization (NAFO), *Scientific Council Reports, 1994* (Scientific Council Meeting, 8–22 June 1994), 108.
- 8 *Globe and Mail*, September 24, 1994; *Eurofish Report*, no. 439, September 29, 1994; NAFO, Report of the Fisheries Commission, 16th Annual Meeting, 19–23 September 1994, NAFO/FC Doc. 94/13; *Eurofish Report*, no. 445, December 22, 1994. The figure of 40,000t that was in the Scientific Council report was not a recommendation for a catch level. It was intended to demonstrate the Council's view that if the fishing pressure remained as high as it had been in the previous year a catch of about 40,000t could be expected compared to the EU's 1993 catch of close to 50,000t. The Council also made it clear that it advised a significant reduction in the level of fishing and warned of the need to reduce catches.
- 9 Brian Tobin, *All in Good Time* (Toronto: Penguin Canada, 2002), 95, 95–96; *Eurofish Report*, no. 434, July 21, 1994; confidential sources.
- 10 *Europe*, no. 6397, January 13, 1995; *European Report*, no. 2007, January 14, 1995; *Eurofish Report*, no. 446, January 19, 1995.
- 11 *Evening Telegram*, January 14, 1995.
- 12 *Chronicle Herald*, February 1, 1995.
- 13 Fisheries and Oceans, "Tobin Says NAFO Must Decide Equitable Sharing Arrangement for Greenland Halibut," *News Release*, January 27, 1995.
- 14 Tobin, *All in Good Time*, 96–100; confidential sources.
- 15 NAFO, Report of the Fisheries Commission – Special Meeting, 30 January–1 February 1995, Brussels, Belgium, NAFO/FC Doc. 95/2; Tobin, *All in Good Time*, 99–102; Michael Harris, *Lament for an Ocean: The Collapse of the Atlantic Cod Fishery, A True Crime Story*, updated ed. (Toronto: McClelland & Stewart, 1999), 13–14. Canada's lobbying efforts are discussed in Adam Gough, "The Turbot War: The Arrest of the Spanish Vessel *Estai* and its Implications for

- Canada-EU Relations,” MA Thesis, University of Ottawa, 2009, 49–50.
- 16 *Globe and Mail*, February 2, 1995.
  - 17 *Europe*, no. 6212, February 3, 1995.
  - 18 *Globe and Mail*, February 8, 1995: *Europe*, no. 6419, February 13/14, 1995; Tobin, *All in Good Time*, 103–7, 109–12.
  - 19 Tobin, *All in Good Time*, 103–4; *Europe*, no. 6420, February 15, 1995.
  - 20 *Globe and Mail*, February 16, 1995.
  - 21 *Evening Telegram*, February 18, February 21, and February 22, 1995.
  - 22 *Evening Telegram*, February 21, 1995.
  - 23 *Globe and Mail*, February 24, 1995.
  - 24 Tobin, *All in Good Time*, 109; Robert H. Edwards, “The 1995 Canada-European Union Turbot Crisis: Canada’s Use of Force in Fisheries Diplomacy,” MA Thesis, Dalhousie University, 1996, 159–68.
  - 25 Tobin, *All in Good Time*, 114, 112–14; Department of Foreign Affairs and International Trade, “Canada Urges EU to Respect NAFO Halibut Allocation and Negotiate Outstanding Issues,” *News Release*, March 2, 1995.
  - 26 *Europe*, no. 6434, March 6–7, 1995; *European Report*, no. 2022, March 8, 1995.
  - 27 *Calgary Herald* (Calgary, AB), March 7, 1995; *Sources Say*, no. 786, March 7, 1995, *Europe*, no. 6435, March 8, 1995; *Evening Telegram*, March 8, 1995.
  - 28 *Globe and Mail*, March 9, 1995.
  - 29 Jean Chrétien, *My Years as Prime Minister* (Toronto: Alfred A. Knopf Canada, 2007), 109, 108–9; Tobin, *All in Good Time*, 116–18, 123–24.
  - 30 *Toronto Sun* (Toronto, ON), March 19, 1995; *Globe and Mail*, March 10, 1005.
  - 31 *Globe and Mail*, March 10, 1995; Harris, *Lament for an Ocean*, 1–5; Gough, “The Turbot War,” 59–63.
  - 32 James Bartleman, *Rollercoaster: My Years as Jean Chrétien’s Diplomatic Advisor, 1994–1998* (Toronto: McClelland & Stewart, 2005), 101.
  - 33 *Evening Telegram*, March 10, 1995.
  - 34 European Union, “Commission Statement on Canadian Attempted Seizure of European Fishing Vessel,” NR (95) 11, March 9, 1995.
  - 35 *Sources Say*, no. 793, March 10, 1995; *Financial Times* (London, UK), March 11, 1995.
  - 36 *Calgary Herald*, March 11, 1995.
  - 37 *European Report*, no. 2023, March 11, 1995.
  - 38 Gough, “The Turbot War,” 65.
  - 39 *Globe and Mail*, March 13, 1995; *Calgary Herald*, March 13, 1995; Bartleman, *Rollercoaster*, 101–3.
  - 40 *Globe and Mail*, March 14, 1995; *Calgary Herald*, March 14, 1995.
  - 41 *Globe and Mail*, March 14, 1995; *Manchester Guardian Weekly* (Manchester, UK), March 19, 1995.
  - 42 *European Report*, no. 2024, March 15, 1995; *Globe and Mail*, March 15, 1995.
  - 43 *Globe and Mail*, March 15, 1995. The “official” logbook significantly under-reported the catch in order to allow the vessel to remain on the fishing grounds for the entire season. As well, failure to file accurate catch reports when the vessel offloaded its catch in port would lead to lower taxes having

- to be paid by the owner and an opportunity to move large volumes of fish onto the grey market. Tax evasion in the fisheries sector in Spain and Portugal was well known in the industry and to the two countries' governments.
- 44 *Europe*, no. 6441, March 16, 1995.
- 45 *European Report*, no. 2045, March 18, 1995; *MacLean's*, March 27, 1995, 18–19.
- 46 *Globe and Mail*, March 16, 1995.
- 47 *Calgary Herald*, March 17, 1995, and March 18, 1995; *Europe*, no. 6443, March 18, 1995; *European Report*, no. 2025, March 18, 1995, and no. 2026, March 21, 1995; *Globe and Mail*, March 18, 1995, and March 21, 1995; *Sources Say*, no. 801, March 16, 1995; Department of Foreign Affairs and International Trade, "Conservation and Enforcement Primary Concerns in Fisheries Dispute," *News Release*, March 18, 1995; confidential sources.
- 48 *Globe and Mail*, March 18, 1995; *Evening Telegram*, March 21, 1995.
- 49 *Calgary Herald*, March 17, 1995, and March 19, 2005.
- 50 Bartleman, *Rollercoaster*, 103–5; *Globe and Mail*, March 22, 1995; *Calgary Herald*, March 24, 1995.
- 51 *Sources Say*, 28 March 1995; *Gazette* (Montreal, QC), March 28, 1995; *Europe*, no. 6449, March 27–28, 1995; *Calgary Herald*, March 28, 1995. The inability of EU fisheries inspectors to find evidence of infractions by the fleet was a long-standing enforcement issue. A vessel would be inspected at sea, a serious infringement found, and a citation issued. But when the ship returned to its home port no violation could be detected. It was easy for vessels to divert to another port, transfer or dump their catch at sea, or discard small-mesh nets.
- 52 *Globe and Mail*, March 29, 1995. Tobin sent Rowat back to Brussels after rumors surfaced that the Department of Foreign Affairs was lobbying Chrétien and the Privy Council Office to take charge of the negotiations because of fisheries officials' alleged inflexibility. Smith reportedly complicated Rowat's task in Brussels by implying that the government was not fully behind Tobin. Earlier, Smith had tried to persuade Tobin to alter his stance, asking whether it was worth damaging relations with the EU for the sake of "some smelly little fish." Tobin notes that, in contrast, officials abroad performed their duties admirably. Among these was Jacques Roy, the ambassador to the EU, who, along with Gianluigi Giola, the European Commission's Deputy Director General for External Relations, played an important role in helping to keep the lines of communication open between the two sides. Tobin, *All in Good Time*, 117, 133–36; Gough, "The Turbot War," 77–78.
- 53 Brian Tobin, *All in Good Time*, 132.
- 54 *Globe and Mail*, March 30, 1995.
- 55 *Financial Times* (London, UK), March 29, 1995; *Eurofish Report*, no. 451, March 30, 1995; *Europe*, no. 6452, March 31, 1995. For the text of the note, see European Union, "Canada-EU fisheries Dispute," *News*, NR (95) 18, March 30, 1995.

