

## PART III. SUPERVISION OF FOREIGN VESSELS ON THE HIGH SEAS

### CHAPTER I. FISHERY TREATIES AND SUPPLEMENTARY LEGISLATION

#### I. North Sea Fisheries [1]

(a) CONVENTION FOR REGULATING THE POLICE OF THE NORTH SEA FISHERIES, 1882  
[No change]

(b) DECLARATION RESPECTING THE NORTH SEA FISHERIES

*Signed at Brussels, 2 May 1891, by Belgium and the United Kingdom; "Halsbury's Statutes of England", 2nd edition, volume 10, p. 234.*

The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the Government of His Majesty the King of the Belgians, being desirous of simplifying the procedure for the settlement of differences between British and Belgian fishermen in the North Sea outside territorial waters, and of reducing as much as possible the injuries they may sustain from the fouling of their fishing gear, have agreed upon the following provisions:

*Article I.* Whenever a complaint involving a claim for damages shall be preferred by a fisherman of one of the two countries against a fisherman of the other country, it shall be referred for preliminary inquiry—in Belgium, to a Commission composed of, at least, two officers appointed by the Minister of Railways, Posts, and Telegraphs; in the United Kingdom, to a Commission also composed of, at least, two officers appointed by the Board of Trade; these officers shall hold their inquiry at the place where the allegations of the complainants can most easily be verified.

*Article II.* No complaint shall be transmitted either to the British or to the Belgian Government, as the case may be, unless:

1. The Commission has recognized it as well founded;
2. Such fishermen as are specified by the Commission engage themselves to appear in person in case they should be summoned to give evidence.

*Article III.* The complaints must be accompanied by:

1. A Report from the Commission of Inquiry;
2. A certificate from this Commission, verifying the ownership of the lost or injured fishing gear;
3. A certificate of an expert nominated (as the case may be), in the United Kingdom by the Board of Trade, in Belgium by the Minister of Railways, Posts, and Telegraphs, and giving an estimate of the damages in money value.

These certificates must be forwarded through the proper diplomatic channel, and shall be received as evidence unless the contrary is proved.

*Article IV.* When a fisherman fouls or otherwise interferes with the fishing gear of another fisherman he shall take all necessary measures for reducing to a minimum the injuries which may result to the gear or to the boat of the other fisherman.

*Article V.* In the Kingdom of Belgium the tribunal which has cognizance of an infraction of the North Sea Fisheries Convention of the 6th May 1882, or of Article 4 of the present Declaration, shall be empowered to award damages for

injury to person or property at the request of the injured party and at the suit of the Official Prosecutor.

The execution of awards of damages shall be effected, on the application of the Official Prosecutor, by the competent Administration, which will advance the costs and recover them from the condemned parties according to the usual process of law in such cases.

In the United Kingdom the court before which proceedings are taken for the above-mentioned infractions shall be empowered, at the suit of the Official Prosecutor on the request of the injured party, to award damages for injury to person or property, and the Official Prosecutor shall, at his own cost, recover the sum so awarded, or so much thereof as is possible, from the parties liable.

The amount of damages recovered, as stipulated above, shall be remitted free of cost to the injured party through the proper diplomatic channel.

*Article VI.* The High Contracting Parties engage to take, or to propose to their respective Legislatures, the necessary measures for insuring the execution of the present Declaration, and especially for punishing, either by fine or imprisonment, or both, persons who may contravene article IV.

*Article VII.* The present Declaration shall be ratified, and the ratification shall be exchanged at Brussels as soon as possible.

*Article VIII.* The present Declaration shall come into force at a date to be agreed upon subsequently by the High Contracting Parties.

It shall remain in force for three years from that date, and in the event of neither of the High Contracting Parties having notified twelve months before the expiry of the said period of three years their intention of terminating it, shall continue to remain in force for a year, and so on from year to year.

(c) BELGIUM [b]

*Act concerning the punishment of violations of the provisions of the Convention on the North Sea fisheries, 4 September 1891*

[No change]

(d) UNITED KINGDOM [c]

(i) *Sea Fisheries Act, 2 August 1883*

[No change]

(ii) *The Fisheries Act, 21 July 1891, 54 and 55 Vict. c. 37; "Halsbury's Statutes of England", 2nd. edition, volume 10, p. 230.*

*Part I*

BELGIAN DECLARATION AND SEA FISHERIES ACT, 1883

1. *Confirmation of Declaration.* The Declaration set out in the Schedule to this Act (hereinafter referred to as the Scheduled Declaration) is hereby confirmed, and the articles thereof shall be of the same force as if they were enacted in the body of this Act.

2. *Powers of Commission appointed under Declaration.* (1) Any commission appointed by the Board of Trade in pursuance of Article One of the Scheduled Declaration shall, for the purpose of its duties, having the same powers as an inspector appointed by the Board of Trade in pursuance of section fourteen of the Merchant Shipping Act, 1854,<sup>1</sup> and sections fifteen and sixteen of that Act shall apply as if the commission were such an inspector.

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<sup>1</sup> Repealed by the Merchant Shipping Act 1894, s. 745 and Twenty-second Schedule. See now ss. 728-730 of that Act.

3. *Evidence of report or certificate under Article 3 of Declaration.* A document purporting to be certified by a Secretary or Assistant Secretary of the Board of Trade to be a report made or certificate given in pursuance of Article Three of the Scheduled Declaration shall be deemed to be such a report or certificate and to have been duly forwarded.

4. *Punishment for violation of Article 4 of Declaration.* If either within or without the exclusive fishery limits<sup>2</sup> of the British Islands, any person belonging to a British sea fishing boat acts in contravention of Article Four of the Scheduled Declaration, he shall be liable to the like penalty as for a contravention of Articles thirteen to twenty-two of the First Schedule to the Sea Fisheries Act, 1883.

Provided that if the Scheduled Declaration ceases to be binding on Her Majesty, this section shall cease to apply in the case of injuries to the gear or boat of a fisherman being a subject of the foreign State party to the Declaration, but shall nevertheless continue to apply as between British subjects.

5. *Forfeiture for offence against 46 and 47 Vict. c. 22, s.7.* In the event of any contravention of section seven of the Sea Fisheries Act, 1883, in the part of any foreign sea fishing boat, or of any person belonging thereto, any fish or fishing gear found in the boat or shown to have been taken or used by any persons belonging to the boat within the exclusive fishery limits of the British Islands shall, on conviction for the offence, be liable to be forfeited.

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## Part II

### SEA FISHERIES REGULATION ACT, 1888

7. *Extension of powers of local fisheries committee for making by-laws.* The powers of a local fisheries committee to make by-laws in pursuance of section two of the Sea Fisheries Regulation Act, 1888, shall extend to making by-laws, to be observed within their district, for restricting the fishing for or taking of all or any specified kinds of sea fish during any period specified in any such by-laws.

8. *Jurisdiction as to offences.* Where any offence under the Sea Fisheries Regulation Act, 1888, or under any by-law made in pursuance thereof, is committed on the sea coast or at sea beyond the ordinary jurisdiction of a court of summary jurisdiction and not on or from a ship or boat, it shall be deemed to have been committed within the body of any county abutting on that sea coast or adjoining that sea, and may be tried and punished accordingly.

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11. *Construction and short title of Part of Act.* This Part of this Act shall be construed as one with the Sea Fisheries Regulation Act, 1888, and that Act and this Part of this Act may be cited collectively as the Sea Fisheries Regulation Acts, 1888 and 1891.

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## Part IV

### GENERAL

13. *Explanation as to power of taking legal proceedings for enforcing Fisheries Act.* The powers conferred by the Sea Fisheries Act, 1883, or this Act, or any other Act relating to sea fisheries, or by any Act relating to salmon and freshwater fisheries, upon any authorities or officers to enforce any such Act shall not be construed as limiting or taking away the power of any other person to take legal proceedings for the enforcement of any such Act or of any by-law made thereunder.

<sup>2</sup>For the definition of this term see the Sea Fisheries Act 1883 (c. 22), s. 28, p. 211.

## (c) NETHERLANDS

(i) *Act of 7 December 1883, to give effect to the International Convention for Regulating the Police of the North Sea Fisheries outside Territorial Waters, signed at The Hague on 6 May 1882;*<sup>3</sup> *Staatsblad No. 202, "Nederlandsche Staatswetten", No. 45. Translation by the Secretariat of the United Nations*

*Article 1.* All ships and vessels registered in the Netherlands which are engaged temporarily or permanently in any kind of sea fishing whatsoever in the North Sea, outside territorial waters, shall observe, without prejudice to the provisions of the Act of 21 June 1881 (*Staatsblad No. 76*),<sup>4</sup> the regulations set forth in the Convention for regulating the police of the North Sea fisheries, outside territorial waters, signed at The Hague on 6 May 1882 by the Netherlands, Germany, Belgium, Denmark, France and the United Kingdom of Great Britain and Northern Ireland.

