

No. 20823

**UNITED STATES OF AMERICA
and
CANADA**

Exchange of notes constituting an interim arrangement concerning fisheries for albacore tuna off the Pacific coasts of the United States and Canada (with annex). Washington, 21 August 1980

Authentic text: English.

Registered by the United States of America on 1 March 1982.

**ÉTATS-UNIS D'AMÉRIQUE
et
CANADA**

Échange de notes constituant un arrangement intérimaire relatif à la pêche du thon Albacore au large des côtes du Pacifique des États-Unis et du Canada (avec annexe). Washington, 21 août 1980

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 1^{er} mars 1982.

EXCHANGE OF NOTES CONSTITUTING AN INTERIM ARRANGEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND CANADA CONCERNING FISHERIES FOR ALBACORE TUNA OFF THE PACIFIC COASTS OF THE UNITED STATES AND CANADA

I

The Department of State refers the Embassy of Canada to discussions held between representatives of the two Governments on July 29, 1980, and subsequently, to consider issues relating to fisheries for albacore tuna off the Pacific coasts of the two countries.

With a view to reaching a mutually satisfactory solution to these issues over the coming year, and without prejudice to the respective juridical positions of both Governments regarding highly migratory species of tuna, the Department of State proposes that:

- (a) Negotiations be initiated as soon as possible, and at the latest within the next six weeks, on a bilateral treaty to provide, *inter alia*, for:
 - (i) Reciprocal access for tuna fishermen of each country to land albacore tuna in designated ports of the other country, for sale in such ports; for transshipment in bond; or for sale in bond for export;
 - (ii) Other reciprocal port privileges including fuelling, repairs and the purchase of supplies; and
 - (iii) Fishing by vessels of each country for albacore tuna in waters under the fisheries jurisdiction of the other country beyond twelve nautical miles of the baselines from which the territorial sea is measured;
- (b) Such negotiations be brought to a satisfactory conclusion within this calendar year, and every effort be made to have the proposed treaty come into force by June 1, 1981.

The Department further proposes, as an interim arrangement pending the entry into force of the proposed treaty referred to above, that:

- (a) Each Government shall permit vessels of the other country to fish for albacore tuna in waters under its fisheries jurisdiction beyond twelve nautical miles of the baselines from which the territorial sea is measured, under the procedures set out in the Annex to this note and subject to other applicable laws and regulations;
- (b) Each Government shall allow fishing vessels on the list of the other country access to its ports for the purpose of fuelling, repairs and purchase of supplies, subject to applicable regulations and on a non-discriminatory basis; and
- (c) This interim arrangement shall cease on June 1, 1981, or upon the entry into force of the proposed treaty, whichever occurs first.

As soon as the Government of Canada indicates that the foregoing proposals are acceptable, the United States Government shall promptly remove the import prohibitions on tuna and tuna products from Canada which were imposed on August 31, 1979.

¹ Came into force on 21 August 1980 by the exchange of the said notes.

The Department of State would appreciate an indication from the Embassy of Canada to the effect that the above proposals are acceptable to the Government of Canada.

Enclosure:

Annex

Department of State
Washington

ANNEX

1. *a.* Each Government agrees to provide to the other Government a list of its fishing vessels which propose to fish albacore tuna off the coast of the other country. The list will include (1) vessel name, (2) home port, (3) radio call sign, and (4) vessel registration number.

b. As soon as possible after receipt, each Government shall satisfy itself that the list received meets the criteria of paragraph 1 and shall thereafter (1) so inform the other Government and (2) convey the list to its enforcement authorities in order to enable the prosecution of the albacore fishery under these arrangements.

2. Each Government shall notify the vessels on its list in a timely manner that the other Government has acknowledged receipt of the list, and shall provide a copy of such communications to the other Government.

3. Each Government may provide the other Government with additions or deletions to its list at any time. The other Government shall acknowledge receipt of such additions or deletions as soon as possible in accordance with paragraphs 1 and 2 above.

4. When entering and leaving the fishing zone of the other Government, each vessel on a list shall contact appropriate authorities of the other Government.

5. In order that better information on the stocks of albacore tuna which migrate off the west coasts of the United States and Canada may be obtained, each vessel on a list shall provide statistics and other scientific information on its albacore tuna catch in the fishing zone of each Government to both Governments in such form as each Government shall specify.

II

CANADIAN EMBASSY

AMBASSADE DU CANADA

No. 423

The Canadian Embassy presents its compliments to the Department of State and has the honour to refer to the Department of State's Note of August 21, 1980, concerning fisheries for albacore tuna off the Pacific coasts of Canada and the United States.

The Canadian Embassy wishes to indicate that the Canadian Government agrees with the proposals set forth in the Department of State's Note. It is the view of the Canadian Government, however, that these arrangements are without prejudice to action brought by the Canadian authorities before the GATT in Geneva regarding import prohibitions on tuna and tuna products imposed by the United States Government on August 31, 1979.

The Canadian Embassy avails itself of this opportunity to renew to the Department of State the assurances of its highest consideration.

Washington, D.C., August 21, 1980