

No. 24887

**CANADA
and
POLAND**

**Agreement on their mutual fisheries relations. Signed at
Ottawa on 14 May 1982**

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

**CANADA
et
POLOGNE**

**Accord sur leurs relations mutuelles en matière de pêche.
Signé à Ottawa le 14 mai 1982**

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

AGREEMENT¹ BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC ON THEIR MUTUAL FISHERIES RELATIONS

The Government of Canada and the Government of the Polish People's Republic,

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 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,

Taking into account the very important role played by the Polish deep sea fisheries in the economy of Poland,

Taking into account traditional Polish fishing in Canadian fisheries waters,

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

Desirous of establishing the terms and conditions under which their mutual fisheries relations shall be conducted and of promoting the orderly development of the Law of the Sea,

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

Have agreed as follows:

Article I. The Government of Canada and the Government of the Polish People's Republic undertake to ensure close cooperation between the two countries in matters pertaining to the conservation and optimum utilization of the living resources of the sea. They shall take appropriate measures to facilitate such cooperation and shall continue to consult and cooperate in international negotiations and organizations with a view to achieving common fisheries objectives.

Article II. 1. The Government of Canada undertakes to permit Polish vessels to fish within the Canadian 200 mile limit, 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 allocations, 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 areas referred to in paragraph (1), the Government of Canada shall determine

¹ Came into force on 15 May 1982, in accordance with article VIII.

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, allocations, as appropriate, for Polish vessels of parts of surpluses of stocks or complexes of stocks.

3. To fish for allocations pursuant to the provisions of paragraphs (1) and (2), Polish 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 Polish People's Republic undertakes to cooperate 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 required for the purposes of management, conservation and utilization of the living resources of the areas described 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.

5. The Government of Canada undertakes to authorize Polish vessels licensed 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.

Article III. 1. The Government of Canada and the Government of the Polish People's Republic 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 Government of the Polish People's Republic shall take measures to avoid the taking by its vessels and by persons under its jurisdiction of anadromous stocks spawned in Canadian waters.

Article IV. 1. The two Governments affirm the need to ensure the conservation of the living resources beyond the limits of national fisheries jurisdiction and, accordingly, undertake to cooperate to this end, 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 Polish vessels participate or wish to participate in fisheries for such stocks in the area beyond Canadian fisheries waters, the two Governments shall seek either

directly or through appropriate international organizations to agree upon measures for the conservation and management of these stocks in 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 Polish vessels participate or wish to participate in fisheries for such stocks, the two Governments 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 in the Northwest Atlantic Fisheries Organization of giving special consideration for Canada as a 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 Governments 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 Polish interests with regard to these stocks.

5. The two Governments undertake to maintain an observer program pursuant to which observers of either Government may be carried on vessels of the other Government when such vessels are engaged in fishing operations in the area beyond Canadian fisheries waters on the Grand Banks and Flemish Cap.

6. The two Governments undertake to cooperate directly or through appropriate international organizations, and particularly within the framework of the Third United Nations Conference on the Law of the Sea, to ensure proper management and conservation of the living resources of the high seas beyond the limits of national fisheries jurisdiction.

Article V. The Government of the Polish People's Republic shall take measures to ensure that Polish fishing vessels operate in compliance with the provisions of this Agreement.

Article VI. 1. The Government of Canada and the Government of the Polish People's Republic shall carry out periodic bilateral consultations regarding the implementation of this Agreement and the development of further cooperation.

2. The two Governments shall promote future bilateral cooperation on such matters as exchanges of technical information and personnel, improvement of utilization and processing of catches, expansion of markets for fish and fish products originating in Canada, and, bearing in mind the obligations of both countries as contracting parties to the General Agreement on Tariffs and Trade,¹ shall promote the reduction or elimination of tariff and non-tariff barriers for such products. They shall examine jointly the facilitation of cooperative arrangements between Canadian and Polish enterprises with respect to the utilization of living resources of waters off the Canadian coast, and arrangements for the use of

¹ United Nations, *Treaty Series*, vol. 55, p. 187.

Canadian ports by Polish fishing vessels to ship or discharge crew members or other persons and for such other purposes as may be agreed upon.

3. Pursuant to paragraph (2), the Government of the Polish People's Republic undertakes to maintain a satisfactory trading relationship with Canada in Canadian fish products.

4. Representatives of the two Governments shall meet annually to establish a Polish purchase commitment for Canadian fish products as the minimum level of Polish fish purchases for the relevant year, taking into account the allocations for Poland pursuant to Article II.

Article VII. 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.

Article VIII. This Agreement shall enter into force on May 15, 1982. It shall remain in force until the expiration of eighteen months from the day on which either Government shall give notice of its intention to terminate this Agreement.

[For the testimonium and signatures, see p. 306 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 14th day of May, 1982, in the English, French and Polish 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 14^e jour de mai 1982, en français, en anglais et en polonais, chaque version faisant également foi.

ROMÉO LEBLANC

For the Government of Canada
Pour le Gouvernement du Canada

STANISLAW PAWLAK

For the Government of the Polish People's Republic
Pour le Gouvernement de la République populaire de Pologne