*Article 2.* The limits of the North Sea and of the territorial waters referred to in Article 1 shall be those laid down in Articles 2, 3 and 4 of the Convention.

*Article 3.* The owners of the ships and vessels referred to in article 1, or alternatively, the persons operating the ships and vessels in question for their own account, shall ensure compliance with the provisions of articles VI, VII, VIII, IX and XI of the Convention.

*Article 4.* The mayor of the locality to which a fishing vessel belongs shall deliver to the owner or operator of the vessel an official certificate showing the nationality of the vessel, the form of the certificate to be prescribed by our Minister of Internal Affairs and Agriculture.

It is the duty of the master to ensure that the said certificate is kept on board the vessel at all times.

*Article 5.* The master shall ensure compliance with the provisions of article X, articles XIII to XXII inclusive, article XXIII, first and second paragraphs, and article XXV, first paragraph, of the Convention.

*Article 6.* Any person who contravenes the provisions of article 3, article 4, second paragraph, or article 5 shall be liable to a fine of not more than 75 guilders or to imprisonment for not more than seven days.

If the owner or the owner's agent, or alternatively, the person operating the ship or vessel for his own account, is proved to have participated in or condoned an act contravening the provisions of article 4, second paragraph, or of article 5, he shall be liable to the same penalty.

If the person responsible under this Act for ensuring compliance with the provisions of the Convention is proved not to have participated in the contravention no penalty shall be imposed on him, but the person guilty of the contravention shall be liable to a penalty.

*Article 7.* Any person who makes, sells or brings or causes to be brought on board any apparatus which is manifestly intended for the sole purpose of cutting or destroying the nets and lines of other fishing vessels at sea, shall be liable to the penalties referred to in the preceding article.

*Article 8.* When the commanders of cruisers have exercised the power conferred on them by article XXXIII of the Convention, no criminal proceedings may thereafter be instituted against the persons responsible for the contravention which occasioned the measures referred to in the said article.

<sup>3</sup> As amended by Act of 15 April 1886 (*Staatsblad*, No. 64); Act of 31 December 1887 (*ibid.*, No. 265); Act of 29 June 1925 (*ibid.*, No. 308).

<sup>4</sup> This Act was replaced by virtue of article 41 of the Act of 6 October 1908, *Staatsblad* No. 311.

*Article 9.* The masters of Netherlands fishing vessels shall obey any orders given to them, within the limits of the powers conferred on the commanders of cruisers by articles XXVIII, XXIX and XXX of the Convention, by the commanders of cruisers of the Powers which have signed the International Convention with the Netherlands or which hereafter accede thereto.

*Article 10.* The commander of a Netherlands warship who has drawn up a formal statement against the master or other members of the crew of a fishing vessel in virtue of the power conferred on him by the Convention shall transmit the said formal statement as quickly as possible to the Minister of Marine, who shall transmit it to the competent authorities.

If the commander of a foreign cruiser delivers to a Netherlands authority a formal statement drawn up by him against an Netherlands fishing vessel, the said authority shall ensure that the said formal statement is transmitted as quickly as possible to the official of the Public Ministry responsible for the prosecution.

*Article 11.* Formal statements drawn up by the commanders of Netherlands warships or foreign cruisers in virtue of the power conferred on them by the Convention shall be admissible as evidence in legal proceedings, provided that they fulfil the conditions laid down in article 153, first paragraph, of the Code of Criminal Procedure.

*Article 12.* If a formal statement has been drawn up against the master or crew of a vessel, then the judge whose jurisdiction includes the municipality to which the vessel belongs shall have sole competence to deal with the events reported in the said formal statement.

*Article 13.* [repealed]

*Article 14.* The provisions of this Act shall enter into force at a date to be appointed by us.<sup>5</sup>

(ii) *Fisheries Act 1931; Staatsblad No. 410, "Nederlandsche Staatswetten", No. 45. Translation by the Secretariat of the United Nations*

## CHAPTER II

### *Sea Fishing*

*Article 7. 1.* Sea fishing vessels shall bear the letter sign and number which fishing boats are required to bear under the Convention of 6 May 1882, ratified by the Act of 15 June 1883 (*Staatsblad* No. 73).

2. The letter sign referred to in paragraph 1 shall be determined by our Minister aforesaid for every municipality to which one or more sea fishing vessels belong and shall be published in the *Staatscourant*.

3. Provisions departing from those of the Convention referred to in paragraph 1 may be laid down by general administrative regulations concerning the size and position of the letter sign and number in the case of sea fishing vessels used solely for fishing in territorial waters.

*Article 8. 1.* In every municipality to which one or more sea fishing vessels belong, a register, in which the said vessels shall be entered in accordance with instructions to be laid down by general administrative regulation, shall be kept by the superintendent of the mercantile marine (*waterschout*) or, in the latter's absence or inability to act, by the local police superintendent or, if there are several, by the police superintendent designated by the mayor, or, if there is no police superintendent or if the police superintendent is unable to act, by the mayor of the municipality in question.

<sup>5</sup> By virtue of the Order of 14 April 1884 the date appointed was 15 May 1884.

*Article 9.* 1. Before a vessel is employed for sea fishing, the owner shall give notice in writing of its intended employment to the authority responsible for keeping the register in the municipality to which the vessel is to belong. Our Minister aforesaid shall determine the form of such notice.

2. The owner of a sea fishing vessel shall, within one month after he becomes aware of any change which may necessitate an amendment of the entries concerning the vessel in the register, report the said change to the authority referred to in the preceding paragraph.

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### CHAPTER III

#### *Coastal fishing*

*Article 11.* 1. Provisions shall be enacted by general administrative regulations concerning the letter signs and numbers which coastal fishing vessels are to bear and the entering of such vessels in a register; the said provisions shall specify what vessels used for coastal fishing shall be deemed to be coastal fishing vessels.

2. In every municipality to which one or more coastal fishing vessels belong the register referred to in paragraph 1 shall be kept by the superintendent of the mercantile marine in the municipality in question or, in the latter's absence or inability to act, by the local police superintendent or, if there are several, by the police superintendent designated by the mayor, or, if there is no police superintendent or if the police superintendent is unable to act, by the mayor of the municipality.

(iii) *Royal Decree of 23 June 1932 concerning registers of sea fishing vessels and coastal fishing vessels and the letter signs and numbers to be borne by coastal fishing vessels; Staatsblad No. 314, "Nederlandsche Staatswetten" No. 45. Translation by the Secretariat of the United Nations*

#### *Section 1. General provisions*

*Article 1.* 1. The registers in which sea fishing vessels and coastal fishing vessels are to be entered pursuant to article 8, paragraph 1, and article 11, paragraph 1, of the Fisheries Act shall conform to model I annexed to this Order. The said registers shall take the form of a card index. Cards of three colours shall be used, according as the vessel is to be used for sea fishing, for coastal fishing or for both types of fishing.

2. Vessels shall be entered in the register under serial numbers; numbers falling vacant shall, however, be allotted to new vessels.

3. If both sea fishing vessels and coastal fishing vessels belong to a particular municipality, they shall be entered in the same register.

. . .

#### *Section 2. Entering of coastal fishing vessels in the register*

*Article 6.* 1. For the purposes of this Order, the expression "coastal fishing vessel" means a vessel belonging to the Netherlands which is employed for coastal fishing.

2. For the purposes of this Order, a vessel employed for coastal fishing shall be deemed to belong to the Netherlands if it is usually berthed in the Netherlands.

3. The municipality in which a vessel is usually berthed shall be deemed to be the municipality to which the said vessel belongs.

4. Notwithstanding the provisions of paragraph 1, the expression "coastal fishing vessel" shall not apply to a vessel used for fishing by bob, rod, smelt-trammel or set-line in waters subject to the South Holland river fishing regulations.

(f) AGREEMENT RELATING TO THE INTERNATIONAL CONVENTION FOR REGULATING THE POLICE OF THE NORTH SEA FISHERIES

*Signed at The Hague, 3 June 1955. Ratified by The Netherlands and the Federal Republic of Germany but not yet entered into force. Signatory States Federal Republic of Germany, Belgium, Denmark, France, the Netherlands and the United Kingdom of Great Britain and Northern Ireland.*

The Government signatory to the present Agreement;

In order that effect may be given in respect of the Federal Republic of Germany to the International Convention for regulating the police of North Sea fisheries signed at The Hague on May 6, 1882;

Have agreed as follows:

*Article 1.* 1. The supervision of fisheries pursuant to the International Convention for regulating the police of the North Sea fisheries signed at The Hague on May 6, 1882 shall be exercised by ships belonging to the naval forces of the signatory Governments.