- 56 *Calgary Herald*, March 31, 1995.
- 57 *Calgary Herald*, March 31, 1995; *Europe*, no. 6452, March 31, 1995. Some commentators have suggested that the British government supported Canada for reasons of historic ties and sentiment. But it is unlikely that these factors overrode domestic considerations. Readers will recall that the UK blocked approval of the long-term fisheries agreement with Canada for almost a year because the British fishing industry was dissatisfied with the pact's market access provisions, and to gain bargaining leverage on other Common Fisheries Policy matters.
- 58 *Chronicle Herald*, March 30, 1995.
- 59 *Globe and Mail*, March 30, 1995.
- 60 *Eurofish Report*, no. 452, April 12, 1995; *Daily News* (Halifax, NS), April 13, 1995.
- 61 *European Report*, no. 2031, April 8, 1995, and no. 2032, April 12, 1995; Tobin, *All in Good Time*, 133–36.
- 62 *European Report*, no. 2032, April 12, 1995; confidential sources.
- 63 *Gazette*, April 12, 1995; *Chronicle Herald*, April 13, 1995; *Financial Times*, April 13, 1995.
- 64 *European Report*, no. 2033, April 14, 1995.
- 65 *Calgary Herald*, April 13, 1995; *Globe and Mail*, April 15, 1995.
- 66 *Globe and Mail*, April 15, 1995, and April 17, 1995.
- 67 *Calgary Herald*, April 15, 1995; Bartleman, *Rollercoaster*, 110–11; Chrétien, *My Years as Prime Minister*, 110–11.
- 68 Chrétien, *My Years as Prime Minister*, 111; Lawrence Martin, *Iron Man: The Defiant Reign of Jean Chrétien* (Toronto: Viking Canada, 2003), 113.
- 69 *Globe and Mail*, April 17, 1995; Bartleman, *Rollercoaster*, 112–13; “Agreement on Fisheries Between the Government of Canada and the European Community,” April 16, 1995.
- 70 *Sources Say*, no. 840, April 18, 1995.
- 71 *Financial Times*, April 18, 1995; *European Report*, no. 2034, April 19, 1995.
- 72 *Financial Times*, April 18, 1995. The court ruled that it did not have jurisdiction over the case because of the Canadian reservation lodged when parliament amended the Coastal Fisheries Protection Act to authorize Canadian enforcement actions on the high seas. The second legal action was a civil case brought by the owner and captain of the *Estai* for damages as a result of Canada's alleged illegal arrest and detention of the vessel and its crew. After many years of costly legal action the courts dismissed all claims against Canada.
- 73 *Fishing News*, April 21, 1995; *Calgary Herald*, May 1, 1995.
- 74 European Union, “EU-Canada Relations,” *News*, NR (95) 21, May 2, 1995.
- 75 *Times Colonist* (Victoria, BC), May 4, 1995; *Europe*, no. 6476, May 8–9, 1995.
- 76 *Chronicle Herald*, September 16, 1995; *Eurofish Report*, no. 464, September 28, 1995; confidential sources.
- 77 See, for example, Ted L. McDorman, “Canada's Aggressive Fisheries Actions: Will They Improve the Climate

for International Agreements?” *Canadian Foreign Policy* 2, no. 3 (Winter 1994/95): 5–28. Allan Gotlieb and Charles Dalfen argue that under Prime Minister Pierre Trudeau, Canada began pursuing its national and international legal interests more aggressively, especially with regard to maritime concerns. See their “National Jurisdiction and International Responsibility: New Canadian Approaches to International Law,” *American Journal of International Law* 67 (April 1973): 229–58; and Michael Harris, *Lament for an Ocean*, 9. Prime Minister Chrétien claimed that Canada’s actions during the Turbot War were aimed at enhancing the prospects for an international accord. (Prime Minister Jean Chrétien, Address to the American Society of Newspaper Editors, Dallas, Texas, April 6, 1995.) In the judgment of Christopher Joyner and Alejandro Alvarez von Gustedt, the dispute contributed to the successful conclusion of the United Nations Convention on Straddling Stocks and Highly Migratory Species in August 1995. See “The Turbot War of 1995: Lessons for the Law of the Sea,” *International Journal of Marine and Coastal Law* 11, no. 4 (November 1996): 425–58.

- 78 Donald Barry, “Toward a Canada-EU Partnership?” in Patrick M. Crowley, ed., *Crossing the Atlantic: Comparing the European Union and Canada* (Aldershot, UK: Ashgate, 2004), 35–58.

## 4 | NEW CONFLICTS ARISE

- 1 *WorldFish Report* (formerly *Eurofish Report*), no. 17, June 17, 1996, and no. 19, July 18, 1996.
- 2 Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (NAFO Convention), Article V. 3.
- 3 *Evening Telegram* (St. John’s, NL), September 17, 1996; *WorldFish Report*, no. 25, September 26, 1996.
- 4 Fisheries and Oceans Canada, “NAFO Recognizes Canadian Decision-making for Northern Cod,” *News Release*, September 16, 1996.
- 5 *WorldFish Report*, no. 36, March 13, 1997; *Evening Telegram* (St. John’s, NL), September 13, 1997; *Ottawa Citizen*, October 11, 1997.
- 6 *Western Star* (Cornerbrook, NL), September 22, 1997; *WorldFish Report*, no. 51, October 9, 1997. In the late 1980s the Faroe Islands’ shrimp fleet began to fish on the Nose of the Banks in NAFO Division 3L. This fishery was on the same shrimp stock that straddled the Canadian 200-mile limit and had been traditionally fished inside the Canadian zone by Canada. Canada protested this fishery, claiming it was having a negative impact on the portion of the stock in Canadian waters. The Faroese insisted they had the right to an “experimental fishery.” Despite objections, the Faroese continued their “experiment” for three years. In order to reduce the increased pressure on the shrimp stock as a whole, Canada sought NAFO management of

the 3L stock. NAFO agreed with the Canadian proposal and set a TAC. It also decided, in a rush at the end of a busy meeting, to allocate 90 percent of the stock to Canada and distribute the remaining 10 percent equally to all of the NAFO members. The Faroese were outraged when they received only 67t. They believed they deserved a larger share for “developing” the “new” fishery. There was no sympathy for their position among the Contracting Parties. None was prepared to give up its share to the Faroese or to be seen as rewarding a fleet that had overfished the stock. Interestingly, in the early 1990s when the EU attempted to benefit from its “discovery” of the offshore turbot stock, NAFO was consistent in not rewarding excessive unauthorized fishing. The management regime and quota shares for 3L shrimp continued in effect in subsequent years. Iceland had issues with the 3M shrimp stock on the Flemish Cap, especially about the effort management regime which would limit the number of vessels and the days they fished as a conservation measure. The shrimp fishery on the Flemish Cap is managed on the basis of effort control as a unique solution to the historic fishery. The Faroese have regularly objected to their NAFO quota share of 3L shrimp. This led to overfishing of their NAFO quota and subsequent disputes with Denmark, which represents the Faroe Islands and Greenland, in NAFO. Canada responded, on several occasions

by closing its ports to Danish-represented vessels.

- 7 *Globe and Mail* (Toronto, ON), June 20, 1998.
- 8 *WorldFish Report*, no. 73, August 27, 1998.
- 9 *WorldFish Report*, no. 75, September 24, 1998.
- 10 *Telegram* (formerly *Evening Telegram*, St. John's, NL), September 22, 1998; *WorldFish Report*, no. 75, September 24, 1998, and no. 81, December 22, 1998.
- 11 *WorldFish Report*, no. 89, April 22, 1999; Department of Foreign Affairs and International Trade, “Better Access to EU Market for Canadian Shrimp Exports,” *News Release*, April 1, 1999.
- 12 *WorldFish Report*, no. 100, September 22, 1999; Fisheries and Oceans Canada, “Dhaliwal Announces Canada Successful in Pushing for Conservation-Based Management at NAFO Meeting,” *News Release*, September 17, 1999.
- 13 *Europe*, no. 7618, December 18, 1999; *WorldFish Report*, no. 106, December 21, 1999.
- 14 Fisheries and Oceans Canada, “Canada Announces Progress at the NAFO Annual Meeting,” *News Release*, September 22, 2000; *WorldFish Report*, no. 126, October 4, 2000.
- 15 *WorldFish Report*, no. 92, June 3, 1999, and no. 98, August 25, 1999. The EU's concern was valid in that Canada had a different interpretation of UN Fish Agreement than the Union. Canada's new legislation allowed for regulations to authorize Canadian enforcement vessels to

- act beyond NAFO limitations. The EU fought hard against this and Canada has still not fully embraced its legislative opportunities.
- 16 Department of Foreign Affairs and International Trade, "Canada and Spain Issue Joint Declaration on Overall Relationship and Fisheries Cooperation," *News Release* no. 65, May 23, 2001, with attached "Joint Declaration Regarding the Overall Relationship and Fisheries Cooperation."
  - 17 *WorldFish Report*, no. 131, December 19, 2000.
  - 18 *WorldFish Report*, no. 138, April 11, 2001, no. 136, March 14, 2001, and no. 137, March 28, 2001.
  - 19 Advisory Panel on the Sustainable Management of Straddling Fish Stocks in the Northwest Atlantic, "Breaking New Ground: An Action Plan for Rebuilding the Grand Banks Fisheries," June 2005, 100; *Globe and Mail*, February 6, 2002; *Telegram*, February 7, 2002.
  - 20 The depth restriction measure was critical for Canada as the primary quota holder of the small American plaice TAC. The proposed measure was intended protect the stock, which was being heavily fished as a bycatch by EU vessels in the turbot fishery. Many of them had American plaice as more than half their catch in NAFO Division 3NO, as they purposely targeted their fishery in shallow waters where the stock was abundant rather than deeper waters that were preferred by the turbot stock. Virtually all EU vessels fishing in NAFO Division 3NO exceeded the NAFO bycatch limit of 10 percent, some with levels as high as 90 percent. The EU claimed that Canada's concerns were not substantiated in the Union's catch reports. This can be explained by the fact that vessels with large catches of American plaice continued to fish for turbot in other areas during the season. When the vessels returned to port for inspection the proportion of American plaice was significantly reduced.
  - 21 Northwest Atlantic Fisheries Organization (NAFO), *Annual Report, 2001* (Scientific Council Meeting, 13 May–14 June, 2001), 109.
  - 22 The EU later claimed that it did not oppose limiting the depth of the turbot fishery. The claim was unfounded, as shown by the fact that it prevented a decision on the issue in 2003, at which point it seems to have disappeared from the agenda.
  - 23 NAFO, *Annual Report, 2002* (Fisheries Commission Special Meeting, 29 January–1 February 2002), 74–75; *WorldFish Report*, no. 159, February 6, 2002; confidential sources.
  - 24 Department of Fisheries and Oceans, "Canada Disappointed with Outcome of NAFO Meeting," *News Release*, February 5, 2002; *Telegram*, February 3, 2002; *CBC News*, "Foreign overfishing hurting Grand Banks conservation," February 7, 2002, [http://www.cbc.ca/stories/print/2002/02/07/overfishing\\_nfld020207](http://www.cbc.ca/stories/print/2002/02/07/overfishing_nfld020207).
  - 25 *WorldFish Report*, no. 159, February 6, 2002.



