

**No. 24901**



**CANADA  
and  
DENMARK**

**Agreement concerning Faroese fishing off the Canadian coast. Signed at Ottawa on 3 June 1980**

*Authentic texts: English, French, Danish and Faeroese.  
Registered by Canada on 16 July 1987.*



**CANADA  
et  
DANEMARK**

**Accord concernant la pêche féroïenne au large des côtes canadiennes. Signé à Ottawa le 3 juin 1980**

*Textes authentiques : anglais, français, danois et féroïen.  
Enregistré par le Canada le 16 juillet 1987.*

## AGREEMENT<sup>1</sup> BETWEEN CANADA AND THE KINGDOM OF DENMARK CONCERNING FAEROESE FISHING OFF THE CANADIAN COAST

Canada and the Kingdom of Denmark,

Having regard to the concern of both Parties 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 cooperation in this field;

Recalling the status of the Faroe Islands as a self-governing community within the Kingdom of Denmark according to which the Home government of the Faroe Islands has legislative and administrative authority in matters relating to fisheries;

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

Recognizing that jurisdiction over the living resources of the waters adjacent to the Faroe Islands has been extended to 200 nautical miles for the purpose of exploring and exploiting, conserving and managing these resources;

Recognizing, in view of the unique geographical characteristics of the [Grand] Banks–Flemish Cap area off the Canadian coast that fishing operations in this area beyond and immediately adjacent to the area under Canadian jurisdiction must be managed on a scientific basis with due regard to conservation of fish stocks and the needs of Canadian coastal communities;

Having regard to 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 the overwhelming dependence of the Faroe Islands on fisheries and taking into account traditional fishing by Faroese vessels in waters now under Canadian fisheries jurisdiction off the Atlantic coast;

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

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;

Have agreed as follows:

*Article I.* The two Parties undertake to ensure close cooperation in matters pertaining to the conservation and utilization of the living resources of the sea. They shall take appropriate measures to facilitate such cooperation and shall

<sup>1</sup> Came into force on 22 December 1981, the date on which the Parties notified each other, by means of an exchange of notes, of the completion of the necessary procedures, in accordance with article X.

continue to consult and cooperate in international negotiations and organizations with a view to achieving fisheries objectives.

*Article II.* 1. The Government of Canada undertakes to permit Faroese vessels to fish within the area under Canadian fishing jurisdiction beyond the limits of the Canadian territorial sea and fishing zones off the Atlantic coast 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 to the living resources in the sea 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;
- (ii) The Canadian harvesting capacity in respect of such stocks; and
- (iii) After appropriate consultations, allotments, as appropriate, for Faroese vessels of parts of surpluses of stocks or complexes of stocks.

(b) The Government of Canada undertakes to notify the appropriate authorities of the Kingdom of Denmark of the allotments referred to in subparagraph (a) (iii) and the relevant determinations referred to in subparagraph (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, Faroese 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. Furthermore, Faroese fishing vessels may continue to fish for porbeagle shark by longline in that part of Zone 1 (Gulf of St. Lawrence) of the fishing zones of Canada defined in the chart annexed hereto, on the same conditions as before January 1, 1975, save only that such continued fishing shall be on the basis of a licence or licences to be issued by the Canadian authorities and may be terminated by the Canadian authorities upon not less than one year's notice in writing prior to the conclusion of any two year period following January 1, 1979.

5. The appropriate authorities of the Kingdom of Denmark shall cooperate with the Government of Canada, as appropriate in light of the development of fisheries relations between the two Parties pursuant to the provisions of this Article, in scientific research required for purposes of management, conservation and utilization of the living resources of the area described in this Article. For these purposes, scientists of both Parties shall consult regarding the conduct of such research and the analysis and interpretation of the results obtained.

*Article III.* 1. The two Parties affirm the need to ensure the conservation of the living resources beyond the limits of national fisheries jurisdiction and, accordingly, undertake to cooperate in the light of this principle, both directly and through appropriate international organizations, in order to ensure the proper management and conservation of these resources.

2. Where the same stock or stocks of associated species occur both within and beyond Canadian fisheries waters on the Grand Banks and Flemish Cap, and Faroese vessels participate or wish to participate in fisheries for such stocks within the area beyond Canadian fisheries waters, the two Parties shall seek either directly or through appropriate international organizations to agree upon measures for the conservation and management of these stocks within the area beyond Canadian fisheries waters, taking into account the need for consistency between the measures applying within Canadian fisheries waters and those applying beyond such waters.