2. If the necessity should arise, these ships may be replaced by other state-owned ships commanded by an officer specially appointed for the purpose by the Government concerned and able to produce his commission on demand.

*Article 2.* The present Agreement shall be ratified and the instruments of ratification shall be deposited with the Netherlands Ministry of Foreign Affairs, which shall notify all signatory Governments of each such deposit.

*Article 3.* The present Agreement shall come into force on the deposit of the sixth instrument of ratification. The Agreement shall, however, be provisionally applied as from the date of its signature, so far as it is possible to do so under the constitutional systems of the signatory Governments.

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## 2. Canada-United States of America [2]

### (a) SOCKEYE SALMON FISHERIES

[No change]

### (b) NORTHERN PACIFIC HALIBUT FISHERIES

(i) *Convention for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, 2 March 1953. "U.S. Treaty Series", volume 5, p. 5<sup>6</sup>*

The Government of Canada and the Government of the United States of America, desiring to provide more effectively for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, have resolved to conclude a Convention replacing the Convention signed at Ottawa January 29, 1937 and have named as their plenipotentiaries:

...

who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

*Article 1.* 1. The nationals and inhabitants and fishing vessels and boats of Canada and of the United States of America, respectively, are hereby prohibited from fishing for halibut (*Hippoglossus*) in Convention waters as herein defined, except as provided by the International Pacific Halibut Commission in regulations designed to develop the stocks of halibut in the Convention waters to those levels which will permit the maximum sustained yield and to maintain the stocks at those levels pursuant to Article III of this Convention.

<sup>6</sup>The entry at page 205 of the previous volume under head 2 (b) (i) Convention for the Preservation of Halibut Industry, 29 January 1937 etc. is replaced in its entirety by the present entry.

2. "Convention waters" means the territorial waters and the high seas off the western coasts of Canada and of the United States of America, including the southern as well as the western coasts of Alaska.

3. It is understood that nothing contained in this Convention shall prohibit the nationals or inhabitants or the fishing vessels or boats of Canada or of the United States of America from fishing in the Convention waters for other species of fish during any season when fishing for halibut in the Convention waters is prohibited by this Convention or any regulations adopted pursuant to this Convention. It is further understood that nothing contained in this Convention shall prohibit the International Pacific Halibut Commission from conducting or authorizing fishing operations for investigation purposes at any time.

*Article II.* 1. Every national or inhabitant, vessel or boat of Canada or of the United States of America engaged in fishing on the high seas in violation of this Convention or of any regulation adopted pursuant thereto may be seized by duly authorized officers of either Contracting Party and detained by the officers making such seizure and delivered as soon as practicable to an authorized official of the country to which such person, vessel or boat belongs, at the nearest point to the place of seizure or elsewhere as may be agreed upon. The authorities of the country to which such person, vessel or boat belongs alone shall have jurisdiction to conduct prosecutions for the violation of the provisions of this Convention or any regulations which may be adopted in pursuance thereof and to impose penalties for such violation, and the witnesses and proof necessary for such prosecutions, so far as any witnesses or proofs are under the control of the other Contracting Party, shall be furnished with all reasonable promptitude to the authorities having jurisdiction to conduct the prosecutions.

2. Each Contracting Party shall be responsible for the proper observance of this Convention and of any regulations adopted under the provisions thereof in the portion of its waters covered thereby.

*Article III.* 1. The Contracting Parties agree to continue under this Convention the Commission known as the International Fisheries Commission established by the Convention for the preservation of the halibut fishery, signed at Washington, March 2, 1923, continued by the Convention signed at Ottawa, May 9, 1930 and further continued by the Convention, signed at Ottawa, January 29, 1937, except that after the date of entry into force of this Convention it shall consist of six members, three appointed by each Contracting Party, and shall be known as the International Pacific Halibut Commission. This Commission shall make such investigations as are necessary into the life history of the halibut in the Convention waters and shall publish a report of its activities and investigations from time to time. Each Contracting Party shall have power to fill, and shall fill from time to time, vacancies which may occur in its representation on the Commission. Each Contracting Party shall pay the salaries and expenses of its own members. Joint expenses incurred by the Commission shall be paid by the two Contracting Parties in equal moieties. All decisions of the Commission shall be made by a concurring vote of at least two of the Commissioners of each Contracting Party.

2. The Contracting Parties agree that for the purpose of developing the stocks of halibut of the Northern Pacific Ocean and Bering Sea to levels which will permit the maximum sustained yield from that fishery and for maintaining the stocks at those levels, the International Pacific Halibut Commission, with the approval of the Governor General in Council of Canada and of the President of the United States of America, may, after investigation has indicated such action to be necessary, in respect of the nationals and inhabitants and fishing vessels and boats of Canada and of the United States of America, and in respect of halibut:

(a) Divide the Convention waters into areas;

- (b) Establish one or more open or closed seasons, as to each area;
- (c) Limit the size of the fish and the quantity of the catch to be taken from each area within any season during which fishing is allowed;
- (d) During both open and closed seasons, permit, limit, regulate or prohibit, the incidental catch of halibut that may be taken, retained, possessed, or landed from each area or portion of an area, by vessels fishing for other species of fish;
- (e) Prohibit departure of vessels from any port or place, or from any receiving vessel or station, to any area for halibut fishing, after any date when in the judgement of the International Pacific Halibut Commission the vessels which have departed for that area prior to that date or which are known to be fishing in that area shall suffice to catch the limit which shall have been set for that area under section (c) of this paragraph;
- (f) Fix the size and character of halibut fishing appliances to be used in any area;
- (g) Make such regulations for the licensing and departure of vessels and for the collection of statistics of the catch of halibut as it shall find necessary to determine the condition and trend of the halibut fishery and to carry out the other provisions of this Convention;
- (h) Close to all taking of halibut such portion or portions of an area or areas as the International Pacific Halibut Commission finds to be populated by small, immature halibut and designates as nursery grounds.

*Article IV.* The Contracting Parties agree to enact and enforce such legislation as may be necessary to make effective the provisions of this Convention and any regulation adopted thereunder, with appropriate penalties for violations thereof.

*Article V.* 1. This Convention shall be ratified and the instruments of ratification exchanged at Washington as soon as possible.

2. This Convention shall enter into force on the date of exchange of ratifications and shall remain in force for a period of five years and thereafter until two years from the date on which either Contracting Party shall have given notice to the other of its desire to terminate it.

3. This Convention shall, from the date of the exchange of ratifications, replace and terminate the Convention for the preservation of the halibut fishery signed at Ottawa, January 29, 1937.

. . .

(ii) *Canada Northern Pacific Halibut Fishery (Convention) Act, 14 May 1953. 1-2 Elizabeth II, c. 43; "Statutes 1953", p. 299.*<sup>7</sup>

. . .

1. This Act may be cited as the *Northern Pacific Halibut Fishery Convention Act*.

2. In this Act:

(a) "Commission" means the International Pacific Halibut Commission, established under the Convention;

(b) "Convention" means the Convention between Canada and the United States for the preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea set out in the Schedule;

(c) "Convention waters" means the territorial waters and the high seas off the western coasts of Canada and the United States and the southern and western coasts of Alaska;

(d) "Fishing vessel" means any vessel used in or outfitted for:

- (i) Catching or processing fish, or
- (ii) Transporting fish from fishing grounds;

<sup>7</sup> The entry at page 207 of the previous volume under head 2. (b) (ii) Canada, Northern Pacific Halibut Fishery (Convention) Act, 10 April 1937 etc. is replaced in its entirety by the present entry.

(e) "Halibut" means the species of fish known as *hippoglossus*;

(f) "Minister" means the Minister of Fisheries;

(g) "Protection Officer" means:

(i) A fishery officer within the meaning of the *Fisheries Act*;

(ii) An officer of the Royal Canadian Mounted Police;

(iii) A commissioned officer of the Royal Canadian Navy; or

(iv) Any other person authorized by the Governor in Council to enforce this Act;

and

(h) "Regulations" means regulations made under this Act.

3. The Convention is hereby approved and confirmed.

4. The Governor in Council may make regulations for carrying out and giving effect to the provisions of the Convention and anything done by the Commission thereunder.