- 26 *Telegram*, March 16, 2002, and March 22, 2002; *WorldFish Report*, no. 162, March 20, 2002.
- 27 Department of Fisheries and Oceans, "Canada Closes Ports to Fishing Vessels from the Faroe Islands," *News Release*, March 21, 2002; "Canada Closes Ports to Fishing Vessels From Estonia," *News Release*, April 9, 2002; "Minister Thibault Pleased with Russia's Cooperation Regarding Fishing Vessel Olga," *News Release*, April 3, 2002.
- 28 House of Commons, Standing Committee on Fisheries and Oceans, "Foreign Overfishing: Its Impacts and Solutions, Conservation on the Nose and Tail of the Grand Banks and the Flemish Cap," June 2002, 22, 18–19.
- 29 Government of Newfoundland and Labrador, "Minister pleased with report from Standing Committee on Fisheries and Oceans," *News Release*, June 12, 2002 (Fisheries and Aquaculture).
- 30 *Globe and Mail*, June 12, 2002.
- 31 Fisheries and Oceans Canada, "Thibault Presses European Ministers to Address Overfishing," *News Release*, June 27, 2002.
- 32 *Telegram*, May 29, 2002; *WorldFish Report*, May 29, 2002.
- 33 *WorldFish Report*, no. 160, February 20, 2002.
- 34 *WorldFish Report*, no. 167, May 29, 2002.
- 35 *WorldFish Report*, no. 172, August 7, 2002.
- 36 *The Nor'wester* (Springdale, NL), August 21, 2002.
- 37 *Telegram*, August 27, 2002.
- 38 *CBC.ca/news*, "Canada must extend control of fishing, MPs say," September 3, 2002, <http://www.cbc.ca/story/canada/national/2002/09/03/overfishing.html?print>; *Telegram*, September 21, 2002.
- 39 NAFO, *Annual Report, 2002* (Fisheries Commission Annual Meeting, 16–20 September); NAFO, *Scientific Council Reports 2002* (Report of Scientific Council Meeting 6–20 June); *WorldFish Report*, no. 175, September 18, 2002; *Telegram*, September 25, 2002; confidential sources.
- 40 *Canada.com News*, September 23, 2002, [www.canada.com/comp...={BE47D1-2337-4C67-B41A-A18F50F16734}](http://www.canada.com/comp...={BE47D1-2337-4C67-B41A-A18F50F16734})
- 41 Government of Newfoundland and Labrador, "Minister confirms that NAFO is a completely ineffective organization for Newfoundland and Labrador," *News Release*, September 20, 2002 (Fisheries and Aquaculture); *National Post* (Toronto, ON), September 21, 2002; *Telegram*, September 21, 2002.
- 42 Fisheries and Oceans Canada, "Canada Announces New Approach to Dealing with Foreign Vessels for Serious Violations of NAFO Measures," *News Release*, September 27, 2002.
- 43 *Telegram*, September 28, 2002.
- 44 *Times & Transcript* (Moncton, NB), September 28, 2002.
- 45 Government of Newfoundland and Labrador, "Minister proposes custodial management to his provincial, territorial and federal counterparts," *News Release*, September 27, 2002 (Fisheries and

- Aquaculture); "Minister meets with World Wildlife Fund to discuss foreign overfishing and custodial management," *News Release*, November 6, 2002 (Fisheries and Aquaculture).
- 46 Fisheries and Oceans Canada, "Government Responds to Standing Committee Report on Foreign Overfishing," *News Release*, November 8, 2002, and attached "Government Response to the Standing Committee on Fisheries and Oceans' Tenth Report, Foreign Overfishing: Its Impacts and Solutions (Conservation on the Nose and Tail of the grand Banks and the Flemish Cap)."
- 47 Fisheries and Oceans Canada, "Report on the Roundtable Forum on Improving the Management of Straddling Fish Stocks," February 20, 2003.
- 48 Newfoundland and Labrador All-Party Committee on the 2J3KL and 3Pn4Rs Cod Fisheries, *Stability, Sustainability and Prosperity: Charting a Future for Northern and Gulf Cod Stocks*, March 17, 2003, 6.
- 49 House of Commons, Standing Committee on Fisheries and Oceans, "Custodial Management Outside Canada's 200-Mile Limit," March 2003.
- 50 Fisheries and Oceans Canada, "\$50 Million Action Plan to Assist Fishers, Plant Workers and Communities Affected by Closure of Three Cod Fisheries," *News Release*, April 24, 2003.
- 51 *Globe and Mail*, June 6, 2003.
- 52 *WorldFish Report*, no. 182, January 8, 2003.
- 53 *WorldFish Report*, no. 197, July 23, 2003; Fisheries and Oceans Canada, "Canada Reopens Ports to Estonian Fishing Fleet," *News Release*, December 13, 2002; "Canada Reopens Ports to Faroese Vessels," *News Release*, August 7, 2003; "Canada Cites Two EU Vessels for NAFO Violations," *News Release*, September 19, 2003.
- 54 This is typical EU behaviour in international fora that has been clearly seen in NAFO on numerous occasions. When the Fisheries Council has decided on a course of action for EU waters, the Union tries to have it integrated into all of its international relations. Many issues decided by the Council have been long promoted by others but strongly resisted by the EU until the Council has acted. The gap between the need for action and a reluctant Council decision, usually based on the lowest common denominator in the EU, has been the cause of significant disputes and extensive delays in adopting and implementing important conservation and enforcement measures.
- 55 NAFO, Report of the Fisheries Commission, Annual Meeting, September 2003; Fisheries and Oceans Canada, "Canada Makes Progress on Compliance and Conservation at NAFO," *News Release*, September 19, 2003; *WorldFish Report*, no. 209, January 21, 2004; confidential sources.
- 56 *WorldFish Report*, no. 201, October 1, 2003.
- 57 Fisheries and Oceans Canada, "New \$17.5 M Investment Expands

- NAFO Enforcement," *News Release*, March 16, 2004.
- 58 House of Commons, *Debates*, March 24, 2004, 1654.
- 59 Fisheries and Oceans Canada, "Government of Canada Announces New Measures to Combat Foreign Fishing," *News Release*, May 6, 2004.
- 60 UNFA provides for a three-working-day period for the flag state of the vessel to deal with a serious infringement allegation. Should the flag state fail to comply, UNFA allows for the inspecting state to remove the vessel from the fishing grounds, bring it to port for further inspection, and hold the vessel until the flag state has fulfilled its obligations.
- 61 *Globe and Mail*, May 7, 2004, and May 8, 2004.
- 62 Delegation of the European Commission to Canada, "EU fishing vessel returns to port after alleged infringement," *Press Release*, May 10, 2004.
- 63 *Chronicle Herald* (Halifax, NS), May 19, 2004; *Globe and Mail*, August 20, 2004, and September 3, 2004; confidential sources.
- 64 Fisheries and Oceans Canada, "Diplomatic Cooperation Strengthening International Partnerships," *Backgrounder*, September 2004; *Globe and Mail*, August 28, 2004.
- 65 The redfish stock newly found in the northern part of NAFO waters traditionally had been managed in the Eastern Atlantic by members of the Northeast Atlantic Fisheries Commission (NEAFC) but was showing signs of westward migration, and fishing activity for this stock in the previous few years had been occurring in the Northwest Atlantic and had not been counted against the NEAFC quota. The increased effort on the stock, which was justified by some NEAFC parties as outside the NEAFC quotas, convinced NEAFC and NAFO that further management was required by NAFO to avoid overfishing this stock on the high seas in the NAFO Regulatory Area. This was a case of déjà vu in relation to the arguments about 3L cod. But this time it was much easier to resolve.
- 66 NAFO, Report of the General Council, 26th Annual Meeting, September 13–17, 2004; Report of the Fisheries Commission, Annual Meeting, September 2004); *WorldFish Report*, no. 226, September 22, 2004.
- 67 Fisheries and Oceans Canada, "Progress Achieved at Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO)," *News Release*, September 19, 2004; Government of Newfoundland and Labrador, "Minister comments on outcomes of 26th annual NAFO meeting," *News Release*, September 17, 2004 (Fisheries and Aquaculture); "Who's coddling whom? asks Hearn," *Press Release*, September 20, 2004.
- 68 Fisheries and Oceans Canada, "Taking Action Against Overfishing Remains High Priority of Government of Canada," *News Release*, September 24, 2004.
- 69 Fisheries and Oceans Canada, "Minister Regan to Visit

