



DFO surveillance plane in action.

Paul Daly/The Independent

Management options

By Alisha Morrissey
The Independent

Calls within Canada for Ottawa to take custodial management of the Grand Banks are based on one unique geographical fact: the continental shelf extends beyond the 200-mile limit.

The fishing zones off most coastal nations fall within their territorial waters. That's not the case with the Grand Banks. Migratory stocks such as cod don't recognize imaginary dotted lines on maps and are caught by foreign trawlers once they cross over into international waters.

The Northwest Atlantic Fisheries Organization (NAFO) is tasked with managing fish sticks outside 200 miles, but it's seen as toothless, unable to enforce the quotas it sets — which is where custodial management would come into play.

Canada would manage fish stocks in international waters on behalf of other fishing nations.

Art May, former deputy minister of the federal Department of Fisheries and Oceans (DFO) and the first chairman of NAFO, says the simple fact the nose and tail of the Grand Banks extend beyond 200 miles isn't enough reason to implement custodial management.

"Because Canada has a unique problem other people are not that interested. Here's the attitude internationally: 'Canadians, why are you so greedy? You've got a 200-mile limit on your West Coast, you've got a 200-mile limit on your East Coast, it covers 90 per cent of the shelf — go away.' I mean you just cannot generate the interest," May tells *The Independent*.

May, who helped draw up a 2005 report on straddling fish stocks in the northwest Atlantic, says that while custodial management isn't an actual legal term, with time and effort it could become reality.

"Now there are ways to make it an international legal concept, but it would take ... a really long time of calling United Nations conferences and that kind of thing," he says. "(If) you impose it unilaterally ... that means you're prepared to defend it sending out the navy, firing shots in anger, people get killed, ships get sunk. The potential consequences of going it unilaterally are very serious so if you want something like custodial management you have to put it on the table and push for it in the international legal regime. That has never been done."

Dalhousie University provided a legal opinion to the 2005 straddling stocks report that suggested Canada would lose a court battle over custodial management because of the law of the sea contract, which Canada has signed.

May says Canada could abandon NAFO in favour of negotiating a new management regime with the 13 NAFO member countries.

"That might be easier to do, though not easy to do. I want to emphasize that anything you do out there is going to take years but we've done nothing for the last 20," May says.

"Personally I'm not at all sure that you'd get much receptivity to the notion of custodial man-

Keeping count

1996	12
1997	13
1998	16
1999	17
2000	26
2001	27
2002	32
2003	23
2004	15
2005	30
2006 (to date)	6
Total	217

Source: Federal Department of Fisheries and Oceans.

agement, but I think you would to the idea of writing a new international convention for the northwest Atlantic."

Critics say Canada shouldn't be allowed the opportunity to take control of the continental shelf because of the poor management regime within its own waters.

Daniel Pauly, a fish stock researcher with the University of British Columbia, says Canada must lead by example, but doesn't convincingly play the conservationist role internationally.

"If you want to be convincing that you are a good steward of the resource and that you should be in charge of this extended shelf, you should do a good job in your own waters that you are already in charge of," he says. "To criticize foreigners of fishing in this bit of shelf that reaches outside of the (200-mile limit), always harping about this, while 90 per cent of the shelf is in Canadian jurisdiction and the resource is not in good shape there, it is not convincing."

Pauly says Canada simply doesn't have a case for custodial management.

"The extension should be not because Canada can, but because Canada does a better job than the countries that exploit this."