5. (1) A Protection Officer may, anywhere in the convention waters except the territorial waters of the United States, seize:

(a) Any fishing vessel belonging to or operated by a citizen, national or resident of Canada by means of or in relation to which vessel he suspects on reasonable grounds that an offence against this Act was committed;

(b) Any fishing vessel belonging to or operated by a citizen, national or resident of the United States by means of or in relation to which vessel he suspects on reasonable grounds that an offence against this Act was committed in the territorial waters of Canada;

(c) Any goods aboard a fishing vessel described in paragraph (a) or (b), including fish, tackle, rigging, apparel, furniture, stores and cargo; or

(d) A fishing vessel described in paragraph (a) or (b) and any of the goods mentioned in paragraph (c).

(2) A Protection Officer may, anywhere in the convention waters except the territorial waters of the United States, arrest without warrant:

(a) Any citizen, national or resident of Canada whom he on reasonable grounds suspects of having committed an offence against this Act; or

(b) Any citizen, national or resident of the United States whom he on reasonable grounds suspects of having committed an offence against this Act in the territorial waters of Canada.

(3) Subject to this section, the fishing vessel and goods seized under subsection (1) shall be retained in the custody of the Protection Officer making the seizure or shall be delivered into the custody of such person as the Minister may direct.

(4) Where fish or other perishable articles are seized under subsection (1) the Protection Officer or other person having the custody thereof may sell them, and the proceeds of the sale shall be paid to the Receiver General of Canada or shall be deposited in a chartered bank to the credit of the Receiver General of Canada.

(5) Where a person is convicted of an offence against this Act, the convicting court or judge may, in addition to any other penalty imposed, order that:

(a) Any fishing vessel seized under subsection (1) by means of or in relation to which the offence was committed;

(b) Any goods aboard the fishing vessel, including fish, tackle, rigging, apparel, furniture, stores and cargo, or if any of the goods have been sold under subsection (4), the proceeds thereof; or

(c) The fishing vessel and any of the goods mentioned in paragraph (b), or the proceeds thereof,

be forfeited, and upon such order being made the fishing vessel, goods or proceeds so ordered to be forfeited are forfeited to Her Majesty in right of Canada.

(6) Where a fishing vessel or goods have been seized under subsection (1) and proceedings in respect of the offence have been instituted, the court or judge may, with the consent of the Protection Officer who made the seizure, order re-delivery thereof to the accused upon security by bond, with two sureties, in an amount and form satisfactory to the Minister, being given to Her Majesty.

(7) Any fishing vessel or goods seized under subsection (1) or the proceeds realized from a sale thereof under subsection (4) shall be returned or paid to the person from whom the fishing vessel or goods were taken if the Minister decides not to institute a prosecution in respect of the offence, and in any event shall be so returned or paid upon the expiration of three months from the day of seizure unless before that time proceedings in respect of the offence are instituted.

(8) Where proceedings in respect of an offence against this Act have been instituted and a fishing vessel or goods are at the final conclusion of the proceedings ordered to be forfeited, they may be disposed of as the Minister directs.

(9) Where a fishing vessel or goods have been seized under subsection (1) and proceedings in respect of the offence have been instituted, but the fishing vessel or goods or any proceeds realized from a sale thereof under subsection (4) are not at the final conclusion of the proceedings ordered to be forfeited they shall be returned or the proceeds shall be paid to the person from whom the fishing vessel or goods were taken, unless there has been a conviction and a fine imposed in which case the fishing vessel or goods may be detained until the fine is paid, or the fishing vessel and the goods may be sold under execution in satisfaction of the fine, or the proceeds realized from a sale of any of the goods under subsection (4) may be applied in payment of the fine.

6. (1) Whenever a Protection Officer suspects on reasonable grounds that any provisions of the Convention or the regulations made thereunder have been violated, anywhere in convention waters except the territorial waters of Canada or the United States, he may, in accordance with the provisions of the Convention, anywhere in the convention waters except the territorial waters of the United States, seize and detain:

(a) Any fishing vessel belonging to or operated by a national or inhabitant of the United States by means of or in relation to which he suspects on reasonable grounds that the violation was committed;

(b) Any goods aboard the fishing vessel, including fish, tackle, rigging, apparel, furniture, stores and cargo; or

(c) The fishing vessel and any of the goods mentioned in paragraph (b).

(2) A Protection Officer may, in accordance with the provisions of the Convention, anywhere in convention waters except the territorial waters of the United States, arrest and detain without warrant any national or inhabitant of the United States whom he on reasonable grounds suspects of having violated, anywhere in convention waters except the territorial waters of Canada or the United States, any provision of the Convention or the regulations made thereunder.

(3) Whenever, pursuant to this section:

(a) A person is arrested and detained; or

(b) A vessel or goods are seized and detained, such person, vessel or goods shall, in accordance with the provisions of the Convention, as soon as practicable at the place nearest to the place of seizure or at such other place as may be agreed upon, be delivered by the Protection Officer who made the seizure to an authorized official of the United States to be dealt with in accordance with the law of the United States.

7. Every person is guilty of an offence who:

(a) Except as provided by the regulations or the Convention, fishes for, catches, or attempts to catch halibut in the territorial waters of Canada within convention waters;

(b) Being a citizen, national or resident of Canada, or being a member of the crew of a fishing vessel owned by a citizen, national or resident of Canada, fishes for, catches or attempts to catch halibut in convention waters, except as provided by the regulations or the Convention;

(c) Lands or attempts to land at any port or place within Canada any halibut caught in contravention of the Convention or any regulation made thereunder;

(d) Knowingly has in his possession any halibut caught in contravention of the Convention or any regulation made thereunder; or

(e) Violates any regulation.

8. Every owner or master of a fishing vessel that enters any port or place in Canada:

(a) While upon or in the prosecution of any voyage at any time during which it was used in fishing for halibut in convention waters, except in accordance with the Convention and the regulations made thereunder; or

(b) That has on board any halibut caught while fishing for halibut in convention waters, except in accordance with the Convention and the regulations made thereunder; is guilty of an offence.

9. Every person who is guilty of an offence against this Act is liable upon summary conviction to a fine of not less than one hundred dollars and not more than one thousand dollars, or to imprisonment for a term not exceeding one year, or to both fine and imprisonment.

10. All courts, justices of the peace, and magistrates in Canada have the same jurisdiction with respect to offences under this Act as they have under sections 681 to 684 of the *Canada Shipping Act, 1934*, with respect to offences under that Act, and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act, 1934*.

11. (1) This Act shall come into force on a day to be fixed by proclamation of the Governor in Council and shall continue in force until a day to be fixed by proclamation of the Governor in Council following upon the termination of the Convention, and no longer.

(2) If this Act comes into force before the day on which the Revised Statutes of Canada, 1952, come into force, then, on the day this Act comes into force, the *Northern Pacific Halibut Fishery (Convention) Act, 1937*, chapter 36 of the statutes of 1937, is repealed and, on the day the Revised Statutes of Canada, 1952, come into force:

(a) The *Northern Pacific Halibut Fishery (Convention) Act*, chapter 194 of the Revised Statutes of Canada, 1952, is repealed; and

(b) Section 10 of this Act is repealed and the following substituted therefor:

"10. All courts, justices of the peace and magistrates in Canada have the same jurisdiction with respect to offences under this Act as they have under sections 689 to 692 of the *Canada Shipping Act*, chapter 29 of the Revised Statutes of Canada, 1952, with respect to offences under that Act, and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act*."

(3) If this Act comes into force on or after the day on which the Revised Statutes of Canada, 1952, come into force, then, on the day this Act comes into force:

(a) The *Northern Pacific Halibut Fishery (Convention) Act*, chapter 194 of the Revised Statutes of Canada, 1952, is repealed; and

(b) Section 10 of this Act is repealed and the following substituted therefor:

"10. All courts, justices of the peace and magistrates in Canada have the same jurisdiction with respect to offences under this Act as they have under sections 689 to 692 of the *Canada Shipping Act*, chapter 29 of the Revised Statutes of Canada, 1952, with respect to Offences under that Act, and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act*."

(iii) *United States*, Northern Pacific Halibut Act, 28 June 1937.

[No change]

(iv) *United States*, Regulations of the International Fisheries Commission concerning Pacific halibut fisheries, 28 April 1949.