- Portugal and Britain to Advance International Fisheries Governance Agenda,” *News Release*, November 5, 2004.
- 70 Fisheries and Oceans Canada, “Regan Addresses United Nations General Assembly: Invites Fishing Nations to St. John’s Conference,” *News Release*, November 16, 2004.
- 71 Fisheries and Oceans Canada, “Regan Appoints Members of the Advisory Panel on the Sustainable Management of Straddling Fish Stocks in the Northwest Atlantic,” *News Release*, December 13, 2004; “Terms of Reference of the Advisory Panel on the Sustainable Management of Straddling Fish Stocks in the Northwest Atlantic,” *Backgrounder*, December 2004.
- 72 *Telegram*, December 2, 2004.
- 73 Government of Newfoundland and Labrador, “Province encouraged by Prime Minister’s signals of action on overfishing,” *News Release*, December 2, 2004 (Fisheries and Aquaculture).
- 74 Government of Newfoundland and Labrador, “Province encouraged by permanent funding to combat overfishing,” *News Release*, February 24, 2005 (Fisheries and Aquaculture); Government of Canada, “Canada’s National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing,” March 2005.
- 75 *Telegram*, May 2, 2005.
- 76 *National Post*, May 2, 2005.
- 77 Government of Newfoundland and Labrador, Trevor Taylor, Minister of Fisheries and Aquaculture, “Luncheon Address, International Conference on the Governance of High Seas Fisheries and the United Nations Fish Agreement – ‘Moving from Words to Action’,” May 2, 2005.
- 78 *CBC.CA News*, “Little love for custodial management,” May 3, 2005.
- 79 Fisheries and Oceans Canada, “Ministerial Declaration Signals Political Commitment to Change Direction of High Seas Fisheries Governance,” *News Release*, May 2, 2005.
- 80 Government of Newfoundland and Labrador, “Fishing Conference over, now turn commitments into action: Minister,” *News Release*, May 6, 2005 (Fisheries and Aquaculture).
- 81 *Telegram*, May 31, 2005.
- 82 Government of Newfoundland and Labrador, “Overfishing violations must be prosecuted regardless of where they occur,” *News Release*, May 31, 2005 (Fisheries and Aquaculture).
- 83 Advisory Panel on the Sustainable Management of Straddling Fish Stocks in the Northwest Atlantic, “Breaking New Ground: An Action Plan for Rebuilding the Grand Banks Fisheries,” June 2005, 74, 75.
- 84 Fisheries and Oceans Canada, “Minister’s Response to the Final Report of the Advisory Panel on Straddling Fish Stocks,” *Minister’s Statements*, September 1, 2005.
- 85 Greenpeace, *The Northwest Atlantic Fisheries Organisation: a case study in how RFMO’s regularly fail to manage our oceans*, June 2005; Bruce Cox (Executive Director, Greenpeace Canada) to Prime

- Minister Paul Martin, July 25, 2005.
- 86 World Wildlife Fund, "Cod overfished in the North-West Atlantic despite ban," *News Article*, September 20, 2005; *Telegram*, September 20, 2005; Andrew Rosenberg, Marjorie Mooney-Seus and Chris Ninnes, "Bycatch on the High Seas: A Review of the Effectiveness of the Northwest Atlantic Fisheries Organization (Toronto: WWF – Canada, 2005).
- 2 Alison Auld, "European nations, Canada promise to reform beleaguered fisheries group," *Yahoo News*, September 23, 2005, <http://www.nafo.ca/about/media/oth-news/2005/alison.html>.
- 3 Fisheries and Oceans Canada, "Canada and Portugal Sign Memorandum of Understanding on Fisheries Cooperation: Bilateral Committee Created to Oversee Implementation," *News Release*, October 12, 2005, with attachment "Memorandum of Understanding on Fisheries Cooperation Between the Department of Fisheries and Oceans Canada and the Ministry of Agriculture, Rural Development and Fisheries of Portugal," October 12, 2005.

## 5 | REFORMING NAFO

- 1 "Report of the General Council and its Subsidiary Bodies (STACFAD and STACFAC)," 27th Annual Meeting, 19–23 September 2005, Tallinn, Estonia, in Northwest Atlantic Fisheries Organization (NAFO) Meeting Proceedings of the General Council and Fisheries Commission for 2005/2006, <http://archive.nafo.int/open/mp/2005-06/meetproc-2005-06.pdf>; Canada, "Discussion Paper – Modernization of Regional Fisheries Management Organizations," GC Working Paper 05/05; Norway, "Discussion Paper – The NAFO Convention in the Context of Recent Developments Concerning Ocean Governance," GC Working Paper 05/01; "Reform of NAFO," GC Doc 05/02; "NAFO Starts a Reform Process," *Press Release*, September 23, 2005; Fisheries and Oceans Canada, "Northwest Atlantic Fisheries Organization Commits to Reform Agenda," *News Release*, September 23, 2005.
- 4 *CBC.ca/news*, "Portugal pledges to protect fish stocks," October 13, 2005, <http://www.nafo.ca/about/media/oth-news/2005/portpledges.html>; *Chronicle Herald* (Halifax, NS), October 13, 2005, and October 14, 2005.
- 5 *Telegram* (St John's, NL), December 6, 2005; *Globe and Mail* (Toronto, ON), December 7, 2005.
- 6 *National Post* (Toronto, ON), February 17, 2006.
- 7 *Telegram*, June 19, 2006.
- 8 Fisheries and Oceans Canada, "Joint Canada-European Union Inspection Patrols in the Northwest Atlantic Ocean," *News Release*, July 6, 2006.
- 9 *Canadian Press*, "Wait and see if Canada, EU joint fish patrols work: N.L. fisheries minister," July 6, 2006.
- 10 *Chronicle Herald*, August 29, 2006.

- 11 *Telegram*, September 1, 2006, September 12, 2006, September 13, 2006, and September 16, 2006.
- 12 *Telegram*, September 1, 2006.
- 13 *Canadian Press*, "Recovery plan needed for cod stocks in northwest Atlantic, WWF report says," September 7, 2006, [www.nafo.int/about/media/oth-news/2006/recovery.html](http://www.nafo.int/about/media/oth-news/2006/recovery.html); Andrew A. Rosenberg et al., *High Seas Reform: Actions to Reduce Bycatch and Implement Ecosystem-Based Management for the Northwest Atlantic Fisheries Organization* (Toronto: World Wildlife Fund, July 2006).
- 14 See Fisheries and Oceans Canada, "Canada Achieves Major Reforms at Historic Meeting of the Northwest Atlantic Fisheries Organization," *News Release*, September 22, 2006; NAFO, "NAFO Reform in Full Swing," *Press Release*, September 22, 2006.
- 15 It is not clear that "real time" data resolves the problem of misreporting as many claim it does. Vessels are required to report their catches in real time to their national designated fisheries monitoring centre. The national centre is supposed to transmit the data as soon as possible to the NAFO Secretariat, which in turn forwards it to Contracting Parties that have an enforcement presence in the NAFO Regulatory Area. However, most receiving centres only operate during business hours, five days a week and not on holidays, whereas fishing is an ongoing activity. In the EU's case this may be further complicated by the fact that some data is forwarded to the European Commission for onward dissemination to NAFO. Therefore, real time data may not reach patrol vessels until hours or even days after it is sent and thus be virtually impossible to verify.
- 16 Adela Rey Aneiros, "Spain, the European Union, and Canada: A New Phase in the Unstable Balance in the Northwest Atlantic Fisheries," *Ocean Development and International Law* 42, nos. 1–2 (2011): 164.
- 17 *CBC.ca/news*, September 26, 2006, [www.cbc.ca/canada/nova-scotia/story/2006/09/26/hearn-nafo.html](http://www.cbc.ca/canada/nova-scotia/story/2006/09/26/hearn-nafo.html).
- 18 European Commission, "Fisheries: Commission welcomes progress in the reform of the Northwest Atlantic Fisheries Organisation," *News Release*, September 26, 2006; Association of Seafood Producers, "Seafood Industry applauds Canada's leadership in building a new NAFO," *News Release*, September 28, 2006.
- 19 *Southern Gazette* (Marystown, NL), October 3, 2006; Fisheries and Oceans Canada, "Canada Achieves Major Reforms at Historic Meeting of Northwest Atlantic Fisheries Organization," *News Release*, September 22, 2006.
- 20 *CBC.ca/news*, November 9, 2006, [www.cbc.ca/canada/newfopundland-labrador/story/2006/11/09](http://www.cbc.ca/canada/newfopundland-labrador/story/2006/11/09)
- 21 *Telegram*, October 8, 2006, and November 25, 2006.
- 22 Standing Senate Committee on Fisheries and Oceans, "The Management of Atlantic Fish

- Stocks: Beyond the 200-Mile Limit," February 2007, i.
- 23 Fisheries and Oceans Canada, "NAFO Reforms Proving to be Successful," *Minister's Statements*, February 21, 2007. The Department did not make a detailed response to the Senate report until October 2007. See Fisheries and Oceans Canada, "Government Response to the Standing Senate Committee on Fisheries and Oceans Report – The Management of Atlantic Fish Stocks: Beyond the 200-Mile Limit," October 18, 2007.
  - 24 *Chronicle Herald*, May 17, 2007.
  - 25 NAFO, "Report of the Working Group on the Reform of NAFO," 25–28 April 2006, Montreal, Canada, NAFO/GC Doc 06/01; "Report of the Working Group on the Reform of NAFO," 12–15 September 2006, Lunenburg County, Nova Scotia, Canada, NAFO/GC Doc. 06/3.
  - 26 NAFO, Working Paper by the Chair, Convention on Cooperation in the Northwest Atlantic Fisheries, Reform W.G. W.P. 06/1, Revision 4.
  - 27 Standing Senate Committee on Fisheries and Oceans, *Proceedings*, Issue no. 3 (October 19, 2006), 3:61–3:88.
  - 28 Standing Senate Committee on Fisheries and Oceans, "The Management of Atlantic Fish Stocks: Beyond the 200-Mile Limit," February 2007, 47, 52.
  - 29 NAFO, GC Intersessional Meeting – April 2007, Convention on Cooperation in the Northwest Atlantic Fisheries, GC Working Paper 07/12.
  - 30 Bob Applebaum, "Notes for a Talk in St. John's," July 23, 2007.
  - 31 *Telegram*, August 20, 2007; *CBC.ca/news*, July 24, 2007, [www.cbc.ca/cp/Atlantic/070724/t072419A.html](http://www.cbc.ca/cp/Atlantic/070724/t072419A.html).
  - 32 Bill Rowat, Scott Parsons, Bob Applebaum, and Earl Wiseman, "International management of the Northwest Atlantic fisheries outside 200 miles from shore has failed miserably," *Ottawa Citizen* (Ottawa, ON), September 20, 2007.
  - 33 Fisheries and Oceans Canada, "Statement by Loyola Hearn, Minister of Fisheries and Oceans: Upcoming NAFO Meeting," September 21, 2007.
  - 34 NAFO, "Amendment to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries," NAFO/GC Doc. 07/4, Article VI. 10.
  - 35 NAFO, "Amendment to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries," Article XIV. 8, 11.
  - 36 See Earle McCurdy (President, Food, Fish and Allied Workers Union) in Standing Senate Committee on Fisheries and Oceans, *Proceedings*, October 29, 2009, 12:29; Patrick McGuinness (President, Fisheries Council of Canada) and Bruce Chapman (Executive Director, Groundfish Enterprise Allocation Council) in House of Commons, Standing Committee on Fisheries and Oceans, *Evidence*, October 22, 2009, 2, 3; confidential source.
  - 37 Fisheries and Oceans Canada, "Canada Continues to Build on its Achievements in NAFO,"

