

No. 17715



**CANADA
and
JAPAN**

Agreement on fisheries. Signed at Tokyo on 28 April 1978

Authentic texts: English, French and Japanese.

Registered by Canada on 11 April 1979.



**CANADA
et
JAPON**

Accord de pêche. Signé à Tokyo le 28 avril 1978

Textes authentiques : anglais, français et japonais.

Enregistré par le Canada le 11 avril 1979.

AGREEMENT¹ ON FISHERIES BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF JAPAN

The Government of Canada and the Government of Japan,

Having regard to the concern of both Governments for the rational management, conservation and optimum utilization of the living resources of the sea,

Reaffirming their desire to maintain mutually beneficial cooperation in the field of fisheries and to expand their economic cooperation in this field,

Recognizing that the Government of Canada has extended its jurisdiction over the living resources of its adjacent waters and exercises within a zone of 200 nautical miles sovereign rights for the purpose of exploring and exploiting, conserving and managing these resources,

Considering the concern of the Government of Canada for the welfare of its coastal communities and for the living resources of the adjacent waters upon which these communities depend,

Considering also the desire of the Government of Japan that fishing vessels of Japan continue to pursue their traditional interest in the utilization of the fishery resources off the coasts of Canada,

Taking into account state practice and the work of the Third United Nations Conference on the Law of the Sea, and

Desirous of establishing the terms and conditions under which their mutual fisheries relations shall be conducted,

Have agreed as follows:

Article I. The Government of Canada and the Government of Japan undertake to ensure close cooperation between the two countries in matters pertaining to the conservation and utilization of the living resources of the sea. They shall endeavour to facilitate such cooperation and shall continue to consult and cooperate bilaterally or multilaterally as appropriate with a view to achieving common fisheries objectives.

Article II. 1. The Government of Canada undertakes to permit Japanese vessels to fish within the areas under Canadian fisheries jurisdiction beyond the limits of the Canadian territorial sea and fishing zones off the Atlantic and Pacific coasts as established prior to January 1, 1977 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. (a) In the exercise of its sovereign rights in respect of the living resources in the areas referred to in paragraph 1, the Government of Canada shall determine annually, subject to adjustment when necessary to meet unforeseen circumstances:

- (i) 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 28 April 1978 by signature, in accordance with article XI.

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

(b) The Government of Canada undertakes to notify the Government of Japan of the allotments referred to in sub-paragraph (a) (iii) and the relevant determinations referred to in sub-paragraph (a) (i) and (ii), as far in advance as possible of the fishing season to which they apply.

3. To fish for allotments pursuant to the provisions of paragraphs 1 and 2, Japanese vessels shall obtain licences from the competent authorities of the Government of Canada. The Government of Canada will require compliance by such vessels with the conservation measures and other terms and conditions established by Canada, and with the laws and regulations of Canada in respect of fisheries.

4. In cases of arrest of nationals of Japan or seizure of Japanese fishing vessels by the authorities of the Government of Canada in connection with the matters referred to in paragraph 3, the authorities of the Government of Japan shall be promptly informed of the action taken by the authorities of the Government of Canada.

5. The Government of Japan will cooperate 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 required for purposes of management, conservation and utilization of the living resources of the areas referred to in paragraph 1. For these purposes, scientists of the two countries shall consult regarding the conduct of such research and the analysis and interpretation of the results obtained.

Article III. 1. Subject to the availability of facilities and the needs of Canadian vessels, the Government of Canada undertakes to authorize Japanese vessels licenced to fish pursuant to the provisions of Article II to enter Canadian ports, in accordance with Canadian laws, regulations and administrative requirements, for the purpose of purchasing bait, supplies or outfits or effecting repairs, or for such other purposes as may be determined by the Government of Canada.

2. Such authorization may become null and void in respect of any vessel licensed to fish pursuant to the provisions of Article II upon the cancellation or termination of its licence to fish, except for the purpose of entering port to purchase supplies or effect repairs necessary for its outward voyage.

3. The provisions of this Article shall not affect the question of access to Canadian ports in cases of distress, medical emergency or *force majeure*.