[No change]

(c) PELAGIC SEALING

[No change]

### 3. Canada-United States of America-Japan

#### (a) NORTH PACIFIC HIGH SEAS FISHERIES

(i) *Convention for the high seas fisheries of the North Pacific Ocean*, 9 May 1952. "U.S. Treaty Series", volume 4. p. 380

The Governments of Canada, Japan and the United States of America, whose respective duly accredited representatives have subscribed hereto,

Acting as sovereign nations in the light of their rights under the principles of international law and custom to exploit the fishery resources of the high seas, and

Believing that it will best serve the common interest of mankind, as well as the interests of the Contracting Parties, to ensure the maximum sustained productivity of the fishery resources of the North Pacific Ocean, and that each of the Parties should assume an obligation, on a free and equal footing, to encourage the conservation of such resources, and

Recognizing that in view of these considerations it is highly desirable (1) to establish an International Commission, representing the three Parties hereto, to promote and co-ordinate the scientific studies necessary to ascertain the conservation measures required to secure the maximum sustained productivity of fisheries of joint interest to the Contracting Parties and to recommend such measures to such Parties and (2) that each Party carry out such conservation recommendations, and provide for necessary restraints on its own nationals and fishing vessels,

Therefore agree as follows:

*Article 1.* 1. The area to which this Convention applies, hereinafter referred to as "the Convention area", shall be all waters, other than territorial waters, of the North Pacific Ocean which for the purposes hereof shall include the adjacent seas.

2. Nothing in this Convention shall be deemed to affect adversely (prejudice) the claims of any Contracting Party in regard to the limits of territorial waters or to the jurisdiction of a coastal state over fisheries.

3. For the purposes of this Convention the term "fishing vessel" shall mean any vessel engaged in catching fish or processing or transporting fish loaded on the high seas, or any vessel outfitted for such activities.

*Article II.* 1. In order to realize the objectives of this Convention, the Contracting Parties shall establish and maintain the International North Pacific Fisheries Commission, hereinafter referred to as "the Commission".

2. The Commission shall be composed of three national sections, each consisting of not more than four members appointed by the governments of the respective Contracting Parties.

3. Each national section shall have one vote. All resolutions, recommendations and other decisions of the Commission shall be made only by a unanimous vote of the three national sections except when under the provisions of Article III, Section 1 (c) (ii) only two participate.

4. The Commission may decide upon and amend, as occasion may require, by-laws or rules for the conduct of its meetings.

5. The Commission shall meet at least once each year and at such other times as may be requested by a majority of the national sections. The date and place of the first meeting shall be determined by agreement between the Contracting Parties.

6. At its first meeting the Commission shall select a Chairman, Vice-Chairman and Secretary from different national sections. The Chairman, Vice-Chairman and Secretary shall hold office for a period of one year. During succeeding years selection of a Chairman, Vice-Chairman and Secretary from the national sections shall be made in such a manner as will provide each Contracting Party in turn with representation in those offices.

7. The Commission shall decide on a convenient place for the establishment of the Commission's headquarters.

8. Each Contracting Party may establish an Advisory Committee for its national section, to be composed of persons who shall be well informed concerning North Pacific fishery problems of common concern. Each such Advisory Committee shall be invited to attend all sessions of the Commission except those which the Commission decides to be *in camera*.

9. The Commission may hold public hearings. Each national section may also hold public hearings within its own country.

10. The official languages of the Commission shall be Japanese and English. Proposals and data may be submitted to the Commission in either language.

11. Each Contracting Party shall determine and pay the expenses incurred by its national section. Joint expenses incurred by the Commission shall be paid by the Commission through contributions made by the Contracting Parties in the form and proportion recommended by the Commission and approved by the Contracting Parties.

12. An annual budget of joint expenses shall be recommended by the Commission and submitted to the Contracting Parties for approval.

13. The Commission shall authorize the disbursement of funds for the joint expenses of the Commission and may employ personnel and acquire facilities necessary for the performance of its functions.

*Article III.* 1. The Commission shall perform the following functions:

(a) In regard to any stock of fish specified in the Annex, study for the purpose of determining annually whether such stock continues to qualify for abstention under the provisions of Article IV. If the Commission determines that such stock no longer meets the conditions of Article IV, the Commission shall recommend that it be removed from the Annex. Provided, however, that with respect to the stocks of fish originally specified in the Annex, no determination or recommendation as to whether such stock continues to qualify for abstention shall be made for five years after the entry into force of this Convention;

(b) To permit later additions to the Annex, study, on request of a Contracting Party, any stock of fish of the Convention area, the greater part of

which is harvested by one or more of the Contracting Parties, for the purpose of determining whether such stock qualifies for abstention under the provisions of Article IV. If the Commission decides that the particular stock fulfils the conditions of Article IV it shall recommend, (1) that such stock be added to the Annex, (2) that the appropriate Party or Parties abstain from fishing such stock and (3) that the Party or Parties participating in the fishing of such stock continue to carry out necessary conservation measures;

(c) In regard to any stock of fish in the Convention areas:

(i) Study, on request of any Contracting Party concerned, any stock of fish which is under substantial exploitation by two or more of the Contracting Parties, and which is not covered by a conservation agreement between such Parties existing at the time of the conclusion of this Convention, for the purpose of determining need for joint conservation measures;

(ii) Decide and recommend necessary joint conservation measures including any relaxation thereof to be taken as a result of such study. Provided, however, that only the national sections of the Contracting Parties engaged in substantial exploitation of such stock of fish may participate in such decision and recommendation. The decisions and recommendations shall be reported regularly to all the Contracting Parties, but shall apply only to the Contracting Parties the national sections of which participated in the decisions and recommendations;

(iii) Request the Contracting Party or Parties concerned to report regularly the conservation measures adopted from time to time with regard to the stocks of fish specified in the Annex, whether or not covered by conservation agreements between the Contracting Parties, and transmit such information to the other Contracting Party or Parties.

(d) Consider and make recommendations to the Contracting Parties concerning the enactment of schedules of equivalent penalties for violations of this Convention;

(e) Compile and study the records provided by the Contracting Parties pursuant to Article VIII;

(f) Submit annually to each Contracting Party a report on the Commission's operations, investigations and findings, with appropriate recommendations, and inform each Contracting Party, whenever it is deemed advisable, on any matter relating to the objectives of this Convention.

2. The Commission may take such steps, in agreement with the Parties concerned as will enable it to determine the extent to which the undertakings agreed to by the Parties under the provisions of Article V, Section 2 and the measures recommended by the Commission under the provisions of this Article and accepted by the Parties concerned have been effective.

3. In the performance of its functions, the Commission shall, in so far as feasible, utilize the technical and scientific services of, and information from, official agencies of the Contracting Parties and their political sub-divisions and may, when desirable and if available, utilize the services of, and information from, any public or private institution or organization or any private individual.

*Article IV.* 1. In making its recommendations the Commission shall be guided by the spirit and intent of this Convention and by the considerations below mentioned:

(a) Any conservation measures for any stock of fish decided upon under the provisions of this Convention shall be recommended for equal application to all Parties engaged in substantial exploitation of such stock;

(b) With regard to any stock of fish which the Commission determines reasonably satisfies all the following conditions, a recommendation shall be made as provided for in Article III, Section 1 (b):

(i) Evidence based upon scientific research indicates that more intensive exploitation of the stock will not provide a substantial increase in yield which can be sustained year after year;

(ii) The exploitation of the stock is limited or otherwise regulated through legal measures by each Party which is substantially engaged in its exploitation, for the purpose of maintaining or increasing its maximum sustained productivity; such limitations and regulations being in accordance with conservation programmes based upon scientific research, and

(iii) The stock is the subject of extensive scientific study designed to discover whether the stock is being fully utilized and the conditions necessary for maintaining its maximum sustained productivity.

Provided, however, that no recommendation shall be made for abstention by a Contracting Party concerned with regard to: (1) any stock of fish which at any time during the twenty-five years next preceding the entry into force of this Convention has been under substantial exploitation by that Party having regard to the conditions referred to in Section 2 of this Article; (2) any stock of fish which is harvested in greater part by a country or countries not party to this Convention; (3) waters in which there is historic intermingling of fishing operations of the Parties concerned, intermingling of the stocks of fish exploited by these operations, and a long-established history of joint conservation and regulation among the Parties concerned so that there is consequent impracticability of segregating the operations and administering control. It is recognized that the conditions specified in subdivision (3) of this proviso apply to Canada and the United States of America in the waters off the Pacific Coasts of the United States of America and Canada from and including the waters of the Gulf of Alaska southward and, therefore, no recommendation shall be made for abstention by either the United States of America or Canada in such waters.

2. In any decision or recommendation allowances shall be made for the effect of strikes, wars, or exceptional economic or biological conditions which may have introduced temporary declines in or suspensions of productivity, exploitation, or management of the stock of fish concerned.

*Article V. I.* The Annex attached hereto forms an integral part of this Convention. All references to "Convention" shall be understood as including the said Annex either in its present terms or as amended in accordance with the provisions of Article VII.