- News Release*, September 28, 2007; *FISHupdate.com*, "EC: New convention will strengthen NAFO," October 2, 2007, [www.nafo.int/about/media/oth-news/2007/convention.html](http://www.nafo.int/about/media/oth-news/2007/convention.html); *Chronicle Herald*, October 11, 2007.
- 38 Conservative Party of Canada, "The True North Strong and Free: Stephen Harper's Plan for Canadians," 2008; Government of Newfoundland and Labrador, Fisheries and Agriculture, "Province Questions Statement on Custodial Management," *News Release*, October 18, 2008.
- 39 Gus Etchegary, *Empty Nets: How Greed and Politics Wiped Out the World's Greatest Fishery* (Portugal Cove–St. Philip's, NL: Boulder Publications, 2013), 273; *CBC.ca/news*, September 10, 2009, <http://www.cbc.ca/news/canada/newfoundland-labrador/story/2009/09/10/nl-fisheries-control-910.html>; Letter from Premier Danny Williams to Prime Minister Stephen Harper, September 11, 2009; *Telegram*, September 12, 2009.
- 40 Honourable Gail Shea, Minister of Fisheries and Oceans, "Canada and the Northwest Atlantic Fisheries Organization," *Ministerial Statement*, September 11, 2009.
- 41 Letter from W.A. Rowat, Scott Parsons, Bob Applebaum, and Earl Wiseman to Prime Minister Stephen Harper, September 20, 2009, with attached commentary on Minister Shea's statement.
- 42 Fisheries and Oceans Canada, "Minister Gail Shea Dispels Myths about Amendments to the Convention of the Northwest Atlantic Fisheries Organization," *News Release*, October 8, 2009; Standing Senate Committee on Fisheries and Oceans, *Proceedings*, October 29, 2009, 12:30.
- 43 In a "Report on the Problems of the Fisheries Sector in the NAFO Zone," submitted to the European Parliament's Committee on Fisheries in April 1996, rapporteur Miguel Arias Cañete, a member from Spain, commented on the impact of UNFA on NAFO. He noted that "Another ambiguity within the agreement which could affect NAFO is the one concerning the principle of biological unity which the agreement advocates as a main basis. Thus the agreement establishes the requirement for any given population to be regarded as one throughout the zone in which it is found, with no distinction made between the EEZ [extended economic zone] and adjacent waters. It also establishes the requirement to cooperate for the purposes of stock conservation. From this we may conclude that countries which fish in open waters should be involved in fisheries and conservation management not just outside the EEZs of the coastal states but also within those waters, since the cooperation requirements expressly imposed by the agreement would be meaningless if countries fishing in open waters could only participate in the allocation and distribution of TACs relating solely to open waters." <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//>



- EP//TEXT+REPORT+A4-1996-0133+0+DOC+XML+V0//EN.
- 44 House of Commons, Standing Committee on Fisheries and Oceans, *Eighth Report*, November 2009; Standing Senate Committee on Fisheries and Oceans, "Proposed Changes to the Convention on the Northwest Atlantic Fisheries organization (NAFO)," *Report*, November 2009.
- 45 Fisheries and Oceans Canada, "Canada Ratifies Amended Convention of the Northwest Atlantic Fisheries Organization," *News Release*, December 11, 2009.
- 46 Government of Newfoundland and Labrador, "NAFO Ignores Scientific Advice: Further Proof of Need for Custodial Management," *News Release*, September 28, 2009.
- 47 *The Guardian* (London, UK), May 18, 2012; *WorldFish Report*, no. 328, November 20, 2008.
- Negotiation in an Age of Transition," *International Journal* 35, no. 1 (1979/1980): 1–20; and Robert D. Putman, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," *International Organization* 42, no. 3 (Summer 1988): 427–60.
- 2 Stig S. Gezelius, "Limits to Externalisation: The EU NAFO Policy 1979–1997," *Marine Policy* 23, no. 2 (1999): 155.
- 3 Raymond B. Blake, *From Fishermen to Fish: The Evolution of Canadian Fishery Policy* (Toronto: Irwin, 2000), 85.
- 4 Angus Reid Report, March/April 1995; *New York Times*, March 31, 1995.
- 5 *Globe and Mail*, (Toronto, ON), April 13, 1995.
- 6 Evan H. Potter, *Transatlantic Partners: Canadian Approaches to the European Union* (McGill-Queen's University Press: Montreal and Kingston, 1999), 240.
- 7 *Financial Times* (London, UK), April 18, 1995.
- 8 Adela Rey Aneiros, "Spain, the European Union, and Canada: A New Phase in the Unstable Balance in the Northwest Atlantic Fisheries," *Ocean Development and International Law* 42, nos. 1–2 (2011): 159–61.
- 9 Aneiros, "Spain, the European Union and Canada," 165.

## CONCLUSION

- 1 Andrew Moravcsik, "Integrating International and Domestic Theories of International Bargaining," in Peter B. Evans, Harold K. Jacobson, and Robert D. Putnam, eds., *Double-Edged Diplomacy: International Bargaining and Domestic Politics* (Berkeley: University of California Press, 1993), 15. See also Gilbert R. Winham, "International

## BIBLIOGRAPHY

### Canada, Government Publications

Department of External Affairs/Foreign Affairs and International Trade.  
Bacon, Terence C., Director General, Bureau of Legal Affairs, "Canada's 200-Mile Fishing Zone: The First Five Years," Chilean Conference on EEZ and Fisheries Regime," October 28–30, 1981.

———. "Information Campaign on Overfishing in the Northwest Atlantic, Activity Summary, June 1989–December 1989."

———. *Press/News Releases*.

Department of Fisheries and Oceans.  
Advisory Panel on the Sustainable Management of Straddling Fish Stocks in the Northwest Atlantic, "Breaking New Ground: An Action Plan for Rebuilding the

Grand Banks Fisheries," June 2005.

———. "Government Response to the Standing Senate Committee on Fisheries and Oceans Report—The Management of Atlantic Fish Stocks: Beyond the 200-Mile Limit," October 18, 2007.

———. Independent Review of the State of the Northern Cod Stock, "Final Report," February 1990 (Ottawa: Minister of Supply and Services Canada, 1990).

———. *Minister's Statements*.

———. *Press/News Releases and Backgrounders*.

———. ORCA Inc., "Select Drivers in the European Union in Relation to NAFO Management and Decisions," Prepared for the Advisory Panel on the Sustainable Management of Straddling Fish Stocks in the Northwest Atlantic, February 2005.

- . Parsons, Scott, "Governance of Straddling Stocks in the Northwest Atlantic: A Review of the Northwest Atlantic Fisheries Organization," Prepared for the Advisory Panel on the Sustainable Management of Straddling Fish Stocks in the Northwest Atlantic, March 5, 2005.
- . Report of the Implementation Task Force on Northern Cod (Summary), October 1990 (Ottawa: Minister of Supply and Services Canada, 1990).
- . Report of the Roundtable Forum on Improving the Management of Straddling Fish Stocks, February 20, 2003.
- . Task Force on Atlantic Fisheries, "Navigating Troubled Waters: A New Policy for the Atlantic Fisheries" (Ottawa: Minister of Supply and Services Canada, 1983).
- Emery, Claude. "Overfishing Outside the 200-Mile Limit: Atlantic Coast," *Current Issue Review* 90-6E, Research Branch, Library of Parliament, September 17, 1996.
- . *News Releases*.
- Government of Canada. "Canada's National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing," March 2005.
- House of Commons, *Debates*.
- . Standing Committee on Fisheries and Oceans, *Evidence and Reports*.
- Senate, Standing Senate Committee on Fisheries and Oceans, *Proceedings and Reports*.

## Newfoundland and Labrador, Government Publications

- Newfoundland and Labrador All-Party Committee on the 2J3KL and 3Pn4Rs Cod Fisheries. *Stability, Sustainability and Prosperity: Charting a Future for Northern and Gulf Cod Stocks*, March 17, 2003.
- News Releases* (Fisheries and Aquaculture).
- Premier Danny Williams to Prime Minister Stephen Harper, September 11, 2009.
- Trevor Taylor, Minister of Fisheries and Aquaculture, "Luncheon Address, International Conference on the Governance of High Seas Fisheries and the United Nations Fish Agreement – 'Moving from Words to Action'," May 2, 2005.

