



*American Model United Nations*  
**International Court of Justice**

## **Fisheries Jurisdiction - Spain v Canada**

**ARGUED: 19 November 2018**

**DECIDED: 20 November 2018**

1           The Concurring Opinion was signed and agreed to by Justice Edgerton.

2           The Court was asked to deliver a judgment on whether the actions of the Canadian Federation against the  
3 Kingdom of Spain's fishing vessel, the Estai, is considered illegal under international law, and whether the Court has  
4 jurisdiction to rule on such a matter.

5           I agree with the majority opinion that the court does not have jurisdiction in this case but for differing  
6 reasons.

7           I agree with the majority that Canada should abide by the United Nations Convention on the Law of the  
8 Sea that was signed by Canada in 1993. Yet with the failure to ratify, Canada cannot be held accountable for  
9 the violation of such law. Until Canada ratifies the law, the law is not legally binding and this court cannot incur  
10 judgment upon Canada under such law.

11           If Canada had ratified the United Nations Convention on the Law of the Sea before this incident took place,  
12 I would have agreed to the majority opinion.

13           I advise that Canada ratify the United Nations Convention on the Law of the Sea and out of good faith  
14 return the impounded boat back to their rightful owners.

*Signed By*

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Justice Donald Edgerton