2. The Contracting Parties recognize that any stock of fish originally specified in the Annex to this Convention fulfils the conditions prescribed in Article IV and accordingly agree that the appropriate Party or Parties shall abstain from fishing such stock and the Party or Parties participating in the fishing of such stock shall continue to carry out necessary conservation measures.

*Article VI.* In the event that it shall come to the attention of any of the Contracting Parties that the nationals or fishing vessels of any country which is not a Party to this Convention appear to affect adversely the operations of the Commission or the carrying out of the objectives of this Convention, such Party shall call the matter to the attention of other Contracting Parties. All the Contracting Parties agree upon the request of such Party to confer upon the steps to be taken towards obviating such adverse effects or relieving any Contracting Party from such adverse effects.

*Article VII. 1.* The Annex to this Convention shall be considered amended from the date upon which the Commission receives notification from all the Contracting Parties of acceptance of a recommendation to amend the annex made by the Commission in accordance with the provisions of Article III, Section 1 or of the Protocol to this Convention.

2. The Commission shall notify all the Contracting Parties of the date of receipt of each notification of acceptance of an amendment to the Annex.

*Article VIII.* The Contracting Parties agree to keep as far as practicable all records requested by the Commission and to furnish compilations of such records and other information upon request of the Commission. No Contracting Party shall be required hereunder to provide the records of individual operations.

*Article IX.* 1. The Contracting Parties agree as follows:

(a) With regard to a stock of fish from the exploitation of which any Contracting Party has agreed to abstain, the nationals and fishing vessels of such Contracting Party are prohibited from engaging in the exploitation of such stock of fish in waters specified in the Annex, and from loading, processing, possessing, or transporting such fish in such waters.

(b) With regard to a stock of fish for which a Contracting Party has agreed to continue to carry out conservation measures, the nationals and fishing vessels of such Party are prohibited from engaging in fishing activities in waters specified in the Annex in violation of regulations established under such conservation measures.

2. Each Contracting Party agrees, for the purpose of rendering effective the provisions of this Convention, to enact and enforce necessary laws and regulations, with regard to its nationals and fishing vessels, with appropriate penalties against violations thereof and to transmit to the Commission a report on any action taken by it with regard thereto.

*Article X.* 1. The Contracting Parties agree, in order to carry out faithfully the provisions of this Convention, to co-operate with each other in taking appropriate and effective measures and accordingly agree as follows:

(a) When a fishing vessel of a Contracting Party has been found in waters in which that Party has agreed to abstain from exploitation in accordance with the provisions of this Convention, the duly authorized officials of any Contracting Party may board such vessel to inspect its equipment, books, documents, and other articles and question the persons on board.

Such officials shall present credentials issued by their respective Governments if requested by the master of the vessel.

(b) When any such person or fishing vessel is actually engaged in operations in violation of the provisions of this Convention, or there is reasonable ground to believe was obviously so engaged immediately prior to boarding of such vessel by any such official, the latter may arrest or seize such person or vessel. In that case, the Contracting Party to which the official belongs shall notify the Contracting Party to which such person or vessel belongs of such arrest or seizure, and shall deliver such vessel or persons as promptly as practicable to the authorized officials of the Contracting Party to which such vessel or person belongs at a place to be agreed upon by both Parties. Provided, however, that when the Contracting Party which receives such notification cannot immediately accept delivery and makes request, the Contracting Party which gives such notification may keep such person or vessel under surveillance within its own territory, under the conditions agreed upon by both of the Contracting Parties.

(c) Only the authorities of the Party to which the above-mentioned person or fishing vessel belongs may try the offence and impose penalties therefore. The witnesses and evidence necessary for establishing the offence, so far as they are under the control of any of the Parties to this Convention, shall be furnished as promptly as possible to the Contracting Party having jurisdiction to try the offence.

2. With regard to the nationals or fishing vessels of one or more Contracting Parties in waters with respect to which they have agreed to continue to carry out conservation measures for certain stocks of fish in accordance with the provisions of this Convention, the Contracting Parties concerned shall carry out enforcement severally or jointly. In that case, the Contracting Parties concerned agree to report periodically through the Commission to the Contracting Party

which has agreed to abstain from the exploitation of such stocks of fish on the enforcement conditions, and also, if requested, to provide opportunity for observation of the conduct of enforcement.

3. The Contracting Parties agree to meet, during the sixth year of the operation of this Convention to review the effectiveness of the enforcement provisions of this Article and, if desirable, to consider means by which they may more effectively be carried out.

*Article XI.* 1. This Convention shall be ratified by the Contracting Parties in accordance with their respective constitutional processes and the instruments of ratification shall be exchanged as soon as possible at Tokyo.

2. This Convention shall enter into force on the date of the exchange of ratifications. It shall continue in force for a period of ten years and thereafter until one year from the day on which a Contracting Party shall give notice to the other Contracting Parties of an intention of terminating the Convention, whereupon it shall terminate as to all Contracting Parties.

#### ANNEX.

1. With regard to the stocks of fish in the respective waters named below, Japan agrees to abstain from fishing, and Canada and the United States of America agree to continue to carry out necessary conservation measures, in accordance with the provisions of Article V, Section 2 of this Convention:

(a) Halibut (*Hippoglossus stenolepis*)

The Convention area off the coasts of Canada and the United States of America in which commercial fishing for Halibut is being or can be prosecuted. Halibut referred to herein shall be those originating along the coast of North America.

(b) Herring (*Clupea pallasii*)

The Convention area off the coasts of Canada and the United States of America, exclusive of the Bering Sea and of the waters of the North Pacific Ocean west of the meridian passing through the extremity of the Alaskan Peninsula, in which commercial fishing for herring of North American origin is being or can be prosecuted.

(c) Salmon (*Oncorhynchus gorbuscha*, *Oncorhynchus keta*, *Oncorhynchus kisutch*, *Oncorhynchus nerka*, *Oncorhynchus tshawytscha*)

The Convention area off the coasts of Canada and the United States of America, exclusive of the Bering Sea and of the waters of the North Pacific Ocean west of a provisional line following the meridian passing through the western extremity of Atka Island; in which commercial fishing for salmon originating in the rivers of Canada and the United States of America is being or can be prosecuted.

2. With regard to the stocks of fish in the waters named below, Canada and Japan agree to abstain from fishing, and the United States of America agrees to continue to carry out necessary conservation measures, in accordance with the provisions of Article V, Section 2 of this Convention:

Salmon (*Oncorhynchus gorbuscha*, *Oncorhynchus keta*, *Oncorhynchus kisutch*, *Oncorhynchus nerka* and *Oncorhynchus tshawytscha*)

The Convention area of the Bering Sea east of the line starting from Cape Prince of Wales on the west coast of Alaska, running westward to 168°58'22.59" West Longitude; thence due south to a point 65°15'00" North Latitude; thence along the great circle course which passes through 51° North Latitude and 167° East Longitude, to its intersection with meridian 175° West Longitude; thence south along a provisional line which follows this meridian to the territorial waters limit of Atka Island; in which commercial fishing for salmon originating in the rivers of the United States of America is being or can be prosecuted.

*Protocol to the International Convention for the High Seas  
Fisheries of the North Pacific Ocean*

The Governments of Canada, Japan and the United States of America, through their respective plenipotentiaries, agree upon the following stipulation in regard to the International Convention for the High Seas Fisheries of the North Pacific Ocean, signed at Tokyo on this ninth day of May, nineteen hundred fifty-two.

The Governments of Canada, Japan and the United States of America agree that the line of meridian 175° West Longitude and the line following the meridian passing through the western extremity of Atka Island, which have been adopted for determining the areas in which the exploitation of salmon is abstained or the conservation measures for salmon continue to be enforced in accordance with the provisions of the Annex to this Convention, shall be considered as provisional lines which shall continue in effect subject to confirmation or readjustment in accordance with the procedure mentioned below.

The Commission to be established under the Convention shall, as expeditiously as practicable, investigate the waters of the Convention area to determine if there are areas in which salmon originating in the rivers of Canada and of the United States of America intermingle with salmon originating in the rivers of Asia. If such areas are found the Commission shall conduct suitable studies to determine a line or lines which best divide salmon of Asiatic origin and salmon of Canadian and United States of America origin, from which certain Contracting Parties have agreed to abstain in accordance with the provisions of Article V, Section 2, and whether it can be shown beyond a reasonable doubt that this line or lines more equitably divide such salmon than the provisional lines specified in sections 1 (c) and 2 of the Annex. In accordance with these determinations the Commission shall recommend that such provisional lines be confirmed or that they be changed in accordance with these results, giving due consideration to adjustments required to simplify administration.

