

**No. 17687**

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**CANADA  
and  
UNION OF SOVIET SOCIALIST REPUBLICS**

**Agreement on their mutual fisheries' relations. Signed at  
Moscow on 19 May 1976**

*Authentic texts: English, French and Russian.*

*Registered by Canada on 11 April 1979.*

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**CANADA  
et  
UNION DES RÉPUBLIQUES SOCIALISTES  
SOVIÉTIQUES**

**Accord sur leurs relations mutuelles en matière de pêche.  
Signé à Moscou le 19 mai 1976**

*Textes authentiques : anglais, français et russe.*

*Enregistré par le Canada le 11 avril 1979.*

## AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON THEIR MUTUAL FISHERIES RELATIONS

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The Government of Canada and the Government of the Union Of Soviet Socialist Republics,

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

Recognizing that the Government of Canada proposes to extend its jurisdiction over the living resources of its adjacent waters pursuant to and in accordance with relevant principles of international law, and to exercise within a zone of 200 nautical miles sovereign rights for the purposes of exploring and exploiting, conserving and managing these resources,

Taking into account traditional Soviet fishing,

Reaffirming their desire to maintain mutually beneficial co-operation in the field of fisheries,

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 international developments and, in particular, the work of the Third United Nations Conference on the Law of the Sea,

Taking into consideration their Agreement of January 22, 1971, on co-operation in fisheries in the northeastern Pacific Ocean off the coast of Canada, as amended and extended,<sup>2</sup> their Agreement of January 22, 1971, on provisional rules of navigation and fisheries' safety in the northeastern Pacific Ocean off the coast of Canada, as extended,<sup>3</sup> and their Agreement of December 22, 1975, providing for the establishment of a joint Fisheries' Consultative Commission,<sup>4</sup>

Have agreed as follows:

*Article I.* The Government of Canada and the Government of the Union of Soviet Socialist Republics 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 USSR vessels to fish within this area, beyond the present limits of the Canadian territorial sea and fishing zones off the Atlantic and Pacific coasts, 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.

<sup>1</sup> Came into force on 19 May 1976 by signature, in accordance with article VIII.

<sup>2</sup> United Nations, *Treaty Series*, vol. 977, p. 41.

<sup>3</sup> *Ibid.*, p. 60.

<sup>4</sup> See p. 131 of this volume.

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;
- (b) The Canadian harvesting capacity in respect of such stocks; and
- (c) After appropriate consultations, allotments, as appropriate, for USSR 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), USSR 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 the Union of Soviet Socialist Republics undertakes to co-operate with the Government of Canada 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 and Pacific coasts. 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.

5. The Government of Canada undertakes to authorize USSR vessels licenced to fish or to support fishing operations pursuant to the provisions of this article, to enter Canadian Atlantic and Pacific ports, in accordance with Canadian laws, regulations and administrative requirements, for the purpose of purchasing bait, supplies or outfits, or effecting repairs, and such other purposes as may be determined by the Government of Canada, subject to the availability of facilities for these purposes and the needs of Canadian vessels. Such authorization shall become null and void in respect of any vessel upon the cancellation or termination of its licence to fish or to support fishing operations, except for the purpose of entering port to purchase supplies or effect repairs necessary for its outward voyage.

*Article III.* 1. The Government of Canada and the Government of the Union of Soviet Socialist Republics recognize that States in whose fresh waters anadromous stocks originate have the primary interest in and responsibility for such stocks and agree in principle 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, taking into account all relevant factors.

2. Pursuant to paragraph (1), the Government of Canada and the Government of the Union of Soviet Socialist Republics shall take measures to ensure that their nationals and vessels avoid the taking of anadromous stocks spawned in waters under the jurisdiction of the other Contracting Party.

*Article IV.* The Government of Canada and the Government of the Union of Soviet Socialist Republics 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.* 1. The Government of the Union of Soviet Socialist Republics shall take measures to ensure that USSR fishing vessels operate in compliance with 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 pursuant to the provisions of article II.

*Article VI.* 1. The Government of Canada and the Government of the Union of Soviet Socialist Republics shall carry out periodic bilateral consultations regarding the implementation of this Agreement and the development of further co-operation. In particular, they shall examine jointly the possibility of future bilateral co-operation on such matters as exchanges of technical information and personnel; improvement of utilization and processing of catches; the facilitation of co-operative arrangements between Canadian and Soviet enterprises with respect to the utilization of living resources of waters off the Canadian coast; arrangements for the use of Canadian ports by Soviet fishing vessels to ship or discharge crew members or other persons and for such other purposes as may be agreed upon; expansion of markets for fish and fish products originating in Canada, and the reduction or elimination of tariff and non-tariff barriers for such products.

2. The Government of Canada and the Government of the Union of Soviet Socialist Republics agree that a Joint Fisheries' Consultative Commission would provide an appropriate forum for bilateral consultations to facilitate the implementation of this Agreement, including the consultations provided for under this article and articles I, II, IV and VII. They undertake to review the terms of their Agreement of December 22, 1975, with a view to adapting to these purposes the Commission established thereunder.

3. The Government of Canada and the Government of the Union of Soviet Socialist Republics further agree that in the consultations referred to in paragraph (2) (c) of article II regarding allotments for USSR fishing vessels of parts of surpluses of stocks or complexes of stocks, pursuant to the provisions of paragraphs (1) and (2) of article II, the Government of Canada will take into consideration all relevant factors including, *inter alia*, Canadian interests, the development of co-operation between the two Governments pursuant to the provisions of this Agreement, and previous catches of the USSR fleet in respect of such stocks or complexes of stocks.

*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 or to the views of either Government with regard to the law of the sea.

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, acceptance or approval by both Parties 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 shall enter into force on the date of signature.