## European Community/ European Union Publications

- Council of the European Community. *Press Release*.
- Delegation of the European Commission in Canada. *Press Release*.
- Europa/Summaries of Legislation/ Glossary, Coreper, [http://europa.eu/legislation\\_summaries/glossary/coreper\\_en.htm#](http://europa.eu/legislation_summaries/glossary/coreper_en.htm#).
- European Commission to the Council, "Guidelines and Initiatives for the Development of the Common

- Fisheries Policy," June 12, 1986, COM (86) 302 final.
- European Commission. *News Releases*. European Parliament, Directorate General Internal Policies of the Union, "Fisheries in Portugal," IPOL/B/PECH/NT/2006\_04, 26/07/2006.
- . Jesús Iborra Martin, Policy Department B: Structural and Cohesion Policies, European Parliament, "The Common Fisheries Policy: Practical Guide," (Provisional version), 2009, 17.
- . *Press Release*.
- . Committee on Fisheries. Report on the Problems of the of the Fisheries Sector in the NAFO Zone.
- European Union. *News Releases*.

## Canada-European Community/ European Union Fisheries Agreements

- Agreement on Fisheries Between the Government of Canada and the European Economic Community, July 28, 1978.
- Agreement in the Form of an Exchange of Letters Between the Government of Canada and the European Economic Community, Concerning their Agreement on Fisheries, Brussels, June 28, 1979.
- Agreement in the Form of an Exchange of Letters Between the European Economic Community and the Government of Canada, Concerning the Amendment and Extension of their Agreement

on Fisheries of June 28, 1979, *Official Journal of the European Communities (OJEC)*, No. L 312, December 8, 1979.

- Agreement on Fisheries Between the European Economic Community and the Government of Canada, December 30, 1981, *OJEC*, No. L 379, December 31, 1981.
- Agreement in the Form of an Exchange of Letters Between the European Community and the Government of Canada Concerning their Fisheries Relations, 30 December 1983.
- Agreement in the Form of an Exchange of Letters Between the European Community and the Government of Canada Concerning Fisheries Relations, *OJEC* L 340, 31/12/1993.
- Agreement on Fisheries Between the Government of Canada and the European Community, April 16, 1995.

## Northwest Atlantic Fisheries Organization Publications

- Amendment to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, <http://archive.nafo.int/open/gc/2007/gcdoc07-04.pdf>.
- Annual Reports*.
- Convention on Future of Multilateral Cooperation in the Northwest Atlantic Fisheries, <http://www.nafo.int/about/frames/about.html>.
- Fisheries Commission. *Reports*.

General Council. *Reports*.  
Scientific Council. *Reports*.  
Working Group on NAFO Reform.  
*Reports*.

## Books, Chapters, Articles

- Aneiros, Adela Rey. "Spain, the European Union and Canada" A New Phase in the Unstable Balance in the Northwest Atlantic Fisheries," *Ocean Development and International Law* 42, nos. 1–2 (2011): 155–72.
- Barry, Donald. *Icy Battleground: Canada, the International Fund for Animal Welfare, and the Seal Hunt* (St. John's: Breakwater Books, 2005).
- . "The Canada-European Community Long Term Fisheries Agreement: Internal Politics and Fisheries Diplomacy," *Journal of European Integration* 9, no. 1 (Autumn 1985): 5–28.
- . "The Canada-European Union Turbot War: Internal Politics and Transatlantic Bargaining," *International Journal* 53, no. 2 (Spring 1998): 253–84.
- . "Toward a Canada-EU Partnership?" in Patrick M. Crowley, ed., *Crossing the Atlantic: Comparing the European Union and Canada* (Aldershot: Ashgate, 2004), 35–58.
- Bartleman, James. *Rollercoaster: My Years as Jean Chrétien's Diplomatic Advisor, 1994–1998* (Toronto: McClelland & Stewart, 2005).
- Blake, Raymond B. *From Fishermen to Fish: The Evolution of Canadian Fisheries Policy* (Toronto: Irwin, 2000).
- Brubaker, Elizabeth. "Unnatural Disaster: How Politics Destroyed Canada's Groundfisheries," in Terry Lee Anderson, ed., *Political Environmentalism* (Stanford, CA: Hoover Institution Press, 2000), 161–209.
- Chrétien, Jean. *My Years as Prime Minister* (Toronto: Alfred A. Knopf Canada, 2007).
- Churchill, Robin R., and Daniel Owen. *The EC Common Fisheries Policy* (Oxford: Oxford University Press, 2010).
- Clancy, Peter. "Chasing Whose Fish? Atlantic Fisheries Conflicts and Institutions," in Mark Sproule-Jones, Carolyn Johns, and Timothy Heinmiller, eds., *Canadian Water Politics: Conflicts and Institutions* (Montreal & Kingston: McGill-Queen's University Press, 2008), 261–85.
- Crosbie, John C. *No Holds Barred: My Life in Politics* (Toronto: McClelland & Stewart, 1997).
- Day, Douglas. "Tending the Achilles' Heel of NAFO: Canada Acts to Protect the Nose and Tail of the Grand Banks," *Marine Policy* 19, no. 4 (1995): 257–70.
- Etchegary, Gus. *Empty Nets: How Greed and Politics Wiped Out the World's Greatest Fishery* (Portugal Cover-St. Philip's, NL: Boulder Publications, 2013).
- Finlayson, Alan Christopher. *Fishing for Truth: A Sociological Analysis of Northern Stock Assessments from 1977–1990* (Institute of Social and Economic Research, Memorial University Social and Economic Studies, No. 52, 1994).

- Gotlieb, Allan, and Charles Dalfen. "National Jurisdiction and International Responsibility: New Canadian Approaches to International Law," *American Journal of International Law* 67 (April 1973): 229–58.
- Harris, Leslie. "The East Coast Fisheries," in Bruce Mitchell, ed., *Resource and Environmental Management in Canada: Addressing Conflict and Uncertainty* (Toronto: Oxford University Press, 1995), 130–50.
- Harris, Michael. *Lament for an Ocean: The Collapse of the Atlantic Cod Fishery, A True Crime Story*, updated ed. (Toronto: McClelland & Stewart, 1999).
- Holden, M.J., and David Garrod. *The Common Fisheries Policy*, 2nd ed. (Oxford: Fishing News Books, 1996).
- Johnson, Barbara. "Canadian Foreign Policy and Fisheries," in Barbara Johnson and Mark Zacher, eds., *Canadian Foreign Policy and the Law of the Sea* (Vancouver: University of British Columbia Press, 1977), 52–99.
- Johnson, Constance. "Fisheries Enforcement In European Community Waters Since 2002 – Developments in Non-Flag Enforcement," *International Journal of Marine and Coastal Law* 23 (2008): 249–70.
- Joyner, Christopher and Alvarez von Gustedt. "The Turbot War: Lessons for the Law of the Sea," *International Journal of Marine and Coastal Law* 11, no. 4 (November 1996): 425–58.
- Leigh, Michael. *European Integration and the Common Fisheries Policy* (London: Croom Helm, 1983).
- Lequesne, Christian. "Fisheries Policy: Letting the Little Ones Go?" in Helen Wallace, William Wallace, and Mark A. Pollack, eds., *Policy-Making in the European Union*, 5th ed. (New York: Oxford University Press, 2005), 353–76.
- Martin, Lawrence. *Iron Man: The Defiant Reign of Jean Chrétien* (Toronto: Viking Canada, 2003).
- McDorman, Ted L. "Canada's Aggressive Fisheries Actions: Will They Improve the Climate for International Agreements?" *Canadian Foreign Policy* 2, no. 3 (Winter 1994/95): 5–28.
- Moravcsik, Andrew. "Integrating International and Domestic Theories of International Bargaining," in Peter B. Evans, Harold K. Jacobson, and Robert D. Putnam, eds., *Double-Edged Diplomacy: International Bargaining and Domestic Politics* (Berkeley: University of California Press, 1993), 3–42.
- Parsons, L. S. *Management of Marine Fisheries in Canada*, Canadian Bulletin of Fisheries and Aquatic Sciences, No. 225, 1993.
- Potter, Evan H. *Transatlantic Partners: Canadian Approaches to the European Union* (Ottawa and Kingston: McGill-Queen's University Press, 1999).
- Putnam, Robert B. "Diplomacy and Domestic Politics: The Logic of Two-Level Games," *International Organization* 42, no. 3 (Summer 1988): 427–60.
- Rose, Alex. *Who Killed the Grand Banks? The Untold Story Behind the Decimation of One of the World's Greatest Natural Resources* (Mississauga, ON: John Wiley & Sons Canada, 2008).

- Rose, George A. *Cod: The Ecological History of the North Atlantic Fisheries* (St. John's: Breakwater Books, 2007).
- Seijas, Victor Vázquez. "The Future for Fisheries-Dependent Communities: The Fisheries Dependent Region of Galicia," *Journal of Northwest Atlantic Fisheries Science* 23 (October 1998): 175–84.
- Schrank, William E. "The Newfoundland Fishery: Ten Years After the Moratorium," *Marine Policy* 29, no. 5 (2005): 407–20.
- Sullivan, Karl M. "Conflict in the Management of a Northwest Atlantic Transboundary Stock," *Marine Policy* 13, no. 2 (April 1989): 118–36.
- Tobin, Brian. *All in Good Time* (Toronto: Penguin Canada, 2002).
- Winham, Gilbert R. "International Negotiation in an Age of Transition," *International Journal* 35, no. 1 (1979/1980): 1–20.

## Theses

- Edwards, Robert H. "The 1995 Canada-European Union Turbot Crisis: Canada's Use of Force in Fisheries Diplomacy," MA, Dalhousie University, 1996.
- Gough, Adam. "The Turbot War: The Arrest of the Spanish Vessel *Estai* and its Implications for Canada-EU Relations," MA, University of Ottawa, 2009.

