

No. 26343

**CANADA
and
FRANCE**

**Agreement on the establishment of a mediation procedure in
respect of fisheries. Signed at Ottawa on 30 April 1988**

Authentic texts: English and French.

Registered by Canada and France on 5 December 1988.

**CANADA
et
FRANCE**

**Accord relatif à l'institution d'une procédure de médiation en
matière de pêche. Signé à Ottawa le 30 avril 1988**

Textes authentiques : anglais et français.

Enregistré par le Canada et la France le 5 décembre 1988.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE FRENCH REPUBLIC ON THE ESTABLISHMENT OF A MEDIATION PROCEDURE IN RESPECT OF FISHERIES

DOCUMENTATION SUBMITTED BY CANADA

The Government of Canada and the Government of the French Republic (hereinafter called "the Parties"):

Wishing to find without delay a solution to their dispute over fish quotas for French vessels in Canadian waters, having regard to the France-Canada Treaty of March 27, 1972;²

Noting that fish quotas should in particular be established for the period required for third-party settlement of the dispute over the maritime claims of the two states;

Have agreed to the following:

Article 1

The two Parties shall appoint jointly, before May 7, 1988, a Mediator whose nationality shall be neither French nor Canadian.

Should the two Parties be unable to appoint a Mediator before the aforesaid date, they shall approach the Secretary-General of the United Nations and call upon his good offices to appoint a personality mutually acceptable to them.

Article 2

The mission of the Mediator shall be to help the Parties find a solution to the problem of setting annual fish quotas for French vessels for the period 1988-91 inclusive. The Mediator is allowed to take into consideration fishing activities in sub-area 3Ps without prejudice to the legal positions of the Parties, as set out in Article 4. In the exercise of his functions, the Mediator shall facilitate the adoption by the Parties of a mutually acceptable solution in accordance with the applicable rules of international law. To this effect, he shall present his own proposals to the Parties; he shall carry out his mediation in accordance with international law practice, and in conformity with it he shall not submit a report at the end of his mandate.

Article 3

The activities of the Mediator, the information gathered by him, the interventions and proposals he shall be called upon to make or the documents received or produced by him shall be confidential in nature and shall not be made public, in whole or in part, except by common consent between the two Parties.

Article 4

None of the activities of the Mediator or the answers or proposals made by the Parties shall prejudice their respective legal positions as far as the delimitation of

¹ Came into force on 30 April 1988 by signature.

² United Nations, *Treaty Series*, vol. 862, p. 209.

maritime areas and the conditions of application of the fisheries Treaty of March 27, 1972 are concerned.

Article 5

The mediation shall have no binding effect. Each Party reserves the right, should the mediation fail, to revert to its previous claims.

Article 6

The mission of the Mediator shall terminate 90 days after he assumes his duties or when the Parties reach an agreement.

Article 7

The two Parties shall bear the costs for the Mediator on an equal basis.

[For the testimonium and signatures, see p. 252 of this volume.]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF CANADA ON THE ESTABLISHMENT OF A MEDIATION PROCEDURE IN RESPECT OF FISHERIES

DOCUMENTATION SUBMITTED BY FRANCE

The Government of the French Republic and the Government of Canada (hereinafter called "the Parties"):

Wishing to find without delay a solution to their dispute over fish quotas for French vessels in Canadian waters, having regard to the France-Canada Treaty of March 27, 1972;²

Noting that fish quotas should in particular be established for the period required for third-party settlement of the dispute over the maritime claims of the two states;

Have agreed to the following:

Article 1

The two Parties shall appoint jointly, before May 7, 1988, a Mediator whose nationality shall be neither French nor Canadian.

Should the two Parties be unable to appoint a Mediator before the aforesaid date, they shall approach the Secretary-General of the United Nations and call upon his good offices to appoint a personality mutually acceptable to them.

Article 2

The mission of the Mediator shall be to help the Parties find a solution to the problem of setting annual fish quotas for French vessels for the period 1988-91 inclusive. The Mediator is allowed to take into consideration fishing activities in sub-area 3Ps without prejudice to the legal positions of the Parties, as set out in Article 4. In the exercise of his functions, the Mediator shall facilitate the adoption by the Parties of a mutually acceptable solution in accordance with the applicable rules of international law. To this effect, he shall present his own proposals to the Parties; he shall carry out his mediation in accordance with international law practice, and in conformity with it he shall not submit a report at the end of his mandate.

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The mission of the Mediator shall terminate 90 days after he assumes his duties or when the Parties reach an agreement.

Article 7

The two Parties shall bear the costs for the Mediator on an equal basis.

[For the testimonium and signatures, see p. 257 of this volume.]

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

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

FAIT en double exemplaire à Ottawa, ce 30^e jour d'avril 1988, en langues française et anglaise, les deux versions faisant également foi.

DONE in duplicate at Ottawa, on this 30th day of April 1988, in the English and French languages, both versions being equally authentic.

Pour le Gouvernement
de la République française :

For the Government
of the French Republic:

[Signé — Signed]¹

Pour le Gouvernement
du Canada :

For the Government
of Canada:

[Signé — Signed]²

¹ Signé par Jean-Pierre Puissochet — Signed by Jean-Pierre Puissochet.

² Signé par Yves Fortier — Signed by Yves Fortier.