French Fishing Rights in Canadian Waters: The 1986 La Bretagne Arbitration

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1 Introduction

Saint-Pierre and Miquelon, a collection of small islands located 12 miles from the south coast of the Canadian province of Newfoundland, are the footnote to the eighteenth-century French possession of much of North America. When France relinquished its colonial possessions in 1763, Great Britain ceded to France Saint-Pierre and Miquelon "to serve as a shelter to the French fishermen". Since 1763 the fishing rights of the French in Canadian coastal waters have been protected by several treaties.

In 1972 Canada and France modernized the century-old obligations with the conclusion of a new agreement on mutual fishing relations. Canada agreed that in the event of an extension of fishing zones beyond the then-existing 12 nautical miles, French nationals would have the right to fish in these waters subject to Canadian quota control.

The area of major concern for Canada was the Gulf of St. Lawrence. In 1971 Canada, by use of a fishery closing line, announced its intention to

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4 In 1964 Canada put in place a 9 nautical mile fishing zone in addition to the traditional 3 nautical mile territorial sea. In 1970 the fishing zone was subsumed by a 12 nautical mile territorial sea. Territorial Seas and Fishing Zones Act, RSC 1970, c. T-7, as amended RSC 1970 (1st Supp.), c. 45, s. 3(1).

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remove foreign vessels from the Gulf. As part of Canada’s policy of “phasing-out” foreign fishing from the Gulf of St. Lawrence the 1972 Agreement permitted vessels from Metropolitan France to continue to fish in the Gulf until May 1986. How-