Article IV. The Government of Canada and the Government of Japan undertake to cooperate directly or through appropriate international organizations in order to ensure the conservation and optimum utilization of the living resources of the waters beyond the limits of Canadian fisheries jurisdiction. In such cooperation, the two Governments shall consider, *inter alia*, that Canada has the special interest in the conservation of the stocks of the Grand Banks-Flemish Cap area and in allocations therefrom, noting the proximity of Canada to this area off its coast, the practice adopted in the International Commission for the Northwest Atlantic Fisheries of granting special allocations to Canada as the coastal state with respect to the stocks of the Northwest Atlantic Ocean including this area, and extensive efforts made by Canada in providing surveillance and inspection of international fisheries on these stocks and ensuring their protection through international action.

Article V. 1. The Government of Canada and the Government of Japan recognize that states in whose rivers anadromous stocks originate have the primary interest in and responsibility for such stocks. The two Governments will continue to work together within the framework of the United Nations Conference on the Law of the Sea for the establishment of permanent multilateral arrangements concerning anadromous species.

2. The two Governments agree to respect the conservation measures set out in the International Convention for the High Seas Fisheries of the North Pacific Ocean signed at Tokyo on May 9, 1952,¹ as amended from time to time, or in any other agreement which replaces the said Convention and to which both Canada and Japan are parties.

3. The two Governments shall hold consultations, as required, with a view to cooperating on any question which may arise with respect to anadromous stocks of Canadian origin. In particular, such consultations shall be held with a view to establishing conservation measures for anadromous stocks of Canadian origin beyond the limits of Canadian fisheries jurisdiction in the event that the Convention or other agreement referred to in paragraph 2 ceases to be effective.

Article VI. The Government of Canada and the Government of Japan will promote directly or through appropriate international organizations the objective of conservation and optimum utilization of highly migratory species of fish both within and beyond the limits of national fisheries jurisdiction.

Article VII. 1. The Government of Japan shall ensure, in accordance with the laws and regulations of Japan, that Japanese vessels operate in compliance with the provisions of this Agreement and with any measures agreed upon from time to time by the Government of Canada and the Government of Japan pursuant to the provisions of this Agreement.

2. The Government of Canada shall take the necessary measures to give effect to the provisions of this Agreement, including the issuance of licences.

Article VIII. The Government of Canada and the Government of Japan shall carry out periodic bilateral consultations regarding the implementation of this Agreement and the procedures provided for in Article II including the exchange and review of scientific data necessary for the management of the fishery resources.

Article IX. 1. Within the Framework for Economic Cooperation, signed in Tokyo on October 21, 1976, the Government of Canada and the Government of Japan will carry out periodic bilateral consultations regarding the development of economic cooperation in the field of fisheries.

2. In such consultations, the two Governments will examine jointly the possibility of expanded bilateral cooperation, including cooperation on such matters as exchanges of technical information and personnel, improvement of utilization and processing of catches, facilitation of cooperative arrangements between Canadian and Japanese enterprises with respect to the utilization of the living resources of the waters off the Canadian coasts, arrangements for the use of Canadian ports by Japanese vessels to ship or discharge crew members or other persons and for such other purposes as may be agreed upon, and expansion of markets for fish and fish products originating in Canada.

¹ United Nations, *Treaty Series*, vol. 205, p. 65.

Article X. Nothing in this Agreement shall be deemed to affect other existing international agreements to which Japan and Canada are parties or to prejudice the position of the Government of either country in regard to any question under negotiation at the Third United Nations Conference on the Law of the Sea.

Article XI. This Agreement shall enter into force on the date of signature. It shall remain in force for a period of two years and shall continue in force thereafter until the expiration of six months from the day on which either Government shall give notice of its intention to terminate this Agreement.

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

DONE in duplicate at Tokyo, this twenty-eighth day of April, 1978, in the English, French and Japanese languages, each version being equally authentic.

For the Government
of Canada:

[Signed]¹

For the Government
of Japan:

[Signed]²

¹ Signed by Bruce Rankin.

² Signed by K. Arita.