In the event, however, the Commission fails within a reasonable period of time to recommend unanimously such line or lines, it is agreed that the matter shall be referred to a special committee of scientists consisting of three competent and disinterested persons, no one of whom shall be a national of a Contracting Party, selected by mutual agreement of all Parties for the determination of this matter.

It is further agreed that when a determination has been made by a majority of such special committee, the Commission shall make a recommendation in accordance therewith.

The Governments of Canada, Japan and the United States of America, in signing this Protocol, desire to make it clear that the procedure set forth herein is designed to cover a special situation. It is not, therefore, to be considered a precedent for the final resolution of any matters which may, in the future, come before the Commission.

This Protocol shall become effective from the date of entry into force of the said Convention.

(ii) *Canada*

(a) North Pacific Fisheries Convention Act, 14 May 1953. 1-2 Elizabeth II, c. 44; "Statutes 1953", p. 309.

An Act to implement the International Convention for the High Seas Fisheries of the North Pacific Ocean.

. . .

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. This Act may be cited as the *North Pacific Fisheries Convention Act*.

## 2. In this Act:

(a) "Commission" means the International North Pacific Fisheries Commission established under the Convention;

(b) "Convention" means the International Convention for the High Seas Fisheries of the North Pacific Ocean and the Protocol thereto, set out in the Schedule;

(c) "Convention area" means all waters, other than territorial waters, of the North Pacific Ocean including the adjacent seas;

(d) "Fishing vessel" means any vessel used in or outfitted for catching fish or processing or transporting fish loaded on the high seas;

(e) "Minister" means the Minister of Fisheries;

(f) "Protection Officer" means:

(i) A fishery officer within the meaning of the *Fisheries Act*,

(ii) An officer of the Royal Canadian Mounted Police,

(iii) Any commissioned officer of the Royal Canadian Navy, or

(iv) Any other person authorized by the Governor in Council to enforce this Act.

## 3. The Convention is hereby approved and confirmed.

4. The Governor in Council may make regulations for carrying out and giving effect to the provisions of the Convention and any recommendations of the Commission, and without restricting the generality of the foregoing, may make regulations:

(a) For the conservation and protection of fish in the Convention area;

(b) Prohibiting, limiting, or otherwise regulating:

(i) The exploitation by citizens or residents of Canada or by Canadian fishing vessels of any stocks of fish in any part of the Convention area;

(ii) The loading, processing, transporting or possession of any stocks of fish in or from any part of the Convention area, and

(iii) The landing, importation, sale or other disposal of fish caught in any part of the Convention area;

(c) Respecting the operation of fishing vessels and the use of fishing gear in the Convention area;

(d) Providing for the issue, suspension and cancellation of licences for the purposes of this Act, and prescribing their terms, conditions and forms and fixing the fees for the issue of licences;

(e) For the seizure, forfeiture and disposition of fishing vessels including equipment or fishing gear, or fish, by means of or in relation to which any of the provisions of the Act or the regulations have been contravened;

(f) Prescribing the powers and duties of persons engaged or employed in the administration or enforcement of this Act and providing for the carrying out of those duties and powers; and

(g) Prescribing the penalties that may be imposed, either on summary conviction or on conviction on indictment, for violation of any regulation by any person in Canada or on, from or by means of any fishing vessels.

5. When a fishing vessel of Canada or of the United States of America or of Japan, or belonging to or operated by a citizen, national or resident of any of those countries is found in waters in which that country has by or under the provisions of the Convention agreed to abstain from exploitation, a Protection Officer may in accordance with the provisions of the Convention board such vessel and inspect its equipment, books, documents and other articles, and question the persons on board.

6. (1) When a fishing vessel of Canada or the United States of America or Japan or person on board thereof is found engaging in operations in violation

of the provisions of the Convention, or there is reasonable ground to believe that the vessel or person was so engaged immediately prior to the boarding of the vessel, a Protection Officer may in accordance with the provisions of the Convention arrest or seize such fishing vessel or person.

(2) If the fishing vessel seized as provided in sub-section (1) belongs to or is operated by a citizen, national or resident of the United States of America or of Japan, or the person arrested as provided in sub-section (1) is a citizen, national or resident of either of those countries, the Protection Officer shall immediately notify the Minister of such seizure or arrest and keep in custody the vessel or person pending delivery to the authorized officials of the country to which such person or vessel belongs in accordance with the provisions of the Convention and the directions of the Minister.

(3) If the fishing vessel seized as provided in sub-section (1) belongs to or is operated by a Canadian citizen or a resident of Canada, or the person arrested as provided in sub-section (1) is a Canadian citizen or resident of Canada, the vessel or person shall be dealt with in accordance with the regulations.

7. All courts, justices of the peace and magistrates in Canada have the same jurisdiction with respect to offences under this Act as they have under sections 681 to 684 of the *Canada Shipping Act, 1934*, with respect to offences under that Act, and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act, 1934*.

8. This Act shall continue in force until a day fixed by proclamation of the Governor in Council following termination of the Convention in accordance with the provisions thereof, and no longer.

9. Upon the coming into force of the Revised Statutes of Canada, 1952, section 7 of this Act is repealed and the following substituted therefore:

"7. All courts, justices of the peace and magistrates in Canada have the same jurisdiction with respect to offences under this Act as they have under sections 689 to 692 of the *Canada Shipping Act*, chapter 29 of the Revised Statutes of Canada, 1952, with respect to offences under that Act, and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act*."

(b) North Pacific Fisheries Convention Regulations, 3 June 1954.  
Canada Gazette (Part II), 23 June 1954.

1. No person aboard a Canadian fishing vessel shall fish for, load, process, transport or have in his possession salmon in that area of the Bering Sea that lies east of the line starting from Cape Prince of Wales on the west coast of Alaska, thence running westward to 168° 58' 22.59" west longitude, thence due south to a point 65° 15' 00" north latitude, thence along the Great Circle Course which passes through 51° north latitude and 167° east longitude, to its intersection with meridian 175° west longitude, thence south along a provisional line which follows this meridian to the territorial waters limit of Atka Island.

2. Every person who violates section 1 is liable upon summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

3. (1) Whenever a Protection Officer suspects on reasonable grounds that a violation of section 1 has been committed, he may anywhere except within the territorial waters of another country seize:

(a) Any fishing vessel by means of or in relation to which he reasonably believes the violation was committed,

(b) Any goods aboard the fishing vessel, including fish, tackle, rigging apparel, furniture, stores and cargo, or

(c) The fishing vessel and any of the goods mentioned in paragraph (b).

(2) A Protection Officer shall take delivery of any Canadian fishing vessel seized and delivered by a duly authorized official of the United States of America or of Japan pursuant to Article X of the Convention.

(3) Subject to this section, a fishing vessel or goods seized under sub-section (1) or delivered to a Protection Officer under sub-section (2) shall be retained in the custody of the Protection Officer making the seizure or taking delivery or shall be delivered into the custody of such person as the Minister may direct.

(4) Where fish or other perishable articles are seized under sub-section (1) or delivered under sub-section (2), the Protection Officer or other person having the custody thereof may sell them, and the proceeds of the sale shall be paid to the Receiver General of Canada or shall be deposited in a chartered bank to the credit of the Receiver General of Canada.

(5) Where a person is convicted of a violation of section 1, the convicting court or judge may, in addition to any other penalty imposed, order that:

(a) Any fishing vessel seized under sub-section (1) or delivered under sub-section (2) by means of or in relation to which the violation was committed,

(b) Any goods aboard the fishing vessel, including fish, tackle, rigging, apparel, furniture, stores and cargo, or, if any of the goods have been sold under sub-section (4), the proceeds thereof, or

(c) The fishing vessel and any of the goods mentioned in paragraph (b), or the proceeds thereof, be forfeited, and upon such order being made the fishing vessel, goods or proceeds so ordered to be forfeited are forfeited to Her Majesty in right of Canada.

(6) Where a fishing vessel or goods have been seized under sub-section (1) or delivered under sub-section (2) and the proceedings in respect of the violation have been instituted, the court or judge may, with the consent of the Protection Officer who made the seizure or who received delivery, order re-delivery thereof to the accused upon security by bond, with two sureties, in an amount and form satisfactory to the Minister, being given to Her Majesty.

(7) Any fishing vessel or goods seized under sub-section (1) or delivered under sub-section (2) or the proceeds realized from a sale thereof under sub-section (4) shall be returned or paid to the person from whom the fishing vessel or goods were taken if the Minister decides not to institute a prosecution in respect of the violation, and in any event shall be so returned or paid upon the expiration of three months from the day of seizure unless before that time proceedings in respect of the violation are instituted.