## Non-Governmental Organizations

- Cox, Bruce (Executive Director, Greenpeace Canada) to Prime Minister Paul Martin, July 25, 2005.
- Greenpeace. "The Northwest Atlantic Fisheries Organization: a case study in how RFMO's regularly fail to manage our oceans," June 2005:
- Rosenberg, Andrew, Marjorie Mooney-Seus, and Chris Nannes. "Bycatch on the High Seas: A Review of the Effectiveness of the Northwest Atlantic Fisheries Organization" (Toronto: World Wildlife Fund – Canada, 2005).
- Rosenberg, Andrew A., et al. "High Seas Reform: Actions to Reduce Bycatch and Implement Ecosystem-Based Management for the Northwest Atlantic Fisheries Organization" (Toronto: World Wildlife Fund, July 2006)
- World Wildlife Fund. "Cod overfished in the North-West Atlantic despite ban," *News Article*, September 20, 2005.

## Other Sources

- Applebaum, Bob. "Notes for a Talk in St. John's," July 23, 2007.
- Association of Seafood Producers. *News Release*.
- Conservative Party of Canada. "The True North Strong and Free: Stephen Harper's Plan for Canadians," 2008.

Institute of Fisheries and Marine  
Technology. "Conference on the  
Conservation and Management of  
the Living Resources of the High  
Seas," St. John's, NL, September  
5–7, 1990.

Rowat, W.A., Scott Parsons, Bob  
Applebaum, and Earl Wiseman.  
Letter to Prime Minister Stephen  
Harper, September 20, 2009.

## Newspapers

*Calgary Herald* (Calgary, AB)  
*Chronicle Herald* (Halifax, NS)  
*Daily News* (St. John's, NL)  
*Evening Telegram/Telegram* (St. John's  
NL)  
*Financial Post* (Toronto, ON)  
*Financial Times* (London, UK)  
*Gazette* (Montreal, QC)  
*Globe and Mail* (Toronto, ON)  
*The Guardian* (London, UK)  
*National Post* (Toronto, ON)  
*New York Times* (New York, NY)  
*The Nor'wester* (Springdale, NL)  
*Ottawa Citizen* (Ottawa, ON)  
*The Packet* (Clareville, NL)  
*Southern Gazette* (Marystown, NL)  
*Telegraph-Journal* (St. John, NB)  
*The Times* (London, UK)  
*Times Colonist* (Victoria, BC)  
*Times & Transcript* (Moncton, NB)  
*Toronto Sun* (Toronto, ON)  
*Toronto Star* (Toronto, ON)  
*Western Star* (Cornerbrook, NL)  
*Yahoo News*

## Other News Sources

*Canada.com News*  
*Cbc.ca/news*  
*Canadian Press Reports*  
*Europe*  
*European Report*  
*Sources Say*

## Trade Publications

*Eurofish Report/WorldFish Report*  
*FISHupdate.com*  
*National Fisherman*  
*Fishing News*





---

# INDEX

---

## A

Advisory Panel on the Sustainable Management of Straddling Fish Stocks in the Northwest Atlantic, 95, 97–98  
Anderson, David, 78  
Andriessen, Frans, 41, 45  
Applebaum, Bob, 107, 108, 109, 111–12  
Arctic Waters Pollution Prevention Act, 53  
Association des Industries de Pêche, 78  
Atlantic Fisheries Adjustment Program, 44, 77  
Atlantic Groundfish Strategy, 77  
*Avirense*, 92, 102

## B

Balladur, Édouard, 68  
Bartleman, James, 60, 61, 66, 71–72  
Beesley, Alan, 42  
Blake, Raymond, 119  
Bonino, Emma, 57, 58, 64, 66–67, 70, 72  
Borg, Joe, 102, 111  
Bourgon, Jocelyne, 60  
*Brites*, 92, 102  
Brittan, Leon, 56, 59–60, 64, 73  
Brubaker, Elizabeth, 2

## C

Canada  
    authority over fisheries, 4  
    extension of fisheries jurisdiction, 2, 14  
    fisheries agreements, phases, 15–16  
    and fisheries enforcement, 3–4, 87, 91, 92, 93, 95–96, 122–23  
Canada-EU fisheries agreement (1992), 51–52, 119  
Canada-Newfoundland and Labrador Action Team on Cod Recovery, 88–89  
Canada-Portugal fisheries agreements, 30–31, 100  
Canada-Spain fisheries agreements, 30–31, 80  
Canadian Atlantic Fisheries Scientific Advisory Committee, 38, 40, 43, 46, 49  
Canadian Council of Fisheries and Agriculture Ministers, 87  
Canadian Fisheries Adjustment and Restructuring Program, 77  
Cavaco Silva, Anibal, 50, 72  
Chapman, Bruce, 162n36  
Chrétien, Jean  
    and Arctic Waters Pollution Prevention Act, 53

- and Brian Tobin, 60–61, 71–72, 120
- and Canada-EU relations, 73–74
- and foreign overfishing, 53, 54
- and Newfoundland's demand to renegotiate terms of union, 88
- and Turbot War, 59, 66, 71–72
- Clark, Joe, 40, 44, 45
- Coalition for Custodial Management, 85
- Coastal Fisheries Protection Act, 54, 60, 62–63, 74
- Regulations, 54, 59, 60, 69, 74, 92
- Collenette, David, 60
- Common Fisheries Policy
  - creation of, 16
  - decision making, 5
  - enforcement, 6–7, 48, 86, 92–93, 151n51
  - external dimension, 17, 31–32, 80
  - impact of Portuguese and Spanish accession, 31–32
  - policy areas, 5, 16–17
  - reform of, 5, 46, 80, 84–85, 89
  - role of Committee of Permanent Representatives, 6
  - role of Council of Ministers, 5–6
  - role of European Commission, 6
  - role of European Parliament, 6, role of member states, 6–8
  - and subsidiarity principle, 7, 103–4
- Community Fisheries Control Agency, 7
- Conference of World Fisheries Ministers, 49
- Conference on the Conservation and Management of Living Resources in the High Seas, 45
- Crosbie, John
  - closure of northern cod fishery, 51
  - and EU overfishing, 38, 40, 41, 42–43, 45, 46, 47–48, 50
  - and fisheries agreement with the EU (1992), 51–52
  - and northern cod TAC, 38–39
  - support for high seas protest, 49

- custodial management
  - calls for, 5, 12, 35–36, 39, 44, 50, 83–84, 85, 87, 88, 91–92, 94, 95, 96, 100, 122, 123
  - definitions of, 5, 83–84, 96
  - and Harper government, 101, 104, 111, 112
  - and proposed new NAFO Convention, 109, 110, 112
  - rejection of, 36, 84, 88, 96, 97

## D

- De Bané, Pierre, 27
- Delors, Jacques, 43, 50

## E

- Ecosystem approach to fisheries management, 97, 102, 106
- Efford, John, 78
- Estai*, 61, 62–63, 64, 65, 66–67, 69, 70–71, 120–21
- Etchegary, Gus, 97
- European Union
  - institutions of, 5–6
  - lowers tariff on shrimp, 78, 104. *See also* Common Fisheries Policy
  - nomenclature, 137n3
- EU-Canada Bilateral Scientific Observer Agreement, 35

## F

- Faroe Islands
  - access to Canadian ports, 83, 89, 95
  - fishing violations, 80, 86
  - and NAFO observer program, 90–91
  - shrimp fishery, 94, 153–54n6
- Fischler, Franz, 80, 84, 89, 91
- Fisheries Community Alliance of Newfoundland, 108, 111
- Fish, Food and Allied Workers Union, 22, 49, 58, 59, 85

Fisheries Association of Newfoundland and Labrador, 22, 85  
Fisheries Council of Canada, 36, 78  
Fisheries Products International, 39, 43, 49  
F<sub>max</sub> fisheries management strategy, 32–33, 40–41  
F<sub>0.1</sub> fisheries management strategy, 9, 15, 32, 35, 40–41  
Fraser, John, 30, 34

## G

G7 Summit, 45  
G8 Summit, 93  
General Agreement on Tariffs and Trade, 18  
Gezelius, Stig, 118  
Giola, Gianluigi, 151n52  
Goldenberg, Eddie, 60  
González, Felipe, 41, 45, 63, 66, 68  
Governance of High Seas Fisheries and the United Nations Fish Agreement – Moving from Words to Action, 95, 96–97  
Grand Banks, location of, 8  
Greenland  
    access to Canadian posts, 89, 95  
    salmon harvest off, 18, 19, 21, 22–23  
Greenland halibut. *See* turbot  
Greenpeace, 42, 98  
Grimes, Roger, 88

## H

hail system, 48  
Harper, Stephen, 100, 111  
Harris, Leslie, 38–39, 46  
Hearn, Loyola  
    and custodial management, 83, 85, 91–92, 100  
    and enforcement, 102, 103–4  
    equates custodial management with NAFO reform, 101  
    and former fisheries officials, 108, 109  
    and NAFO, 94

Helms-Burton Act, 74  
House of Commons, vote on proposed new NAFO Convention, 113  
House of Commons, Standing Committee on Fisheries and Oceans  
    government response to reports, 87–88  
    reports, 83–84, 88, 100, 112–13  
Hulan, Bud, 59

## I

Implementation Task Force on Northern Cod, 46  
internal politics  
    and EU's challenge to NAFO, 122–23  
    importance of, 4–5, 115  
    and long-term agreement on fisheries, 115–18  
    and Portuguese and Spanish accession to EU, 118–19  
    and proposed new NAFO Convention, 123–24  
    and Turbot War, 119–122  
International Commission for the Northwest Atlantic Fisheries, 1–2, 14–15, 16  
International Court of Justice, 54, 72  
International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, 95–96

## J

*Joana Princesa*, 89, 102  
Johnson, Barbara, 5

## K

Kirby Commission. *See* Task Force on Atlantic Fisheries  
Krenzler, Horst, 65, 66  
*Kristina Logos*, 54

## L

Lequesne, Christian, 4, 5  
long-term agreement on fisheries, 2–3, 11, 17  
    allocations continued, 33–34  
    implementation problems, 25–27  
    interim accords, 18–19  
    negotiation of, 17–18, 20–25  
    provisions of, 21, 25  
    resolution of, 27  
    termination of, 34–35, 36  
    West German fleet's challenge to, 29–30

