

Office of the Ambassador
for Fisheries Conservation (NEX)
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COMMENTS/COMMENTAIRES:

As discussed, attached for your consideration is a proposed opinion which NEX would commission:

Given the implementation in May 1994 of amendments to the Coastal Waters Fisheries Protection Act and Canada's entering a reservation with the ICJ, would ratification of UNCLOS or eventually a new high seas fisheries convention (which is likely to have the same third party settlement provisions), expose Canada to an action before the Law of the Sea Tribunal.

We would propose that the opinion would require 20 billable hours at a suitable agreed rate.

If you could indicate whether preparing this opinion would be in conflict with your work with Nfld and your proposed rate, I will prepare the contract for Paul Lapointe's consideration on Friday. It would also be possible, should you wish to do so, to postpone this contract until after the August UN Conference Session.

Wendell Sanford/NEX

MEMORANDUM TO
FISHERIES AND OCEANS
OTTAWA

January 17, 1994
REFERENCE: Contract # NCR 93-912

ADDENDUM:

It should be noted that paragraph 1 of Article 308 of the Law of the Sea Convention provides:

"1. This Convention shall enter into force 12 months after the date of deposit of the sixtieth instrument of ratification or accession."

Since Canada is not one of the sixty states which have now ratified the Convention, paragraph 2 of Article 308 should also be noted, which provides:

"2. For each State ratifying or acceding to this Convention after the deposit of the sixtieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day following the deposit of its instrument of ratification or accession, subject to paragraph 1."

Comment:

If Phases I and II of the Contract Study have been referred to other interested departments, as recommended in the study, this addendum should similarly be referred.

Victoria, B.C.

J. Alan Beesley