

CANADA-UNITED STATES: AGREEMENT ON FISHERIES ENFORCEMENT*
 [Done at Ottawa, September 26, 1990]
 +Cite as 30 I.L.M. 419 (1991)+

I.L.M. Background/Content Summary

On January 4, 1991, President Bush transmitted the Agreement to the U.S. Congress, in accordance with the Magnuson Fishery Conservation and Management Act of 1976 [15 I.L.M. 634 (1976)]. The Agreement will require each country to prohibit its fishermen from operating contrary to fisheries laws of the other country within that country's waters. Fishermen who violate such laws will no longer be able to escape enforcement action by returning to their own waters. The Agreement is seen as a step towards both reducing tensions in the coastal Canadian-U.S. boundary areas and improving each country's conservation efforts.

TEXT OF AGREEMENT - I.L.M. Page 420

[Preamble]

[To augment enforcement of national laws within U.S. and Canadian waters and fishery zones]

- Art. I [APPROPRIATE MEASURES]
 [Duty to prevent own nationals from violating other Party's laws and regulations]
- Art. II [CONSULTATIONS]
 [Regarding implementation of this Agreement]
- Art. III [INFORMATION]
 [Duty to inform persons of other Party's laws and regulations]
- Art. IV [EFFECT ON PRE-EXISTING AUTHORITY]
 [No limiting effect on either Party's enforcement authority]
- Art. V [MARITIME BOUNDARY CLAIMS]
 [No effect on either Party's boundary claims]
- Art. VI [ENTRY INTO FORCE; TERMINATION]

[Done at Ottawa on 26 September 1990]
 [Authentic text: English and French]
 [Signatures]

*[Reproduced from U.S. House Document 102-22 (102d Cong., 1st Sess.). The International Court of Justice Judgment in the Case concerning Delimitation of the Maritime Boundary in the Gulf of Maine appears at 23 I.L.M. 1197 (1984).]

AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND THE GOVERNMENT OF CANADA
ON FISHERIES ENFORCEMENT

The Government of the United States of America and the Government of Canada, hereinafter referred to as the Parties;

Bearing in mind that, in conformity with international law, the United States of America and Canada have sovereignty over their internal waters and territorial seas (hereinafter referred to as "waters"), and have sovereign rights for the purpose of exploration, exploitation, conservation and management of the living marine resources within zones they have established, extending 200 nautical miles from their coasts (hereinafter referred to as "zones"), and have sovereign rights for the purpose of exploring and exploiting the living resources of the continental shelf;

Recognizing that the Parties have adopted laws and regulations for the conservation and management of the living resources of their respective waters and zones;

Emphasizing the importance of effective enforcement of such laws and regulations to ensure conservation and management; and

Desiring to augment and make more effective coastal state enforcement of such laws and regulations;

Have agreed as follows:

Article I

Each Party shall take appropriate measures consistent with international law to ensure that its nationals, residents and vessels do not violate, within the waters and zones of the other Party, the national fisheries laws and regulations of the other Party. Such measures shall include prohibitions on violating the fisheries laws and regulations of the other Party respecting gear stowage, fishing without authorization, and interfering with, resisting, or obstructing in any manner, efforts to enforce such laws and regulations; and may include such other prohibitions as each Party deems appropriate.

Article II

The Parties shall consult, as necessary, concerning the implementation of this Agreement, including:

- (a) effectiveness of penalties to deter violations by nationals, residents and vessels of a Party in the other Party's waters and zones;
- (b) the accuracy and consistency of navigational aids; and
- (c) standard fisheries law enforcement practices in the vicinity of maritime boundaries.

Article III

Each Party shall endeavour to inform persons conducting fishing operations in the vicinity of maritime boundaries about the expected fisheries law enforcement practices of the other Party.

Article IV

Nothing in this Agreement shall be construed to limit the authority of either Party to enforce its fisheries laws within its waters and zones, or in hot pursuit therefrom, in accordance with international law.

Article V

The Parties reaffirm their commitment to ensure full respect for maritime boundaries between them delimited by mutual agreement or third-party dispute settlement, including by the International Court of Justice. Nothing in this Agreement, and no acts or activities taking place pursuant thereto, shall prejudice the position of either Party with respect to the location of any disputed maritime boundary or the legal status of waters or zones claimed by either Party.

Article VI

This Agreement shall enter into force upon notification by the Parties, through diplomatic channels, that they have completed their internal procedures. Either Party may terminate this Agreement upon 30 days' written notice to the other Party.

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

DONE in duplicate, at *Ottawa*, this *26th* day of *September* 1990, in the English and French languages, each version being equally authentic.



FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA



FOR THE GOVERNMENT OF CANADA