

The Turbot War



The Canadian Department of Fisheries and Oceans (DFO) was directed by the minister and the federal cabinet to demonstrate Canadian resolve on the issue of European Union ships not following Canadian or international laws by "making an example" of a European Union fishing vessel. On March 9 offshore patrol aircraft indicated a likely candidate and several armed DFO offshore fisheries patrol boats, along with Canadian Coast Guard and navy support, pursued the Spanish stern trawler *Estai* in international waters outside Canada's 360 fishing zone. The *Estai* cut its weighted trawl net and fled, resulting in a chase which stretched over several hours and ended only after the Canadian patrol vessels used high-pressure fire-fighting water cannons and finally the firing of a .50 calibre (12.7 mm) machine gun across the bow of the *Estai*. Armed DFO and RCMP officers boarded the vessel in international waters on the Grand Banks and placed it and its crew under arrest.

The DFO patrol, Coast Guard and navy vessels searched for and were able to successfully retrieve the *Estai*'s net which had been cut. It was quickly determined that the Spanish vessel had been using an illegal net, with openings that were far smaller than international regulations allowed for turbot fishing. The *Estai* was towed to St. John's, arriving with great fan-fare across the province and region – and the country. Canada's federal court processed the case and the charges against the crew while Spain and the European Union protested vehemently, threatening boycotts against Canada and wishing to have the case heard at the International Court of Justice.

Tobin and his department ignored the controversy and instead had the huge illegal trawl net which the *Estai* had cut free, such nets sometimes can stretch for up to 30 nautical miles (56 km) in length, shipped to New York City where Tobin called an international press conference onboard a rented barge in the East River outside the United Nations headquarters. There the net from the *Estai* was displayed, hanging from an enormous crane, and Tobin used the occasion to shame the Spanish and EU governments, pointing out the small size of the holes in the illegal net. Spain never denied that the net was from the *Estai* but continued to protest Canada's use of "extra-territorial force". The Spanish government asked the International Court of Justice in The Hague, Netherlands for leave to hear a case claiming Canada had no right to arrest the *Estai*. However, the court later refused the case.

