

Alþingi

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 UTANRÍKISRÁÐUNEYTIÐ
 REYKJAVÍK

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Dags.: 07.12. 1996		Tilv. vor:		Bl.fjöldi: 1 + 1	
Efni:					
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Sendandi: Skrifstofa Þjóðréttarfræðings Tómas H. Heiðar		Sími: 560-9934	Fax: 560-9979	Sími (ef síður vantar):	
Sent: 07.12. 1996		Af:		Tilv. yðar:	

Meðfylgjandi er yfirlitslisti frá kanadíska sjávarútvegsráðuneytinu yfir hugsanlegar breytingar sem gera þarf á þarlandri löggjöf til að unnt verði að fullgilda úthafsveiðisamninginn af hálfu Kanada. Enn er unnið að einstökum breytingartillögum og hafa þær ekki enn verið lagðar fyrir þingið. Eru þær því trúnaðarmál og ekki til dreifingar. Stefnt er að því að þingið afgreiði umræddar lagabreytingar fljótlega á næsta ári og að úthafsveiðisamningurinn verði fullgiltur af hálfu Kanada með vorinu.

Með kveðju, Tómas.

ATH. Línnig sent Árna Kolbeinssyni, sjávarútvegsráðuneytinu.

SAMPLE LIST OF POTENTIAL AMENDMENTS
TO DOMESTIC LEGISLATION
NECESSARY TO RATIFY
UNITED NATIONS FISH AGREEMENT (UNFA)

- Definitions of "regional fisheries management organizations" and other terms
- Extension of Canadian enforcement authorities powers to the high seas as per UNFA
- Establishing sanctions against Canadian masters for violations of regional conservation and management measures
- Provision to allow for use of force as required by enforcement officers as per Criminal Code.
- Authority to board and search vessels of UNFA Parties or those applying UNFA provisionally, where vessel involved in unauthorized fishing in Canadian waters is now on the high seas (not hot pursuit situation)
- Authority to grant permission to foreign State (UNFA Parties or those applying it provisionally) to take and maintain control of Canadian vessels in situations specified by UNFA
- Provision to allow Canadian enforcement authorities to board and inspect vessels of UNFA Parties or those provisionally applying it for compliance with regional conservation and management measures
- In cases where reasonable grounds exist to believe violation to conservation and management measures has been committed, provision to allow Canadian enforcement authorities to board, inspect, secure evidence and, if serious violation found, remain on board vessel of UNFA Parties or those provisionally applying it
- Provision to allow Canadian enforcement authorities to take and maintain control of vessel, including bringing it into port, at end of 3 working days if flag State has not responded or not taken action
- Elaboration of a review mechanism as regards detention of vessel once enforcement authorities have taken control of the vessel
- Enforcement powers relevant to a vessel in port which has breached conservation measures on high seas
- Requirement for Canadian crew to cooperate with UNFA Parties or those applying it provisionally (to be provided by regulations) and prohibiting it from obstructing enforcement authorities
- Provision for recovery of custodial costs against vessel or owner for detention of foreign vessel