## M

Major, John, 68  
Marin, Manuel, 40, 41–42, 44–45, 46–48, 50  
Martin, Paul, 93, 96, 100  
May, Arthur, 95, 108–109  
McCurdy, Earle, 58–59, 62, 85, 87, 112, 162n36  
McGuinness, Patrick, 162n36  
Mifflin, Fred, 76, 78  
Mitterand, François, 41  
Morgan, Jim, 26  
Mulroney, Brian, 41, 43, 44–45, 49, 50

## N

National Sea Products, 39, 43, 49  
Newfoundland and Labrador  
    attitudes toward foreign fishing, 5  
    economic importance of fisheries, 4–5  
North Atlantic Fisheries Ministers Conference, 74, 84, 98  
Northeast Atlantic Fisheries Commission, 103, 105–6  
northern cod  
    Canadian management of, 9, 14, 30, 35  
    closure of northern cod fishery, 51  
    decline of, 2, 3, 38–39, 40, 44, 46, 49  
    EU acknowledgment of, 51, 69  
    importance of, 1, 14  
    NAFO agreement on, 76  
Northern Cod Review Panel, 38–39, 40, 43, 44, 46  
Northwest Atlantic Fisheries Organization (NAFO)  
    annual compliance assessments, 86, 93–94  
    approval of proposed new NAFO Convention, 110  
    calls for NAFO reform, 95–98  
    Canada's approach, 101  
    Canadian and EU approaches to, 93–94  
    Canadian and EU reports on, 85–86, 89–90  
    challenges facing NAFO, 113–14.  
    changes to proposals, 109–10  
    changes to, 75–76  
    comparison to 1979 Convention process, 105  
    consistency provision, 9, 139n18  
    creation of, 2, 99–100  
    criticism of and Canadian government's response, 110, 111–12  
    decision making, 9  
    dispute settlement, 106–107  
    enforcement, 10  
    EU in lead role, 99–100, 101  
    EU use of, 33, 35, 36, 38, 43, 47, 48–49, 51, 59  
    Helsingor meeting, 81–83  
    Joint Enforcement Scheme, 34, 35, 37  
    Joint Inspection Scheme, 37  
    management inside 200 miles, 106, 108  
    members of, 8, 127  
    NAFO Regulatory Area, 8, 125  
    new control and surveillance measures, 10, 99, 103–4, 123  
    Newfoundland government and fishing industry's views of ratifications, 5, 110–11, 123  
    objection procedure, 9, 10  
    pilot project, 90–91  
    ratifications of, 10, 113  
    role of, 8–9  
    significance of, 110, 122  
    Spain and Portugal views of, 110, 124

special consideration provision, 9,  
139n18  
structure of, 9  
voting formula, 106  
weaknesses of, 9–10  
Working Group on NAFO Reform, 99,  
105  
working group proposals, 106–7

## O

O’Rielly, Alastair, 85, 87  
Ouellet, André, 60, 73

## P

Paleocrassas, Yannis, 56  
Parsons, Scott, 109, 111–12  
Peckford, Brian, 24, 35–36, 39  
*Pescamaro Uno*, 66, 68, 120, 121  
Portugal, economic importance of  
fisheries, 8  
fisheries agreements with Canada,  
30–31, 100  
fishing violations, 12, 35, 48, 56, 57, 80,  
85–86, 89, 92–93, 97, 102, 113–14  
impact on EU’s NAFO policy, 3, 11,  
31–32  
joins EU, 31–32  
view of Canadian policy, 32  
Precautionary principle, 78, 79, 94, 106  
Prodi, Romano, 74  
Putnam, Robert, 115

## R

Recreational fishery, 79  
Regan, Geoff, 91, 92, 94, 95, 97, 98, 100  
Reid, Gerry, 82, 83, 84, 87  
relative stability, 42, 146n35  
Rey Aneiros, Adela, 10, 103, 124  
Rideout, Tom, 37, 102  
Rompkey, William, 104

Round-Table Forum on Improving the  
Management of Straddling Fish  
Stocks, 88  
Rowat, William, 61, 66, 67, 107, 109, 111–12,  
151n52  
Roy, Jacques, 58, 59–60, 62, 72, 151n52

## S

St. Pierre and Miquelon boundary issue,  
36, 39–40  
*Santa Mafalda*, 89, 97  
Santer, Jacques, 60, 61, 66, 67, 70, 73, 74  
Schmidt, Helmut, 24  
Schrack, William, 39  
seal hunt, 26, 27  
Shea, Gail, 111, 112  
Siddon, Tom, 34, 38, 40  
Smith, Gordon, 60, 61, 65, 66, 67, 151n52  
Solana, Javier, 64, 70  
Spain  
complaint to International Court of  
Justice, 63, 72, 152n72  
economic importance of fisheries, 7–8  
fisheries agreements with Canada,  
30–31, 80  
fishing violations, 35, 48, 56–57, 80,  
85–86, 91–92, 104, 113–14  
Galicia, role in fisheries, 7–8  
impact on EU’s NAFO policy, 3, 11,  
31–32  
joins EU, 31–32  
view of Canadian policy, 32, 45  
Spanish Fishing Association, 114  
Standing Senate Committee on Fisheries  
and Oceans, reports, 104, 107–8,  
112–13  
straddling stocks  
defined, 8  
threat to, 29–30  
Sullivan, Loyola, 111

## T

- Task Force on Atlantic Fisheries (Kirby Commission), 20, 38
- Taylor, Trevor, 94, 96–97
- Thatcher, Margaret, 24
- Thibault, Robert, 82, 84, 85, 87, 88, 89
- Thorn, Gaston, 23
- Tobin, Brian
  - appointed fisheries minister, 53–54
  - builds case against *Eatsi*, 63, 64–65, 67
  - declares turbot fishing moratorium, 61 and fisheries conservation, 58, 62, 64–65 and Jean Chrétien, 60–61, 71–72, 120
  - lays groundwork for firm response on turbot, 59
  - and North Atlantic Fisheries Ministers Conference, 74
  - presses EU on fishing violations, 56–57
- Treaty of Lisbon, 6
- turbot stock
  - brought under NAFO, 54–55
  - decline of, 55–56
  - increase in TACs and quotas, 79, 81–82, 86
  - rebuilding program, 91, 94
  - state of 55
- Turbot War
  - agreement reached, 71–72
  - approved by NAFO, 73
  - arrest of *Estai*, 61
  - Canada makes conservation case, 58, 62, 64–65, 72
  - Canada, government and public opinion, role of, 120
  - EU Council, role of, 121
  - EU makes legal case, 62, 64, 72
  - EU sets unilateral quota, 59
  - EU solidarity tested, 63–64, 67–68, 70, 121
  - European Commission, role of, 120–21
  - fishing violations of *Estai*, 63, 64
  - NAFO TAC and quota decisions, 56, 57–58

- negotiations, 61, 63–66, 68–71
- plans delayed for closer Canada-EU cooperation, 72–73, 74–75
- release of *Estai*, 64–65
- Spain, government and public opinion, role of, 120

## U

- United Fishermen of Newfoundland, 49
- United Nations Conference on the Environment and Development (Earth Summit), 45, 49, 50, 51
- United Nations Conference on Straddling Stocks and Highly Migratory Fish Stocks, 45, 51, 66, 73, 152–53n77
- United Nations Convention on the Law of the Sea, 10, 14, 49, 107
- United Nations Fish Agreement, 10, 51, 73, 79–80, 92, 96, 105, 106, 107, 112–13, 158n60
- United Nations Food and Agriculture Organization, 77. 95–96
- United Nations Law of the Sea Conference, 2

## V

- Valcourt, Bernard, 44–45, 46, 47
- Vessel Satellite Monitoring, 78, 79, 89
- Vigo Ship Owners Association, 66

## W

- Wells, Clyde, 48, 49, 50, 54, 59
- Williams, Danny, 85, 95, 96, 111
- Winham, Gilbert, 115
- Wiseman, Earl, 107, 109, 111–12
- World Trade Organization, 78–79
- World Wildlife Fund, 87, 98, 99–100, 102–3



*Fishing for a Solution* provides a detailed, policy-based account of the development of Canada's fisheries relations with the European Union (EU). It covers over 35 years of this contentious relationship, including the extension of Canada's fisheries jurisdiction to 200 miles in 1977, the subsequent creation of the Northwest Atlantic Fisheries Organization (NAFO) in 1979, and the development of a proposed new NAFO Convention in 2007 that still awaits formal approval as of 2014. Based on the experience of participants from inside the various negotiations and debates, the book delves deeply into the impact of internal politics on international fisheries negotiations. *Fishing for a Solution* is relevant for anyone interested in the inner workings of Canadian foreign policy or in the complexities of managing international resource agreements. It offers a unique perspective on the development of Canada-EU fisheries relations, blending the insights of a long-time observer of Canadian diplomacy with those of two former senior public servants who headed the International Affairs Directorate of Canada's Department of Fisheries and Oceans.

**DONALD BARRY** is Professor Emeritus of Political Science at the University of Calgary. He is the author of *Icy Battleground: Canada, the International Fund for Animal Welfare, and the Seal Hunt* (2005).

**BOB APPLEBAUM** was Director General of the International Affairs Directorate at the Government of Canada Department of Fisheries and Oceans from 1983 to 1995.

**EARL WISEMAN** was Director General of the International Affairs Directorate at the Government of Canada Department of Fisheries and Oceans from 1995 to 2002.

CENTRE FOR MILITARY  
AND STRATEGIC STUDIES



UNIVERSITY OF CALGARY  
Press

[ucalgary.ca/ucpress](http://ucalgary.ca/ucpress)