

No. 17685

**CANADA
and
NORWAY**

**Agreement on their mutual fishery relations. Signed at
Ottawa on 2 December 1975**

*Authentic texts: English, French and Norwegian.
Registered by Canada on 11 April 1979.*

**CANADA
et
NORVÈGE**

**Accord sur leurs relations en matière de pêche. Signé à
Ottawa le 2 décembre 1975**

*Textes authentiques : anglais, français et norvégien.
Enregistré par le Canada le 11 avril 1979.*

AGREEMENT¹ BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF NORWAY ON THEIR MUTUAL FISHERY RELATIONS

The Government of Canada and the Government of Norway,

Having regard to their common concern for the welfare of their coastal communities and the rational management, conservation and utilization of the living resources of the adjacent waters upon which these communities depend,

Recognizing that both Governments propose to extend their areas of jurisdiction over such living resources pursuant to and in accordance with relevant principles of international law, and to exercise within these areas sovereign rights for the purpose of exploring and exploiting, conserving and managing these resources,

Desirous of establishing the terms and conditions under which their mutual fishery relations shall be conducted and of promoting the orderly development of the law of the sea,

Taking into account developing state practice and the consensus emerging from the Third United Nations Conference on the Law of the Sea,

Recalling their Agreement of July 15, 1971, with respect to Norwegian fishing practices off the Atlantic coast of Canada² and their Agreement of July 15, 1971, on sealing and the conservation of seal stocks in the Northwest Atlantic³ as amended,⁴

Have agreed as follows:

Article I. The Government of Canada and the Government of Norway undertake to ensure close co-operation between the two countries in matters pertaining to the conservation and utilization of the living resources of the sea. They shall take appropriate measures to facilitate such co-operation and shall continue to consult and co-operate in international negotiations and organizations with a view to achieving common fisheries objectives.

Article II. 1. The Government of Canada undertakes, upon the extension of the area under Canadian fisheries jurisdiction, to permit Norwegian vessels to fish within this area, beyond the present limits of the Canadian territorial sea and fishing zones off the Atlantic coast, for allotments, as appropriate, of parts of total allowable catches surplus to Canadian harvesting capacity, in accordance with the provisions of paragraphs 2 and 3 of this article.

2. In the exercise of its sovereign rights in respect of living resources in the area referred to in paragraph 1, the Government of Canada shall determine annually, subject to adjustment when necessary to meet unforeseen circumstances:

(a) The total allowable catch for individual stocks or complexes of stocks, taking into account the interdependence of stocks, internationally accepted criteria, and all other relevant factors;

¹ Came into force on 11 May 1976, the date of the exchange of the instruments of ratification, which took place at Oslo, in accordance with article VIII.

² United Nations, *Treaty Series*, vol. 870, p. 71.

³ *Ibid.*, vol. 870, p. 85.

⁴ *Ibid.*, vol. 977, p. 442; see also p. 425 of this volume.

- (b) The Canadian harvesting capacity in respect of such stocks; and
- (c) After appropriate consultations, allotments, as appropriate, for Norwegian vessels of parts of surpluses of stocks or complexes of stocks.

3. To fish for allotments pursuant to the provisions of paragraphs 1 and 2, Norwegian vessels shall obtain licences from the competent authorities of the Government of Canada. They shall comply with the conservation measures and other terms and conditions established by the Government of Canada and shall be subject to the laws and regulations of Canada in respect of fisheries.

4. The Government of Norway undertakes to co-operate with the Government of Canada, as appropriate in light of the development of fisheries relations between the two countries pursuant to the provisions of this article, in scientific research for purposes of conservation and management of the living resources of the area under Canadian fisheries jurisdiction off the Atlantic coast.

Article III. The Government of Canada and the Government of Norway recognize that States in whose rivers anadromous stocks originate have the primary interest in and responsibility for such stocks and agree that fishing for anadromous species should not be conducted in areas beyond the limits of national fisheries jurisdiction. They will continue to work together for the establishment of permanent multilateral arrangements reflecting this position.

Article IV. The Government of Canada and the Government of Norway undertake to co-operate directly or through appropriate international organizations to ensure proper management and conservation of the living resources of the high seas beyond the limits of national fisheries jurisdiction, including areas of the high seas beyond and immediately adjacent to the areas under their respective fisheries jurisdiction, taking into account their interests in such resources.

Article V. The Government of Norway shall take measures to ensure that Norwegian fishing vessels operate in compliance with the provisions of this Agreement.

Article VI. The Government of Canada and the Government of Norway shall carry out periodic bilateral consultations regarding the implementation of this Agreement and the development of further co-operation.

Article VII. 1. The present Agreement shall be without prejudice to other existing Agreements between the two Governments or to existing multilateral Conventions to which the two Governments are party.

2. The present Agreement shall be subject to review by the two Governments after a period of two years or at any time following ratification by both Governments of a future multilateral Convention dealing with the same substantive matters. It may be terminated by either Party at the conclusion of any six-year period from the date of its entry into force, provided that notice of termination is given not less than twelve months before the expiry of such period.

Article VIII. This Agreement is subject to ratification and shall enter into force on the date of the exchange of the instruments of ratification, which shall take place at Oslo as soon as possible.

IN WITNESS WHEREOF, the undersigned, duly authorized thereto by their respective Governments, have signed this Agreement.

DONE in two copies at Ottawa this 2nd day of December 1975, in the English, French and Norwegian languages, each version being equally authentic.

EN FOI DE QUOI les soussignés, dûment autorisés à cet effet par leurs gouvernements respectifs, ont signé le présent Accord.

FAIT en deux exemplaires à Ottawa, le 2^e jour de décembre 1975, en anglais, en français et en norvégien, chaque version faisant également foi.

TIL BEKREFTELSE AV FORANSTÅENDE har undertegnede, som er behørig bemyndiget av sine respektive regjeringer, undertegnet denne avtale.

UTFERDIGET i to eksemplarer i Ottawa, den 2. desember 1975, på engelsk, fransk og norsk, idet alle tekster skal ha samme gyldighet.

[Signed — Signé]¹

For the Government of Canada
Pour le Gouvernement du Canada
For Canadas regjering

[Signed — Signé]²

For the Government of Norway
Pour le Gouvernement de la Norvège
For Norges regjering

¹ Signed by Allan J. MacEachen — Signé par Allan J. MacEachen.

² Signed by Kurt Hedemann — Signé par Kurt Hedemann.