3. Where discrete stocks occur on the Grand Banks and Flemish Cap beyond Canadian fisheries waters and Canadian and Faroese vessels participate or wish to participate in fisheries for such stocks, the two Parties shall seek either directly or through appropriate international organizations to agree upon measures for the conservation and management of these stocks.

4. Having regard to the proximity of the Grand Banks and Flemish Cap to the coast of Canada, the practice of ICNAF of granting special treatment for Canada as the coastal State with respect to the stocks of these areas, and the extensive responsibilities and tasks undertaken by Canada in providing surveillance and inspection of international fisheries on those stocks and ensuring their protection through international action, the two Parties shall, in their cooperation pursuant to the terms of this Article, take into account the special interest of Canada, based on the foregoing factors, in the conservation of these stocks beyond Canadian fisheries waters, and in allocations therefrom, as well as Faroese interests with regard to these stocks.

*Article IV.* 1. Subject to the availability of facilities and the needs of Canadian vessels, the Government of Canada undertakes to authorize Faroese vessels 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, where such vessels are licenced to fish or to support fishing operations pursuant to Article II.

2. Such authorization may 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.

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 V.* 1. The two Parties 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.

2. Pursuant to paragraph 1, the appropriate authorities of the Kingdom of Denmark shall take measures to avoid the taking by Faroese vessels operating beyond the limits of the fishing zone of the Faroe Islands of anadromous stocks spawned in Canadian waters.

*Article VI.* 1. The appropriate authorities of the Kingdom of Denmark shall take measures to ensure that Faroese vessels operate in compliance with the provisions of this Agreement and with any measures agreed upon from time to time by the two Parties 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 VII.* 1. The two Parties shall carry out periodic bilateral consultations regarding the implementation of this Agreement and the development of further cooperation.

2. The two Parties shall 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, the facilitation of cooperative arrangements between Canadian and Faroese enterprises with respect to the utilization of living resources of waters off the Canadian coast, arrangements for the use of Canadian ports by Faroese fishing vessels to ship or discharge crew members or other persons, and for such other purposes as may be agreed upon. They shall moreover exchange market information in the field of fisheries and shall cooperate in the expansion and development of markets for fish and fish products.

3. In the consultations referred to in paragraph 2 (a) (iii) of Article II regarding allotments for Faroese fishing vessels of parts of surpluses of stocks or complexes of stocks, the Government of Canada will take into consideration all relevant factors, including *inter alia* Canadian interests, previous catches by Faroese vessels in respect of such stocks or complexes of stocks, and the development of cooperation between the two Parties pursuant to the provisions of this Agreement.

*Article VIII.* 1. Subject to paragraph 2, nothing in this Agreement shall be deemed to affect other existing international agreements by which the two Parties are bound or to prejudice the position of the Parties in regard to any question under negotiation at the Third United Nations Conference on the Law of the Sea.

2. When this Agreement enters into force the agreement of March 27, 1972 between Canada and Denmark concerning Danish fishing off the Atlantic coast of Canada shall terminate.

*Article IX.* 1. The present Agreement shall be subject to review by the two Parties following the conclusion of the negotiations for a multilateral treaty resulting from the Third United Nations Conference on the Law of the Sea.

2. The present Agreement may be terminated by either Party on January 1, 1983 or upon the conclusion of any two year period thereafter, provided that notice of termination is given not less than twelve months in advance of such termination.

*Article X.* This Agreement shall enter into force on the date on which the Parties notify each other, by means of an Exchange of Notes, of the completion of the procedures necessary for this purpose.

[For the testimonium and signatures, see p. 169 of this volume.]

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

DONE in two copies at Ottawa this 3rd day of June 1980, in the English, French, Danish and Faroese languages, each version being equally authentic.

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

FAIT en deux exemplaires à Ottawa, le 3<sup>e</sup> jour de juin 1980, en anglais, français, danois et féroïen, chaque version faisant également foi.

For Canada:  
Pour le Canada :  
ROMÉO LEBLANC

For the Kingdom of Denmark:  
Pour le Royaume du Danemark :  
ATLI PAETURSSON DAM