(8) Where proceedings in respect of a violation of section 1 have been instituted and a fishing vessel or goods are at the final conclusion of the proceedings ordered to be forfeited, they may be disposed of as the Minister directs.

(9) Where a fishing vessel or goods have been seized under sub-section (1) or delivered under sub-section (2) and proceedings in respect of the violation have been instituted, but the fishing vessel or goods or any proceeds realized from a sale thereof under sub-section (4) are not at the final conclusion of the proceedings ordered to be forfeited, they shall be returned or the proceeds shall be paid to the person from whom the fishing vessel or goods were taken, unless there has been a conviction and a fine imposed in which case the fishing vessel or goods may be detained until the fine is paid, or the fishing vessel and the goods may be sold under execution in satisfaction of the fine, or the proceeds realized from a sale of any of the goods under sub-section (4) may be applied in payment of the fine.

#### 4. Denmark-United Kingdom [3]

- (a) CONVENTION FOR REGULATING THE FISHERIES OUTSIDE THE TERRITORIAL WATERS IN THE OCEAN SURROUNDING THE FAROE ISLANDS AND ICELAND, 24 JUNE 1901.

*Note.* This Convention was denounced by Iceland under Article 39 on 3 October 1949, denunciation becoming effective two years later. The Convention was amended by an Exchange of Notes dated 23 July 1954 and 22 April 1955, between the United Kingdom and Denmark, the texts of which are given below under head (b).

- (b) EXCHANGE OF NOTES AMENDING THE CONVENTION FOR REGULATING THE FISHERIES OUTSIDE TERRITORIAL WATERS IN THE OCEAN SURROUNDING THE FAROE ISLANDS OF 24 JUNE 1901, 23 JULY 1954 AND 22 APRIL 1955. "UNITED KINGDOM TREATY SERIES" No. 29 (1955), CMD. 9457.

##### No. 1 (a)

The Danish Ambassador at London to Her Majesty's Principal Secretary  
of State for Foreign Affairs  
Royal Danish Embassy,  
London, July 23, 1954.

Sir,

I have the honour to refer to the Convention between Denmark and the United Kingdom of Great Britain and Northern Ireland, signed in London on June 24, 1901<sup>8</sup>, for regulating the fisheries of their respective subjects outside territorial waters in the Ocean surrounding the Farøe Islands and, in concert with the local administration of the Farøe Islands, to propose on behalf of the Danish Government that the Additional Article of the Convention providing for adhesion thereto shall be abrogated with effect from to-day.

2. If this proposal is acceptable to Her Majesty's Government in the United Kingdom, I have the honour to suggest that the present Note and your Excellency's reply to that effect should be regarded as constituting an agreement between our two governments.

I have, etc.

STEENSEN-LETH.

##### No. 1 (b)

Her Majesty's Principal Secretary of State for Foreign Affairs to the  
Danish Ambassador at London  
Foreign Office, S.W.1.  
July 23, 1954.

Your Excellency,

I have the honour to acknowledge receipt of your Excellency's Note of to-day's date which reads as follows:

[*As in No. 1 (a).*]

I have the honour to inform you that the foregoing proposal is acceptable to the Government of the United Kingdom and that they will regard your Note and this reply as constituting an agreement between the two governments abrogating, with effect from to-day, the Additional Article of the Convention signed in London on the 24th of June, 1901.

I have, etc.

(*For the Secretary of State*)  
H. A. F. HOHLER.

<sup>8</sup> "Treaty Series No. 5 (1903)," Cd. 1530.

## No. 2 (a)

The Danish Chargé d'Affaires at London to Her Majesty's Principal  
Secretary of State for Foreign Affairs  
Royal Danish Embassy,  
London, April 22, 1955.

Sir,

I have the honour to refer to the discussions between representatives of our two Governments, relating to the Convention between Denmark and the United Kingdom for regulating the fisheries outside territorial waters in the ocean surrounding the Farøe Islands, signed in London on the 24th of June, 1901. Following upon these discussions, the Government of Denmark, in concert with the local administration of the Farøe Islands, propose to the Government of the United Kingdom of Great Britain and Northern Ireland to modify the said Convention in the following respects.

2. (A) The limits within which Farøe Islanders and other Danish citizens shall enjoy the exclusive right of fishery shall be defined as indicated below; all the arcs mentioned are to be drawn at a radius of three miles from low water mark of the islands or off-lying rocks (drying); all geographical positions are taken from the Danish chart No. 80, edition of 1905, (corrected to 1953).

*North Coast*

From the arc centered on the rock close north of Myling along the common tangent to that arc and the arc round Rivtange. From the intersection of this tangent with the common tangent between the arcs round Rivtange and Kadlur, the limit runs along the tangent, thence following the arc off Kadlur, thence along the common tangent to the arc off Kadlur and the arc off the outermost drying rock off Enniberg. Along the arc round Enniberg and the common tangent between this arc and that round Nordberg in Fuglø. Thence along the arc round Nordberg and along the common tangent between that arc and that off the north east point of Fuglø.

*East Coast*

Along the arc round the north east point of Fuglø, to its intersection with the arc round Bispen, thence along that arc and the common tangent to this arc and that round the most easterly point of Svinø. Thence along the arc round the most easterly point of Svinø and the common tangent between it and the arc round the south easterly point of Svinø. Along the arc round the south easterly point of Svinø, and the common tangent between it and the arc round Skoren. From the intersection of this tangent and the common tangent between the arcs round Skoren and round the eastern point of Nolsø the limit is formed by this tangent, until its intersection with the common tangent between the arc round the eastern point of Nolsø and the arc round the eastern Fleserne, thence along this common tangent. Thence along the arc round the eastern Fleserne to its intersection with the arc round the Munken rock.

*West Coast*

Along the arc round the Munken rock and along the common tangent between this arc and the arc round the south western islet off Famarasund. Thence along the latter arc and the common tangent between that arc and the arc round Bergstange. Thence along the arc round Bergstange and along the common tangent between that arc and the arc round Kobbetange to a position 61 degrees 35.0 minutes north, 7 degrees 04.9 minutes west, which is 247 degrees 3.05 miles from Kobbetange. From this position the limit follows a straight line to a position 61 degrees 51.5 minutes north, 7 degrees 23.4 minutes west, which is 253½ degrees, 13.1 miles from the northern point of Troldhoved off Sandø. Thence as a straight line to the position on the arc round the outermost rock off Myggenæs at 62 degrees 03.9 minutes north, 7 degrees 45.95 minutes west,

which is 236 degrees 3.3 miles from Myggenæs lighthouse. Then the limit follows the arcs round the rocks off Holm at the western end of Myggenæs.

*North West Coast*

From the arc round the most northerly rock off Holm along the tangent to this arc which passes through the rock close north of Myling (not the arc round this rock) to a distance of three miles from the west coast of Strømø. Thence as a tangent from this position to the arc round the rock close north of Myling and continuing round that arc to the common tangent to that arc and the arc round Rivtange.

B. The Danish Government intend that the fishery limits indicated above shall be applied to all foreign fishing vessels. British fishing vessels shall receive treatment no less favourable than that accorded to the fishing vessels of any other foreign country.

3. If the proposals contained in this Note are acceptable to the Government of the United Kingdom, I suggest that this Note, and your reply to that effect, should be regarded as constituting an Agreement between our two Governments modifying the Convention of the 24th of June, 1901, accordingly.

4. I further suggest that the modifications to the said Convention thus agreed upon shall enter into effect on the 1st of July, 1955.

5. Finally, I suggest that the Convention, as modified by the Exchange of Notes of the 23rd of July, 1954, and by your Government's acceptance of the proposals in this Note, shall remain in force for ten years before becoming subject to the provisions for denunciation contained in Article XXXIX of the said Convention.

I have, etc.

E. KNUTH.

*No. 2 (b)*

Her Majesty's Principal Secretary of State for Foreign Affairs to the  
Danish Chargé d'Affaires at London  
Foreign Office, S.W.1.  
April 22, 1955.

Sir,

I have the honour to acknowledge receipt of your Note of to-day's date which reads as follows:

[*As in No. 2 (a).*]

I have the honour to inform you that the foregoing proposals are acceptable to the Government of the United Kingdom and that they will regard your Note and this reply as constituting an agreement between our two Governments, modifying the Convention of the 24th of June, 1901, accordingly.

I have, etc.

HAROLD MACMILLAN.

**5. France-United Kingdom [4]**

[No change]

**6. Italy-Yngoslavia [5]**

[No change]

**7. Portngal-Spain [6]**

[No change]